

ISTANBUL BILGI UNIVERSITY
INSTITUTE OF SOCIAL SCIENCES
INTERNATIONAL RELATIONS MASTER'S DEGREE PROGRAM

ASSESSING UNITED NATIONS PEACEKEEPING IN DEMOCRATIC REPUBLIC
OF CONGO 2013 – 2017

NURUL FITRI LUBIS

116605003

ASST. PROF. DR. ŞADAN INAN RÜMA

ISTANBUL

2018

**Assessing United Nations Peacekeeping in Democratic Republic of Congo
2013 – 2017**

**Birleşmiş Milletler'in Demokratik Kongo Cumhuriyeti'ndeki 2013-2017
Dönemi Barış Operasyonlarının Değerlendirilmesi**

Nurul Fitri Lubis

116605003

Thesis advisor : Asst. Prof. Dr. Şadan Inan Rüma **Signature**

Istanbul Bilgi University

Jury Member : Dr. Özge Onursal Beşgül **Signature**

Istanbul Bilgi University

Jury Member : Prof. Dr. Lerna K. Yanık **Signature**

Kadir Has University

Date of thesis approval: 25th June 2018

Total number of pages: 110 pages

Key words:

Democratic Republic of the Congo

United Nations

Peacekeeping

Peace enforcement

MONUSCO

Force Intervention Brigade

Conflicts

Anahtar kelimeler:

Demokratik Kongo Cumhuriyeti

Birleşmiş Milletler

Barışı Koruma

Barış Gücü

MONUSCO

Acil Müdahale Tugayı

Çatışma

TABLE OF CONTENTS

ABSTRACT	v
ÖZET	vi
DEDICATION	vii
ACKNOWLEDGEMENT	viii
LIST OF FIGURES	ix
ABBREVIATIONS	x
CHAPTER 1 :	1
INTRODUCTION	1
CHAPTER 2	8
THEORETICAL FRAMEWORK AND LITERATURE REVIEW	8
2.1 Definition and typology of intervention	8
2.2 Intervention in the United Nations	10
2.3 The Evolution of the UN Peacekeeping	13
2.4 Principles of the UN Peacekeeping	17
2.5 Overview of the UN Peacekeeping in DRC	19
2.6 Conclusion	23
CHAPTER 3	24
THE UNITED NATIONS PEACEKEEPING IN DRC	24

3.1 ONUC, the first UN Peacekeeping in DRC	24
3.2 From MONUC to MONUSCO	31
3.3 Force Intervention Brigade	37
3.4 Understanding Conflicts in DRC	44
3.5 Legal Basis of Force Intervention Brigade	54
3.6 The UN Peacekeeping Principles in the Force Intervention Brigade.....	57
3.7 Political Interest From International Actors	61
3.8 Now What? Should the UN Leave or Stay	64
3.9 Conclusion	72
CHAPTER 4	74
CONCLUSION	74
APPENDIXES	80
Appendix 1: Map 1. The territory Map of DRC	80
Appendix 2: Map 2. Proliferation of Armed Group in DRC	81
Appendix 3: DRC's Mineral by Province	82
Appendix 4: Armed Groups in the Eastern DRC	83
BIBLIOGRAPHY	85

ABSTRACT

The thesis studies the United Nations Peacekeeping in Democratic Republic of the Congo (DRC). The thesis is analyzed through observation the performance of peacekeeping operation in DRC, with particular timeline from 2013, the year when the Force Intervention Brigade (FIB) was established, to December 2017. FIB was the first troop established by the UN through authorization of UN Security Council to neutralize armed groups in eastern DRC. The thesis assesses the effectiveness of FIB by analyzing its legal status, its application in following the principles of the UN peacekeeping, and the interest of external actors. The thesis also highlights the roots conflict in DRC that shows governance system, economic factor and global interest affected the stability of the country. Therefore, conflicts in DRC could not be resolved by military measures alone. Aside from military tactics, the other means such as political solutions could be applied to resolve various disputes.

KEY WORDS: Democratic Republic of the Congo, United Nations, peacekeeping, peace enforcement, MONUSCO, Force Intervention Brigade, conflicts.

ÖZET

Bu tez, Demokratik Kongo Cumhuriyeti'ndeki (DRC) Birleşmiş Milletler müdahalesinin etkililiği üzerine bir çalışmadır. Bu tezde, Acil Müdahale Tugayı'nın (FIB) kurulduğu 2013 yılı ile Aralık 2017 arasındaki barış koruma operasyonlarının verimliliği gözlem yoluyla analiz edilecektir. FIB, Birleşmiş Milletler tarafından BM Güvenlik Konseyi'nin yetkisiyle Demokratik Kongo Cumhuriyeti'nin doğusundaki silahlı grupları etkisiz hale getirmek için kurulan ilk birliktir. Bu tez, FIB'nin yasal statüsünü, BM barışı koruma ilkelerinin uygulanmasını ve dış aktörlerin çıkarlarını analiz ederek FIB'nin etkinliğini değerlendirmektedir. Ayrıca, bu tezde ülkenin istikrarını etkileyen faktörlerden olan yönetim sistemi, ekonomik etkenler ve küresel çıkarlar ışığında Demokratik Kongo Cumhuriyeti'ndeki çatışmaların kökeni vurgulanacaktır. Bu sebeplerden dolayı, DRC'deki anlaşmazlıklar yalnızca askeri tedbirlerle çözülemedi. Askeri taktiklerin yanı sıra, anlaşmazlıkları çözmek için siyasi çözümler gibi diğer araçlar da uygulanabilir.

ANAHTAR KELİMELER: Demokratik Kongo Cumhuriyeti, Birleşmiş Milletler, barışı koruma, barış gücü, MONUSCO, Acil Müdahale Tugayı, çatışma

DEDICATION

I dedicate this thesis to my late parents who encouraged me to never stop learning. Your endless love and support during your life had brought me to who I am now.

ACKNOWLEDGEMENT

I would like to express my deep gratitude to my thesis advisor, Asst. Prof. Dr. Şadan Inan Rüma, for his patience and support given to me since the thesis began. His expert advice and guidance have been invaluable throughout all stages of the work.

I also would like to extend my gratitude to all professors who had taught me at Istanbul Bilgi University during my MA program.

Special thanks to my sister, Ummi Salmah Lubis, who always believes in me more than I believe myself. Furthermore, big thanks to my best friend, Dr. Amy Marisa Lubis, for her sincere support and guidance, since I decided to return to continue my study. And last but not least, thank you to Umarah Hartley, Abdinasir Jimale, Ezgi Mutlu (for the last minute Turkish translation), and other MA class mates who I can not mention one by one for their support and help throughout these years.

Without you all, this accomplishment would not have been possible.

LIST OF FIGURES

Figure 1. Congo research group survey result	71
--	----

ABBREVIATIONS

ADF	: Allied Democratic Forces
ANC	: Armée National Congolaise
APCLS	: Alliances des Patriotes pur un Congo Libre et Souverain
AU	: African Union
CNDP	: La Commission Nationale de Contrôle de la Protection des Données à Caractère Personnel / National Congress for the Defense of the People
DDR	: Disarmament, Demobilization and Reintegration
DPKO	: Department of Peacekeeping Operations
DRC	: Democratic Republic of Congo
FARDC	: Forces Armées de la République Démocratique du Congo / Congolese Army
FDLR	: Forces démocratiques de libération du Rwanda
EU	: European Union
IACs	: International Armed Conflicts
IDPs	: Internally Displace Persons
IHL	: International Humanitarian Law
IMF	: International Monetary Fund
FIB	: Force Intervention Brigade

HRDDP	: Human Rights Due Diligence Policy
ICGLR	: International Conference of Great Lakes Region
ICRC	: International Committee of the Red Cross
JMC	: Joint Military Commission
LRA	: Lord's Resistance Army
M23	: Mouvement du 23 Mars / Movement of 23 March
MONUC	: Mission De l'organisation des Nations Unies en République Démocratique du Congo / United Nations Mission in DR Congo
MINUSCA	: United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUSMA	: United Nations Multidimensional Integrated Stabilization Mission in Mali
MONUSCO	: Mission de l'organisation des Nations Unies pour la Stabilization en RD Congo / United Nations Organization Stabilization Mission in DR Congo
NATO	: North Atlantic Treaty Organization
NIACs	: Non-International Armed Conflicts
ONUC	: Opération des Nations Unies au Congo / United Nations Operation in the Congo
PSCF	: Peace, Security, and Cooperation Framework

PoC	: Protection of Civilians
SADC	: South African Development Community
SRS	: Special representative of the UN Secretary General
RCD	: Rally for Congolese Democracy
TCC	: Troop Contributing Countries
UN	: United Nations
UNECA	: United Nations Economic Commission for Africa
UNEF	: United Nations Emergency Force
UNFICYP	: United Nations Force in Cyprus
UNHCR	: United Nations High Commissioner for Refugees
UNMOGIP	: United Nations Military Observer Group in India and Pakistan
UNTSO	: United Nations Military Truce Supervision Organization
UNCT	: United Nations Country Team
UNSG	: United Nations Secretary General
UK	: United Kingdom
US	: United States

CHAPTER 1

INTRODUCTION

The United Nations (UN) intervention has a long history in the Democratic Republic of the Congo (DRC). The intervention was started in 1960, only a few days after the country's independence on 30th June 1960 from the Belgium. After receiving the aggression from the Belgium troops, Congo leaders made an urgent call to the UN to provide them with military support to protect Congo's national territory (Doss, 2014). Later on, under leadership of Dag Hammarskjöld, the UN Secretary General, the new mission was formed, namely, the United Nations Operation in the Congo, or known for its French acronym known as *Opération des Nations Unies au Congo* (ONUC). Until the year of its establishment, ONUC was known as the first large-scale peacekeeping mission in the history of UN¹.

Four decades after the first UN's intervention in Congo, the UN returned with a new mandate by establishing a new mission, the United Nations Mission in DR Congo or *Mission de l'organisation des Nation Unies en République Démocratique du Congo* (MONUC). When the new mission arrived, it was purposed as the small mission with its substantial task to observe and facilitate the reconciliation in the 1999 Lusaka Agreement between DRC, Angola, Namibia, Uganda, Rwanda and Zimbabwe (MacQueen, 2014)². However, years later, MONUC grew and became one of the largest peacekeeping operations in the world (Doss, 2014). Nevertheless, MONUC still struggled to address issues faced by ONUC forty years back. During its existence, MONUC faced many outbreaks of violence throughout the country, such as the massacres of civilians by RCD Goma in 2002, the escalation of violence in Ituri district in 2003, and the capture of Bukavu by Tutsi rebels in 2004. In addition to the violence against local civilians, the UN compounds could not evade the attacks of armed-groups

¹ ONUC was launched in 1960 and having nearly 20,000 military personnel.

² Lusaka Agreement was signed on 10th July 1999 by six state leaders in the region: namely: DRC, Namibia, Angola, Zimbabwe, Uganda and Rwanda. The agreement was made to achieve comprehensive peace and stability in DRC.

on several occasions. DRC had changed into never ending conflict country and the rape capital of the world at the same time (Townsend, 2015).

Eventually, despite all those struggles, MONUC finally succeeded to facilitate relations between DRC and neighboring countries. Therefore, in June 2010, Security Council decided to reshape the peacekeeping mission in DRC by changing MONUC into MONUSCO. Nonetheless, two years after the establishment of new mission, the other violence broke out, resulted the capture of capital province of North Kivu, Goma, by *Mouvement du 23 Mars* (M23) (The Guardian, 2012). Following the crisis in Goma, the UN Security Council authorized resolution 2098³ to establish the Force Intervention Brigade (FIB) and integrate it into peacekeeping mission in DRC, MONUSCO (Cammaert, & Blyth, 2013) (Müller, 2015).

However, when the UN Security Council determined to deploy the new mission in the country where many conflicts are ongoing, it made the credibility of peace operations aggravated (Tull, 2017:170). The evidences show that DRC still receives many attacks from the armed groups, despite the presence of UN's troops. To illustrate, in February 2017, *Africanews* reported that 25 Hutu civilians were killed beheaded by machete, executed by Mai Mai Mazembe armed group in Kyaghala, North Kivu. The UN mission in DRC, MONUSCO (2017) confirmed that between 12th March and 19th June 2017, 251 people were killed, including 62 children in Kasai province, leave alone the fatalities towards the peacekeepers. *BBC* and *Aljazeera* (2017) reported that two UN civilian workers found dead in Kasai Province in March 2017, which was confirmed by both government of DRC and the UN. Furthermore, in October 2017, militants attacked two military bases in northeastern of DRC, killed two UN Peacekeepers and injured several others (Reuters, 2017). These circumstances led into the

³ In March 2013, in response to the Goma crisis, the UN Security Council approved resolution 2098 to create the first offensive combat force. The force is assigned to neutralize and demilitarize the rebel group M23 that operated in eastern DRC.

question:

**How effective the UN Peacekeeping in supporting the peace process in DRC?
Is it protecting or endangering?**

The purpose of this thesis is to observe and analyze the presence of the UN Peacekeeping in DRC, from 2013, the year when the UN Security Council approved the authorization of establishment of the Force Intervention Brigade (FIB) in eastern DRC, to December 2017. The thesis reviews the resolution 2098 issued by the Security Council as fundamental for the establishment and deployment of the FIB to the eastern DRC, and examines the role of the FIB in performing mandate issued by the Security Council. Since the Brigade is integrated into MONUSCO, the UN peacekeeping mission in DRC, it is necessary to observe whether the FIB was following the principles of the UN peacekeeping operations, which emphasize three essential fundamental, namely: consent of the parties, impartiality, and non-use of force.

The FIB is supported by robust mandate where the troops are permitted to use necessary means in order to neutralize and disarm the armed groups. Clear clarification will be provided to distinguish the FIB from traditional peacekeeping troops. Additionally, as the establishment of the FIB was formed based on proposal from regional organizations instead of initiative from the Security Council, this thesis also reviews the influences of external actors. As Rugeje & Maeresera (2016) showed in their insights on the establishment of FIB is affected by South African Development Community (SADC)'s intention to enhance the peace in DRC, and its self-interest as international actors.

The significance of this study will contribute to expanding knowledge on the practice of the UN Department of Peacekeeping Operations (DPKO), in this case MONUSCO, and its role in using military means to address conflicts and support stabilization in DRC. The propose of the notion is expected to provide better

understanding for various parties involved in peacekeeping operations, such as written below.

First, MONUSCO peacekeepers faced various obstacles in implementing the mission's mandate. Failure to address the issues in the country will affect the performance of peacekeepers in performing their best in their duties within the mission. A good comprehension on the root cause of conflicts in DRC will provide the future peacekeepers about the local context before being deployed to the mission. Therefore, they will not only able to perform the mandate but also propose strategic concepts to reduce and prevent war in other ongoing conflict countries.

Second, until this thesis is written, MONUSCO still has the record as the largest UN peacekeeping operations throughout the world (Murphy, 2016) (Tull, 2017). The mission is strengthened by 22,283 personnel both military and civilian⁴. Issuing the mandate to deploy the FIB had indicated the willingness of Security Council in providing stronger support than traditional peacekeeping operations. As the biggest and leading organization in the world, the UN is expected to do more measures to maintain the peace and security in ongoing conflict countries, and protect civilians simultaneously from the hostiles caused by war. Since its establishment in 1945, the UN had assisted many countries in ending conflict and support reconciliation. Some of examples of successful operations were accomplished in its operations in Cambodia, El Salvador, Guatemala, Mozambique, Namibia, Tajikistan, Sierra Leone, Ivory Cost, etc⁵. However, the failures of the UN in protecting civilians should not be forgotten as well, such as tragedy in Somalia, genocide in Rwanda, and massacre in Bosnia and Herzegovina (Jacobson, 2012). Most of peacekeeping literatures and academic records found in the past decade have been focused on traditional peacekeeping

⁴ Information was taken based on data provided by the UN website at: "<http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml> "

⁵ For more detail, please visit: "<https://peacekeeping.un.org/en/our-successes> "

operations. The deployment of FIB as extensive force into peacekeeping operation is a new method that is believed by the experts as an evolution of the UN's peacekeeping. Therefore, there are still many things missing on analysis of FIB's performance along with its impacts.

Third, FIB is the first enforcement troops integrated into UN peacekeeping mission to combat particular groups. After the establishment of FIB, the UN already applied the same method in other ongoing conflict countries, such as Mali and Central Africa Republic (Karlsrud, 2015). Moreover, it is not something absurd that this method shall be applied to combat terrorism in the future in conflict-affected states where the UN will be operated.

Research approaches are required to reach the steps from broad assumptions to detail methods of data collection, analysis and interpretation (Creswell, 2014). In conducting the research, qualitative approach is utilized due to some particular reasons. According to Creswell (2014), qualitative research is a "method to explore and understand the meaning individuals or groups that attributes to a human or social problem. The research process involves emerging questions and procedures, collecting typical data in the setting of participants, analyzing data from particular to general themes, and making data interpretation⁶".

Furthermore, Carey (2013) accentuated that "qualitative research attempts to explore attitude, behavior and experiences of specific social groups or individual people by investigating a social problem, political process or set of ethical dilemmas relating to social work practice". In addition, qualitative research tends to focus on small sample, which generally purposive where the subjects or cases are selected for specific examinations due to the interest of researcher and her/his research topics (Hogan, Dolan and Donnelly, 2009).

The thesis involves a case study approach. As defined in this research, the case

⁶ Cited from Creswell, 2014.

used for this thesis is Democratic Republic of Congo, as the largest recipient of the UN peacekeeping operations in the world. Based on view of Stake (1995) and Yin (2009, 2012), Creswell (2014) defined case study as “an inquiry design that is found in various fields, particularly evaluation, in which the researcher develops a depth-analysis of a case, event, program, activity, and process of one or more individuals. The case itself is attached by activity and time where the researcher accumulates information by using various data collection procedure on a sustained time period”. In this thesis, the scope of the research is mostly taken from 2013, the year the FIB was established for the first time in DRC and within the UN, until December 2017. Therefore, the qualitative research method is considered suitable to investigate the conflicts root, process and strategy of politics in DRC and its relations with regional actors, and the UN role as mediator in order to diminish conflicts within the country. Besides, this qualitative approach is particularly useful for the new topic such as the Force Intervention Brigade, which is viewed as a new approach in UN peacekeeping operations.

Difficulties in performing field research, limited sources, and language barriers are proved to be the obstacles in conducting the research. Therefore, for this thesis, collective news from various reputable newspapers will be collected in order to update recent situations in DRC. More observations will be conducted through analysis of resolutions issued by the Security Council and the UNSG’s reports for MONUSCO regarding the FIB operation. These documents will be compared to see its compatibility with the UN Charters, the principles of UN Peacekeeping Operations, and the legal basis from International Humanitarian Law (IHL), Rome Statute of the International Criminal Court, and the Safety Convention. Moreover, in order to analyze the current phenomenon, some books, articles and academic journals from various reputable sources are also used. I also consider my personal experience in DRC as direct observation.

The thesis is divided into four primary chapters. The first chapter is introduction,

to explain the brief histories of conflict in DRC, short brief of the background of establishment of FIB, the objective and significant of study, the obstacles I had faced while conducting the research, and the research methodology. The second chapter includes theoretical framework and literature reviews obtained from various resources. In this chapter, there will be clear definition of intervention, type of interventions and short overview of the UN's intervention, particularly concerning on UN's intervention in DRC. Furthermore, there will be clear classification to differ traditional peacekeeping operation and peace-enforcement. In addition, principles of the UN peacekeeping operations will be outlined in this chapter, along with the evolution of peacekeeping force in the UN's operation.

Then, chapter three of this thesis is concentrated on the UN's intervention in the DRC. It includes the brief history of conflicts in DRC in the past decades. There is a short illustration of the establishment of various UN's peacekeeping in DRC, started from ONUC to MONUSCO, which in the end providing the background of establishment of the FIB. In this chapter, debates on pros and contras from various sources are included which later will be used as data analysis. Lastly, the fourth chapter is the conclusion of the whole thesis.

CHAPTER 2

THEORETICAL FRAMEWORK AND LITERATURE REVIEW

2.1 Definition and Typology of Intervention

Intervention is an ambiguous concept, which has wide range of definitions and meanings (Nasu, 2009:150). According to Vincent (1974), intervention is “an action which happens in international relation. The action might take a form in entering one state into a violent conflict within another state. Equally important, the action could also be seen as a poorly considered remark created by a statesman about the foreign state’s affair (Vincent, 1974:3). Additionally, when intervention is seen from traditional international law, Smith defined intervention as possible actions, which involve various measures, from slight diplomatic protest to military occupation (Smith, 2000:73).

Meanwhile, according to Keohanne and Holzgrefe (2013), intervention is “the use of force across state borders by a state (or several states) which intends to prevent or end the violations of the human rights of individuals other than their own citizen, without having permission from the state within whose territory force is deployed” (Keohanne & Holzgrefe, 2013:1). Furthermore, in term of operational phase, depending on methods in which the UN applies, the actions done by the UN could be considered as intervention (Nasu, 2009:150). In the case of the UN, MacQueen (2011) concluded all interventions carried by armed forces either under the command or formally legitimized by the UN are defined as humanitarian interventions. For this thesis, I have selected what MacQueen (2011) emphasized that the humanitarian intervention by the UN is conceived as the broad canvas of military involvement.

In his book “Non Intervention and International Order”, Vincent (1974) divided intervention into three different categories:

1. Military intervention. It is a type of activity that takes place where the troops

are deployed to support the revolution in a foreign state, or when military assistance is provided to government which has insecure internal position, or which is in conflict with neighboring state.

2. Economic intervention. This intervention happened when strings are attached between the great state to the small state, or when an economically developed state rejects a contract to an underdeveloped state.
3. Political intervention. This intervention takes place when hostile propaganda is spread within the foreign state, when an established-government is not recognized, or when a Commonwealth member-state insists to be involved in discussion of internal affairs of another members at the conference of prime ministers.

Meanwhile, in term of humanitarian intervention, Keohanne & Holzgrefe (2003) classified shortly two types behavior of humanitarian intervention such as followed:

1. Forcible intervention. This type of action is performed with the consent of a party to an internal conflict, and search to clarify the place of intervention within the law framework of international agreements, which is connected to the law where the use of force is applied (Lieblich, 2001:338). The Rwandan's intervention to defeat conflict in the Kivus in 2004-2010, and France's military intervention to fight Islamic Rebels in Mali (BBC, 2013) could be used as exemplifications.
2. Non-forcible intervention. It comes to provision of humanitarian aid (food, medicine, and the like), which usually described as humanitarian assistance (Lowe & Tzanakopoulos, 2011)⁷. The sample that could be used for this case is humanitarian assistance for Indian Ocean tsunami response in 2004 (CNN,

⁷ For more details, please visit:"
<http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e306> "

2004)⁸.

2.2 Intervention in the United Nations

Contemporary intervention of the UN was not suddenly invented, even though the term first came into common use in the 1990s, when the cold war came to an end (MacQueen, 2011) (Jones, 2015). Speaking about the UN's involvement, Beardsley (2012) distinguished types of UN's actions to manage conflicts into four categories, such as followed:

1. Diplomatic engagement. These measures involve mediation, negotiation and other samples of good offices that are particularly performed by the UNSG, the SRSG, or the ad hoc commission. Those such of involvements are generally focused on improving the information between parties such that are able to understand each other's values in shorter time in order to reach acceptable resolution for involved sides.
2. Intimidating actions. These actions take place when the UN is required to undertake peculiar threats, condemnation, or sanctions purposed to particular side.
3. Assurance actions. In order to calm the warring parties, the UN attempts to mediate the warring parties with a peaceful bargain by sending the observer groups or giving commitment to provide the peacekeeping force to those places where has been approved by the Security Council.
4. Military involvements. In particular situations, through the deployment of the UN peacekeeping troops or the other forces, which had been authorized by the UN Security Council, the UN is allowed to take necessary measures to combat the aggression through its operating mission.

MacQueen (2011) determined that the UN's intervention itself has long existed and is generally described as 'peacekeeping'. That was Dag Hammarskjöld, the UNSG, who devised the concept of peacekeeping operation for the first time

⁸ For details, please visit: "<http://edition.cnn.com/2004/WORLD/asiapcf/12/29/quake.aid/>"

(Bildt, 2011) through the establishment of the United Nations Emergency Force (UNEF) in 1956 (Hato, 2013) (MacQueen, 2014) (Sloan, 2014). Furthermore, Jones (2015) also stressed that in order to pursue humanitarian intervention, the UN generally choose to dispatch peacekeeping missions in order to address conflicts and use the force by nation-states.

However, **peacekeeping** is complex and complicated in term of terminology since there is no common definition found among 111 articles of the UN Charter (Hanhimäki, 2008) (Levine, 2014) (Cawthra, 2016). In the chapter VII of the UN Charter, it is merely focused on the role of the Security Council to threat the peace and maintain the international security, in order to respond the impedance that threaten the peace, the violations of peace, and aggression actions (the UN, 1945). However, examining articles 39 to 51 in this chapter, it also indicates the framework of situations where the Security Council is able to take enforcement action. In addition to determining the existence of threats of peace, the Security Council is also authorized to make recommendation or to resort to non - military and military actions to stop the aggression in designated mission⁹.

Therefore, on 17th June 1992, following to the presidential statement adopted by the Security Council, the UNSG, Boutros Boutros-Ghali submitted a report entitled “An Agenda for Peace: Preventive Diplomacy, peacemaking and peacekeeping”¹⁰, when the definition of peacekeeping was officially defined for the first time. Here, UNSG defined peacekeeping as:

“The deployment of a United Nations presence in the field, hitherto with consent of all parties concerned, normally involving UN military and/or police personnel and frequently civilians as well. In other words, peacekeeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace” (UN Publication, 1992:5).

⁹ For more detail, please look the UN Charter, UN, 1945.

¹⁰ This report was submitted by the UNSG that contains his analysis and recommendations to strengthen the UN’s capacity in preventive diplomacy, peacemaking and peacekeeping.

In performing the task to maintain international peace and security across the globe, the UN does not work alone, instead the UN works along with other international actors. Therefore, it is important for the actors and practitioners involved in peacekeeping activities to differ the term of peacekeeping from conflict prevention, peacemaking, peacekeeping, peace enforcement, and peace building.

For clearer classification, the UN (2008) had differentiated the peace activities such as follows:

Conflict Prevention

The measure involves the implementation of diplomatic measures applied to intra-state or intra-tensions, in order to prevent the escalation dispute into threatening conflicts. The measures include the information gathering, organized early warning of incoming conflicts, and cautious analysis of the cause roots that bring along the conflicts. The actions may involve the use of the good office of UNSG for preventive deployment.

Peacemaking

To address the progressing conflicts, it requires particular measures, which involve diplomatic action to produce negotiated agreement aimed at the hostile parties. In this case, peacemaking efforts may be carried out by the UN, regional organization, representative of diplomatic mission, group of states, or governments. In addition, peacemaking operation may be conducted by other non-governmental groups / organizations, or an authoritative individuals who work independently.

Peacekeeping

The method is created to maintain the peace where the conflicts between parties have been deteriorated. To implement the agreement, the peacemakers may assist the peace troops in the areas they may deploy.

Peace enforcement

When the conflicts are continuing and situation is deteriorated, the UN Security Council may authorize some coercive measures. These may include the use of

military force to get back international peace and security. However, these actions are merely taken when the UN Security Council has determined the presence of peace threat, breach of peace or aggression actions.

Peace-building

The actions involves various measures by putting target to reduce the risk to fall into conflict by building national capacities in all levels. The program will be focused on conflict management to place strong foundation peace sustainability and development program.

2.3 The Evolution of UN Peacekeeping

Since the first observer mission was formed in 1948, the UN peacekeeping has played different roles in various countries (Sloan, 2014). Even though the UN Charter does not refer peculiar concept for peacekeeping, but the concept had been evolved in the past decades, which later become the core part in the UN's agenda (Hanhimäki, 2008:73).

The UN classified peacekeeping into two general phases (UN, 2008). The first phase is known as traditional peacekeeping. At this phase, missions are deployed in temporary period to restrain conflict and build the circumstances in which the peace negotiations can proceed (UN, 2008: 21). The essential military tasks should be assigned after having an authorization from the Security Council. The tasks involve various means, such as: surveillance and observation, monitoring and reporting, supervising the cease-fire, supporting the verification mechanisms, and buffer mediator among warring parties (UN, 2008).

The second phase is multi-dimensional peacekeeping operations. In this phase, the operations take place after violent internal conflicts. In most cases, to support the peace agreement, the capable military, police and civilian personnel, will be employed. Furthermore, in larger context, the UN missions which perform in multi-dimensional method carry out the core functions, such as: supporting the state to strengthen its capacity to provide security by building secure and stable

environment, facilitating the political process, and providing framework to ensure activities conducted in coordinated manner (UN, 2008:23).

Meanwhile, Hanhimäki referred the evolutions of UN peacekeeping as generations and divided them into four categories that could be defined as follows (Hanhimäki, 2008:76).

First generation refers to operations purposed to create a physical barrier between two warring internationally recognized states that have given their consent to the presence of peacekeepers. The classic example for this kind of operation is the role of UNEF after Suez crisis in 1956 (Hanhimäki, 2008:76).

Second generation refers to the operations taken mostly in the aftermath of civil wars with the consent of required various parties, which usually include more than two parties, in order to achieve long-term resolution of the ongoing conflicts. The sample of this type of operation is the operation in Namibia that took place in 1989-1990 and Cambodia in 1991-1993 (Hanhimäki, 2008:77).

Third generation always refers to peace enforcement. These activities include low-level military operations, enforcing ceasefires, and rebuilding the 'failed states'. ONUC in 1960s is the first example of peace enforcement (Hanhimäki, 2008:77).

Fourth generation refers to delegated peace building, which applies when the UN subcontracts various peace building and peacekeeping tasks to regional organization. The best example for this case is the deployment of North Atlantic Treaty Organization (NATO) in Bosnia and Herzegovina in the 1990s (Hanhimäki, 2008:77).

In term of the "use of force", in peacekeeping operation, Sloan (2014) agreed that it had evolved since the first peacekeeping operation was established. Sloan (2014) describes the evolution as written below:

The first phase is Peace Observation Missions. Usually, it was a small operation,

supported with few hundred personnel who are tends to be unarmed. The mission was equipped by less comprehensive mandates which merely focused to observe and report to the UN Security Council. The use of force may be used but with little capacity. However, it ought to be emphasized that all UN peacekeepers who were involve in such operation may have right to use force for self-defense purpose only. The examples could be given for this kind of operation are the United Nations Military Truce Supervision Organization (UNTSO) to monitor cease-fire in Middle East, and the United Nations Military Observer Group in India and Pakistan (UNMOGIP).

The second phase was the period after the establishment of UNEF 1. In this type of operation, more comprehensive mandate was given in case larger numbers of troops were deployed than the previous observation missions. On its peak, UNEF1 had 6,073 military personnel, and assisted by numbers of international and national civilian staffs to give significant impact for the fragile condition on the ground (Sloan, 2014:680).

The third phase is “Defense of Mandate” Operations. This phase is an advance from the previous phase where the use of force may be allowed for self-defense. The self-defense mentioned here includes the defense of the UN premises and posts, vehicles, and prevent the interference from other parties to distract the force in implementing the mandate. For instance, Sloan (2014) included the United Nations Force in Cyprus (UNFICYP) mission as exemplification (Sloan, 2014:683)

The fourth phase is non-forceful peacekeeping operations, which become forceful when confronted with crisis (Mission Creep). This phase is applied when violence on the ground endangered the ongoing operation. During this phase, the peacekeepers are allowed to use offensive force after having the approval from the Security Council. The first such operation was carried out in the same time with the establishment of ONUC in Congo in 1960 (Sloan, 2014:685).

The last phase was applied after the issue of Brahimi Report and the invocation of Chapter VII from the outset (Sloan, 2014:690). The Brahimi report debated the role of peacekeeping mission which requires some modification to ascertain security and protect civilians, including the UN personnel and humanitarian worker to achieve the objective related to missions' operation (Brahimi, 2010:x).

The presence of UN peacekeepers is often indicated into a situation that violence was at an end. However, Sloan noticed that in rare circumstances, peacekeepers were required to use force in self-defense in order keep an existing peace and protect civilians (Sloan, 2014: 674). Nonetheless, since the Brahimi Report was published, the Security Council no longer uses the language of self-defense within the peacekeeping mandate. Instead, the Security Council uses the word of 'robust' which means the ability to use the offensive force in peacekeeping operations. Therefore, Sloan (2014) stated that the peacekeeping operation had been stopped and changed into enforcement operation when it uses an adequate level of offensive force. In the case of Intervention Brigade, the UN gave the label for the operations as "complex" or "robust" peacekeeping (Müller, 2013), a concept that 'moves' peace operations further toward the coercive end of the use-of-force scale (Clark, 2011). When the UN Secretariat asserted the FIB in DRC, Sheeran & Case (2014) considered it as peace enforcement instead of peacekeeping operation.

The Force Intervention Brigade in DRC was established after obtaining authorization from the Security Council through Resolution 2098 to neutralize the armed groups in eastern DRC. Nonetheless, a broad interpretation of 'neutralize' conducted by the Brigade could be interpreted into a range of authorized actions including capture, detention, or killing and other related terms such as 'offensive' and 'targeted' (Sheeran, Chase, 2014). Moreover, Müller (2015) also agreed with the ambiguity on the term 'neutralize' since there is no definition or list operation, which are clearly mentioned in the resolution 2098 (Müller, 2015:368).

In the context of resolution, it seems that “neutralize” does not enforce the brigade’s ability to use lethal force. At the other hand, Müller (2015) pointed out “neutralize” as the initial neutral international force that was proposed by the ICGLR to exterminate the rebellion groups (Muller, 2015: 368). Additionally, Oswald (2013) assumed that if the term of “neutralize” is broad, it is possible to recognize the ability of brigade to conduct ambushes and bring attacks to combat any armed groups.

2.4 Principles of the UN Peacekeeping

In the past six decades, the implementation of the UN peacekeeping operations has dramatically developed. However, the trinity principles have served and continued to support the operation, which are considered as instrument to maintain the peace and international security (UN, 2008:31).

Consent of the parties

When the UN peacekeeping operations are deployed in one conflict state, it requires consent of main parties involving in the conflict. The commitment and acceptance from the warring parties are necessary to support the peace process. With the absent of these consent, an UN peacekeeping operation risks to place itself to being part of the conflict. This circumstance could lead towards the enforcement action, which in the end keep the mission away from its primary role to keep the peace. However, with consent had been obtained from the main parties on the deployment of peacekeepers, it will not automatically warrant the consent coming from the other parties, particularly if the main parties are not supported by a strong system. Therefore, it is necessary to ensure that all peacekeeping personnel, both military and civilian, to have a good understanding for local wisdom, history, and culture applied in the mission area. Since the loss of trust among parties could result in uncertainty and unreliability towards the consent.

Impartiality

In implementing the mandate, the UN must perform the duties without favor or prejudice to specific parties. Therefore, the UN (2008) stressed that the language of impartiality shall not be confused with neutrality and inactivity. It means, the UN peacekeepers should be neutral in term of feeling with the parties in the conflicts, but NOT in the implementation of their mandate. Peacekeeping operation must stay away from activities that might indicate its impartiality to maintain the good relations with other parties. Failure to do so, it might disrupt the credibility of the mission. In the end, the presence of the mission might lead into a revocation of consent from one or more of the parties. Accordingly, transparency and effective communication are required to help the mission in mitigating the endangering potential reaction from parties and their supporters.

Non-use of force except in self-defense and defense of the mandate.

One thing that should bear in mind, the UN peacekeeping operation is different with the enforcement one. Even though in particular situations, at tactical level, they may use the force with authorization from the Security Council. The situations determined here include the presence of militias, emerging criminal gangs that may distract the peace process or threaten civilian populations. In this case, Security Council will give the 'robust' mandates to the mission, to use 'all necessary means' to stop any efforts that may disrupt political process, protect civilians from physical attacks, and help national authorities to maintain the law. However, it needs to stress that robust peacekeeping shall not be mixed with peace enforcement. When robust peacekeeping is authorized, it may involve the use of force at tactical level, after obtaining authorization from the Security Council and consent of the host nation and the main parties in the conflict. Nevertheless, in term of peace enforcement, it may use the military force both in international and strategic level, without asking any consent from the main parties in the conflict. But, the member states of UN are normally prohibited to take these actions, based on the article 2 (4) of the UN Charter, unless Security

Council give its authorization¹¹.

2.5 Overview of the UN Peacekeeping in DRC

Demand for UN peacekeepers has risen continuously (Tull, 2017: 1). The return of the UN peacekeepers to DRC in 1999, almost four decades after the first UN's intervention in the country, was initially purposed for a small-scale affair (Berdal, 2016:11). What began as an observer force eventually turned into the UN's largest field operation, with increasingly ambitious, complex and partly conflicting set of goals (Berdal, 2016:12). The UN peacekeeping mission operating in DRC presently, MONUSCO, has functioned as an experimental place to test new peacekeeping mode by establishing the Force Intervention Brigade (FIB) in 2013 (Piiparinen, 2015: 141). The FIB is unique since it is the first time for the Security Council to authorize mandate to the UN mission to take offensive actions against armed groups which later becomes tools to proactively pursue armed groups (Müller, 2015: 359) (Benson, 2016:1) (Bosco, 2013).

Along with Congolese Army (FARDC), the FIB took its first offensive actions in August 2013. Three months after its first actions, M23, known as the most powerful rebel group seen in the region for years, surrendered and disarmed (Benson, 2016:5). Responding the victory, *BBC* (2013) reported that cheering crowds welcomed government troops when they entered Rumangabo, the city where the latest M23 base to fall was located. Additionally, American newspaper, *The New York Times* (2013) also reported the Special Representative for Secretary General (SRSG) for MONUSCO was greeted by crowds of cheering civilians in his first visit in Kiwanja for the victory to defeat the armed fighters. Here, the UN's presence in DRC does not only bring the troops but also monitor staff who can raise the alarm about the oppression and plan for political murders (The Economist, 2016)

The establishment of FIB proved effective to combat M23 group in eastern DRC

¹¹ Cited from "United Nations Peacekeeping Operations: Principles and Guidelines. The UN Publications, 2008. Pp 31-35"

and further operations to fight the other armed groups (Cammaert & Blyth, 2013:1) (Müller, 2015:379). However, despite its success in neutralizing M23 in 2013 through its Intervention Brigade, Day (2017) assumed that MONUSCO has also failed to neutralize any other armed-groups (Day, 2017). The battlefield success has not directly given significant improvement to the level of security for the local civilians (Benson, 2016: 6). Moreover, the security situation for MONUSCO deteriorated at the same time when the rebel groups threatened the UN staff for joint operations conducted by FARDC and MONUSCO (Müller, 2015:380) (UN,2014) (Rugeje & Maeresera, 2016)¹².

These circumstances brought debates from experts who pointed that the establishment of the FIB brings the risk for many parties. Sengupta & Kulish (2013) from the *New York Times* and Murphy (2016) found when Security Council authorized the peacekeeping troops into volatile operations, it did not get approval worldwide. Instead, this decision has caused concerns to humanitarian aid organizations that put their workers at risk. In this case, humanitarian actors opined that in war, the rebellions shall not differentiate between soldiers who assail them and those provide aids to civilians (The New York Times, 2013). Moreover, intervention done by the UN will increase the number of civilian casualties, particularly in term of local population (Benson, 2016:2).

Müller (2015) stated that establishment of the FIB that integrates military enforcement in peacekeeping operation that was previously designed to impartially protect civilian and provide negotiation settlement of the conflict, could lead to bad consequences (Müller, 2015:380). Apparently, *The Guardian* (2013), since beginning also emphasized that the mandate given to FIB to initiate attacks against militias in DRC is not peacekeeping but peace enforcement. In addition, *Irinnews* (2013) strengthened this opinion by publishing the letter sent by International NGOs to the UNSG, Ban Ki-Moon, to express their concern of possible impact on their own work due to the operations of the FIB.

¹² For evidence, see paragraph 2, in Chapter 1 of this thesis.

These concerns are also reinforced by Müller's opinion that saw the lack distinction between peacekeeping and enforcement in implementation (Müller, 2015:359). As Sheeran & Case observed that the brigade's mandate to use force is not consistent with peace enforcement itself, where the force are able to be used only to protect a peace agreement or ceasefire (Sheeran & Case, 2014:1).

Tull (2016) also debated that resolution 2098 issued by the UN Security Council has broken regulations and principles of peacekeeping in several aspects. This decision had abandoned the principle of the mission in term of impartiality since special intervention had been placed within ongoing mission MONUSCO (Tull, 2016:1). When creating the mandate, the UN Security Council did not give any chance to gain the consents from every party involving in the conflict, took side by abandoning impartiality principle, and the use of force which is exceeded the law limit in armed conflicts (Müller, 2015) (Benson, 2016).

The purpose of the Brigade to support the government of DRC to combat the armed groups in eastern DRC also raises another question whether MONUSCO is also taking part in the conflict or not, since the Brigade do the actions under command and supervision of MONUSCO Force Commander (Oswald, 2013). The resolution 2098 has placed the Intervention Brigade on an exceptional basis and created controversy to the principles of peacekeeping (Whittle, 2015: 845) (Murphy, 2016:227). Therefore, Müller (2015) understood that this situation had placed the FIB with an ambiguous double status, as protected peacekeeping force and a party involved in hostile battles in the same time.

Since the Brigade's operation is purposed to support the government of DRC to combat the armed groups with the consent of government, it makes this conflict categorized as non-international armed conflict (Oswald, 2013) (Müller, 2015:359). International Committee of the red Cross (ICRC) classified conflicts into different type: international armed conflicts (IACs) and non-international armed conflicts (NIAC) (ICRC, 2008) such as mentioned below:

“International armed conflicts exist whenever there is resort to armed force between two or more states. Meanwhile, non-international armed conflicts are protracted armed confrontations occurring between governmental armed forces and the forces of one or more armed groups, or between such groups arising on the territory of a State [party to the Geneva Conventions]. The armed confrontation must reach a minimum level of intensity and the parties involved in the conflict must show a minimum of organization” (ICRC, 2008:5).

Additionally, from a legal basis, Oswald, Willmot, Sheeran (2013) and Cawthra (2016) argued that despite the success of the FIB in combating M23 in regional capital Goma, the blue-hatting of the FIB brought controversy since all operations had to take place within framework of international law. Sheeran & Case (2014) had brought this issue by questioning the legal protection of the UN staff members when the UN becomes the party of the conflict. These include general protections that are available to all civilians under both International Humanitarian Law (IHL)¹³, Rome Statue of the International Criminal Court, and the Safety Convention (Whittle, 2015:863).

At the same time, seen from political perspective Rugejee & Maeresera (2016) also assumed that self-interest of South African Development Countries (SADC) and International Conference of Greek Lakes Region (ICGLR) had influenced the effectiveness of FIB’s operation (Rugejee & Maeresera, 2016:73). Therefore, (Bildt, 2011) (Cammaert & Blyth, 2013) (Doss, 2014) agreed that the use of force alone is not enough. Instead, it should come with a comprehensive political strategy to address the root causes of the conflict.

To conclude, despite the failures and obstacles, Murphy (2016) proposed that the FIB is still the best chance to challenge conflicts and provide protection to

¹³ “International Humanitarian Law is a set of rules that seeks for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not, or are no longer, participating in hostilities, and imposes limits on the means and methods of warfare” (ICRC, 2014:1)

civilians in some levels. FIB model will not protect all civilians all of the time, but it may be the best tool available for making long-term net improvements in civilian security (Benson, 2016).

2.6 Conclusion

Since its establishment, the UN has been involved in humanitarian intervention in order to establish the peace and international security. MacQueen (2011) and Jones (2015) agreed that intervention carried out by the UN always refers to its peacekeeping operation. The concept of UN peacekeeping had been evolved in the past decades, but the principles remain the same, namely: consent of the parties, impartiality, and non-use force except for self-defense. The establishment of the UN in DRC had passed different methods as done in the previous UN mission. The mission was authorized to use force for self-defense, execution of mandate, and protection of civilians. The decision of the Security Council to authorize the establishment of the Force Intervention Brigade (FIB) in 2013, and integrated it into MONUSCO had drew attentions from various experts. It triggered questions on its legal basis, its coherence with the principles of the UN peacekeeping, and its presence that place the regular peacekeepers and humanitarian actors in higher risks in performing their duties in the mission. In the end, experts agree that FIB alone cannot solve conflicts in DRC. However, the establishment of FIB may become useful tool to initiate conflict problem solving.

CHAPTER 3

THE UNITED NATIONS PEACEKEEPING IN DRC

3.1 ONUC, The First UN Peacekeeping in DRC

DRC is home to various ethnic groups and the third largest country on African continent (Soderlund, W.C., et al., 2012). Located in central Africa, DRC shares borders with United Republic of Tanzania, Rwanda, Uganda, Burundi, and Republic of South Sudan to the east, and Republic of Congo to the west. While to the South, it shares the border with Zambia and Angola, and to the North, with Central African Republic¹⁴.

Portugal was the first to discover the mouth of Congo River in 1482. It was Congo's first contact with the Europeans. In the fifteenth century, the trade relations between Portuguese and the Kingdom of Congo including purchase of slaves in order to provide cheap labor for plantations in Portuguese islands and the Americas. In the seventeenth century, Portuguese traded 15,000 slaves each year with the Arabs as main competitor (Haskin, 2005). Later, the conflicts emerged between Congolese and the Portuguese due to Christianization means done by the Portuguese (Soderlund, W.C., et al., 2012).

Nonetheless, by the eighteenth century, Portuguese had lost its influence within the country, meanwhile the interest of Europeans in Africa had intensified. In the later part of the nineteenth century, King Leopold II, the Belgian King, desired to exploit Congo as an opportunity for his personal enrichment (MacQueen, 2014). By spreading campaign to end slave trading, civilization, and spread of Christianity, Leopold II persuaded the Europeans to support his ambitions. The King successfully convinced the Europeans by using the terms such as: wipe out the slave trade, spread civilization, encourage missionaries, and establish a free-trade zone open to all merchants (Soderlund, W.C., et al.2012).

¹⁴ For clearer picture, please see: Appendix 1.

In reality, the situation was in contrast. As Haskin (2005) remarked in her book, the forced system of labor entailed a ruinous tax on every one of the Congolese. The shareholders were merely focused on the extraction of ivory, palm, and rubber, and no one was exempt from participation. Women and children had to transport heavy loads on their heads. In some occasions, they were taken as hostage as well to guarantee their men's cooperation. Those who failed to meet the extraction quotas would be brutally punished. Some were shot, hanged, or beheaded. Adam Hochschild estimated that between 5 and 10 million died during Leopold's tenure (Haskin, 2005: 2).

The methods used by Leopold eventually disgusted European governments, even the colonialists. Due to pressures from other European colonizers, Leopold reluctantly transferred Congo to Belgian government in 1908. Under the rule of Belgian, the country was known as Belgian Congo (Soderlund, W.C., et al, 2012). Some limited measures were taken to improve the conditions, though these mainly focused on education rather than working life. Under the rule of Belgian government, Haskin noted that hundreds of thousands continued to die as a result of repressive system (Haskin, 2005).

In early 1910, in cooperation with private companies, church and the state ruled Belgian Congo. The Catholic Church propagated the slogan "no elite, no problem" to the natives' appropriate education (Haskin, 2005: 3). Secondary level was the highest-level education that could be attended by Congolese. This concept was purposed to prevent Congolese to involve in leadership roles. Those who received education were known as *évolués* or "evolved ones", later established the basis of the black bourgeoisie (Haskin, 2005).

One of the most prominent groups was the *Union des Intérêts Sociaux*. Joseph Kasa-vubu was the organizations treasurer who was later became president when Belgian Congo got its independence in 1960. Nonetheless, another new leader

emerged, named Patrick Lumumba, who had socialist political ideals, then later became the prime minister of Congo (Haskin, 2005). In addition to these new leaders, a third political actor came to play crucial part in the crisis, that in the end led into UN's intervention (Julien, 2013) (MacQueen, 2014). Moïse Tshombe, had become leader of the provincial in Katanga after independence. His administration of the mineral-rich province¹⁵ with its large white population was relied heavily on expatriates, mainly the Belgians (McQueen, 2014). Doss (2014) mentioned that due to encouragement of political and commercial interests from Belgium, the United Kingdom (UK), France and Southern Africa, Tshombe declined to accept the authority from the central government in Leopoldville (now Kinshasa).

Katanga is home to 50 to 60% of the world's reserves of cobalt, which at the same time representing the largest global supply of the mineral and significant quantities of copper (Prendergast & Lezhnev, 2017). Due to the needs for this important mineral, the Europeans and the United States (US) also affected the conflicts in Congo. The Pentagon, for example, had identified cobalt and copper as "strategic and critical minerals" for the production of military planes and missile guidance systems. Additionally, cobalt is also used to build batteries in hybrid and electric cars, as well as an array of electronic products (Prendergast & Lezhnev, 2017). With the large number of cobalt, Congo should likely to continued playing key role for global cobalt supply. Nonetheless, cobalt mine production in Congo partly originates from artisanal and small scale mining (ASM) sources (Al Barazi, S., et al, 2017).

After the declaration of independence, public order was threatened by violent reactions from parties and ethnic groups that were not implicated in the new post-colonial settlement. The new army of the new state was formed, called as the *Armée Nationale Congolaise* (ANC). However, about 100 Belgian officers still gave commands to Congolese African soldiers that caused discontent among

¹⁵ See Appendix 3.

Congolese (MacQueen, 2014). On 8th July 1960, Katanga experienced disorder. Nonetheless, Tshombe's administration resisted the violence by obtaining support from Belgian military intervention. Within few days, there were about 10,000 Belgian soldiers in the territory (MacQueen, 2014:39).

On 11th July, based on encouragement from his foreign advisor, Tshombe declared the independence of Katanga and refused to take order from leaders of central government in Leopoldville. That was Lumumba who sent his first plea for help to the US, which was later turned down by President Eisenhower (Haskin, 2005). Thus, in the next following days, Kasa-vubu and Lumumba asked the UNSG, Dag Hammarskjöld, to send military assistance to Congo with initial request to secure Congo's national territory from Belgium aggression that was considered a menace for international peace (MacQueen, 2014:39).

The United Nations Operations in the Congo - known as ONUC, an acronym of its French initials, *Opération des Nations Unies au Congo*, started its mission in July 1960 after getting an urgent request from President Joseph Kasa-vubu and Prime Minister Patrice Lumumba (Soderlund, et al, 2014: 19). By sending almost 20,000 troops with twenty-eights states contributing in the mission, ONUC was the largest UN's operation up to that time (MacQueen, 2014: 34). After receiving request from the leaders of Congo, the UNSG, Dag Hammarskjöld quickly submitted the request to the Security Council. With the full support from Hammarskjöld, the request was responded extraordinary quickly even though without the presence of China, France and the United Kingdom (Doss, 2014: 705). In this case, the abstention of France and Britain showed that they would certainly have opposed any UN's actions against Belgian forces (MacQueen, 2014: 41).

Different from the previous mandates of UN's operations, ONUC's authorized resolution was extraordinary short without prescribing objectives, troop numbers, and even no reference to Chapter VII of the UN Charter (Doss, 2014:705). The

mandate just summoned the Belgian Government to withdraw its troops from Congo's territory. At the same time, it also authorized the UNSG to provide military assistance to the new-established government in Leopoldville. The mission will deliver technical assistance until Congo national forces is capable to meet their fully tasks¹⁶(Doss, 2014: 705).

Apparently, the UN itself had limited experience in peacekeeping mission. Apart from observer missions in the Balkans and in the Indian-Pakistani border, the only model for ONUC was the United Nations Emergency Force (UNEF) in Suez crisis (Soderlund, W.C., et al, 2014: 20). After the deployment of troops, Prime Minister Lumumba and Secretary-General Hammarskjöld saw different perspective in seeing conflicts in Congo. From the point of view of Lumumba, the UN's mission was to expel the Belgians and put down Katanga's movement for its independence. Above all, Hammarskjöld himself emphasized, even though the UN cooperated with Congolese authorities, the UN should not become the tool for central government to achieve their particular objectives (Soderlund, et al, 2014:21). Hammarskjöld's statement refers to the terms of article 2 (7) of the Charter, which obviously stated that the interference in domestic politics of sovereign state is unacceptable¹⁷(MacQueen, 2014:42)-.

Since the deployment of ONUC, Belgians started to reduce the number of their troops with the exception in the Katanga province, where the Belgian military presence was preserved. MacQueen (2014) remarked that many European involvements were associated with the secession of Katanga. On 9th August, Security Council determined the presence of UN troops in Katanga was essential in order to support overall operation. But, at the same time the Security Council

¹⁶ ONUC was established through authorization of Resolution 143 (1960). The complete mandate could be seen at: "<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/157/32/IMG/NR015732.pdf?OpenElement> "

¹⁷ "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII"
Cited from: UN, 1945.

also emphasized that the UN would not be part of parties in any internal conflicts. Then, the secession continued, unaffected by the symbolic of the presence of ONUC troops (MacQueen, 2014:44).

Meanwhile, due to assumption that UN did not act as expected, Lumumba used Soviet-supplied transport and equipment to start mobilizing his own forces (MacQueen, 2014: 44). In addition to deteriorated situation between the UN and Lumumba, conflict between Lumumba and Kasa-vubu was also inevitable due to different ideologies in sharing national power. Consequently, Lumumba turned his side to become pro-Soviet revolutionist and big supporter to liberate Africa. Contrarily, Kasa-vubu became the right hand of the west, while ONUC was caught in the middle of fights that led into international crisis (MacQueen, 2014: 45).

From indication shown by MacQueen (2014), it showed that the UN's presence in Leopoldville was considered intentionally partisan. MacQueen (2014) presented the facts that most of senior UN's figures, including SRSG, were westerners. Emerging group of advisers around Hammarskjöld in headquarter were also from western state, called as 'Congo-Club', including Ireland and Sweden, the force contributors that were considered neutral only in formal sense, that neither was a member of NATO. In other words, most middle-power peacekeepers of the cold war were the west (MacQueen, 2014:46).

The unstable situation in Congo was deteriorating when the central government collapsed in September 1960. The fall of central government then followed by a *coup d'état* commanded by Joseph Mobutu, the chief of staff for Congolese army (Doss, 2014: 708). Once Mobutu took over the central government, Lumumba was arrested and got murdered in Katanga while under protection of the ONUC (MacQueen, 2014: 50). The death of Lumumba placed ONUC in critical situation where the mission was accused for failing to prevent the murder of Lumumba and Katanga secession in the same time (Doss, 2014: 708). In addition, following

the failure of protection given to Lumumba, Egypt, Guinea, Mali and Morocco withdrew their troops from ONUC, that later followed by Indonesia and Yugoslavia, known as two powerful members of the emerging non-aligned grouping that had sent their contingents to the Congo when the scale of operation got beyond the capacities of African contributors (MacQueen, 2014:51).

Following the death of Lumumba, the Security Council authorized the new robust mandate with a resolution in 1961 for ONUC to give the mission the power to take 'all necessary measures' to prevent the emerge of civil war in Congo¹⁸. Thus, the border between peacekeeping and enforcement became more uncertain (MacQueen, 2014:51).

Meanwhile, ethnic tension in Katanga was deteriorating in early 1961. In addition, the central government in Leopoldville, with more forceful prime minister, determined his anti-secession. The SRSG for Katanga, Conor Cruise O'Brien, diplomat from Irish delegation, ordered the UN forces to arrest and deport foreign military personnel. The operations were quite success but lost its momentum when the UN received the offer from Tshombe who would now cooperate with ONUC.

Following the talks between O'Brien and Tshombe, with the support of UN headquarters in Leopoldville, O'Brien ordered second more forceful operation against the foreign military personnel. The operation, once again was quite successful and led O'Brien overstepping himself by announcing the ending of Katanga's secession. The western members incorporated in Security Council reveal their anger for not being consulted about this current objective (MacQueen, 2014:54). While O'Brien got attacks from western states, he tried to claim that his action done based on approval from Hammarskjöld, which was disclaimed by Hammarskjöld himself. Hammarskjöld now flew to Congo to fix

¹⁸ Resolution of 21 February 1961 authorizing the "use of force" in order to deport foreign military personnel in Katanga.

the uncontrollable situation. But on the evening of 17th September 1961, his flight crashed which killed the Secretary General and everyone in the aircraft (MacQueen, 2014: 55).

Two months after the death of Hammarskjöld, the Security Council passed a new resolution on the Congo. Following the mandate issue on Resolution 169 (1961) U Thant, the successor of Hammarskjöld, was authorized to take forceful action, including the use of force to deport mercenaries, foreign political, and military personnel in Katanga (MacQueen, 2014:56). On 14th January 1963, Tshombe announced the end of Katanga and he accepted U Thant's plan for reunification with central government (MacQueen, 2014:57). ONUC ended its operation in 1964. Even though its successful stories had been questioned due to its failure to assist reforming Congolese military during its presence, ONUC had successfully reunited the integrity of the country and prevented civil war (Soderlund, W.C., et al, 2014: 24).

3.2 From MONUC to MONUSCO

Four decades after the first UN's intervention in DRC, a new mission returned with a new mandate. After the 1994 genocide in Rwanda that was followed with the establishment of new Rwandan government, more than one million Rwandan Hutus, including those who participated in genocide, escaped to Kivu regions in DRC. In 1996, a rebellion started in the region under the leadership of Laurent Désiré Kabila, who opposed the current president, Mobutu Sese Seko, who changed the name of the country into Zaire, under his leadership. With the supports from Uganda, Kabila's force took over the capital Kinshasa. Then, Kabila gave the new name to the country, from Zaire to Democratic Republic of the Congo (UN).

Nonetheless, in 1998, rebellion group started to express their displeased actions to Kabila in Kivu regions. The large areas of the region were captured only

within a week. Consequently, Angola, Chad, Namibia and Zimbabwe promised Kabila for military supports, yet Rwanda and Uganda supported the rebel movement to maintain regional power. Thereafter, the Security Council called for ceasefire and withdrawal of foreign forces from the country. Following the signing Lusaka Agreement, Security Council established United Nations Mission in the Democratic Republic of the Congo or with its French acronym *Mission de la organisation des Nations Unies au Congo* (MONUC) on 30th November 1999 by issuing resolution 1279¹⁹(Tull, 2009: 216).

Through the mandate, under leadership of the SRSG, MONUC took the following tasks as follows:

1. Established relations with the signatories who participated to the ceasefire agreement at the headquarters level and in the capitals of states where signatories came from.
2. Conducted liaison with the Joint Military Commission (JMC) while provided technical assistance when implementing its functions under the agreement, which included in the investigation on ceasefire violations.
3. Provided information on security situation in areas where it operated with by giving the stress on local condition that would affect the future decision on the deployment of the UN personnel.
4. Planed the observation of the ceasefire and deliverance of forces.
5. Maintained the coordination with all parties involved in the ceasefire agreement to assist the humanitarian aids delivery to the IDPs, refugees, children and the other conflict affected persons. Additionally, the mission also provided assistance in the protection of human rights, including the children's rights²⁰ - (UN, 1999).

In his article, Doss (2014) illustrated three phases in which MONUC had passed

¹⁹ For more detail, please look at MONUC background, available at: "<https://peacekeeping.un.org/mission/past/monuc/background.shtml>"

²⁰ For more detail, please see Security Council Resolution 1279, 30 November 1999.

to response security and political challenges in DRC. The first phase started since the establishment of MONUC, and terminated after Pretoria agreement was issued in the late 2002²¹(Doss, 2014:713). Soon after the signing of 1999 Lusaka Agreement, the Security Council authorized 90 military personnel to set up the liaison with the signatories. Less than a year, the mission expanded its mission by adding 500 personnel as observers, and 5,037 soldiers as protecting force, to monitor the implementation of ceasefire agreement. At this phase, the mandate given to the mission was on voluntary basis, to support the disarmament, demobilization and reintegration (DRR) program, resettlement, and repatriation of foreign-armed groups. Subsequent to peace agreement between Rwanda and DRC, MONUC's troops increased to more than eight thousand soldiers in the late 2002. Even though MONUC has limited roles in its first three years, but it was acknowledged effective both in verifying ceasefire violations and withdrawing of foreign armies (Tull, 2009: 217).

The second phase began after the signing of Pretoria agreement in 2002 until the election in 2006. At this phase, the focus of the mission transformed to the agreement implementation on the transitional governance as agreed in the agreement (Doss, 2014:713). The main key concept of MONUC in this phase was to provide security support for the members of the transitional government. In order to support this role, the Security Council authorized the deployment of 10 percent of its troops to the capital Kinshasa to lead the peace process. This phase was described by the SRSG William Swing as 'Kinshasa phase' (Tull, 2009: 217). However, many disrupting events happened during this phase. For instance, the crisis in Ituri district during May 2003, at the time when ethnic militia seized the city and caused the massacres of 400 civilians, after the Ugandan Army left the country. Supported by Chapter VII of Charter, the Security Council added more MONUC's troops to 10,800 stationed in Ituri and two Kivu provinces. Nonetheless, one year later, another crisis occurred in

²¹ Pretoria agreement is peace agreement between Rwanda and the Democratic Republic of the Congo (DRC) on withdrawal Rwandan troops from DRC's territory.

Bukavu, which led into another deployment of additional 5,900 peacekeepers to be included throughout Congolese territory. During this phase, MONUC also played the other role focused on the elections for presidential, parliamentary, and provincial elections. Additionally, MONUC also organized large logistical operations in order to assist preparation for voters' registration, the organization of constitutional referendum, and elections (Tull, 2009:218).

The third phase happened after the inauguration of new parliament and government in 2007. During this phase, the mission was expected to reduce its existence based on an agenda purposed to reform and post conflict recovery, strengthen the democracy institution, and stabilize the eastern regions (Doss, 2014:713).

Following the election result, Joseph Kabila (son of Laurent Kabila) won the election, announced his ambitious program to renew and reconstruct the country, and won an applaud from the international community. However, the violence expanded and various armed groups continued to attack and brutalize civilian, with Kivu provinces as the epicenter of violence. Subsequently, clashes between *La Commission Nationale de Contrôle de la Protection des Données à Caractère Personnel* / National Congress for the Defense of the People (CNDP) and *Forces Armées de la République Démocratique du Congo* / Congolese Army (FARDC) exacerbated. To overcome the heating situation, the UNSG Ban Ki Moon outlined comprehensive approaches through intersection political, diplomatic and military initiatives (Doss, 2014: 718).

On political and diplomatic front, MONUC conducted efforts to establish an understanding between Rwanda and DRC in dealing operationally with problems posed by armed militias, and encourage communal reconciliation in the Kivus (Doss, 2014:718). In addition to diplomatic approaches, MONUC also performed military interventions during its operation and approached four objectives, namely: protecting civilians from violence threatened by illegal armed groups,

supporting FARDC to restrain CNDP and preventing extension of its control areas, ending control of *Forces démocratiques de libération du Rwanda* (FDLR) in North and South Kivu while assisting former combatants being repatriated to Rwanda, and destructing CNDP command status to support continuation CNDP's integration program (Doss, 2014:720).

The FDLR issue had been a serious concern of the Security Council before 2007. This issue had led to an agreed concept operation, called as "Kimia" operation that was signed by both DRC and Rwanda (Doss, 2014:722). Essentially, the plan figured the deployment of the FARDC to affirm the existence of the state and suppress the FDLR to disarm and repatriate with the support from MONUC. The operation was launched in 2008, but it did not take long time due to continuation of hostilities between the CNDP and the FARDC. Moreover, it seems that Kinshasa's government did not show the enthusiasm for taking actions against the FDLR, which is considered as defense against the CNDP and other feasible intervention from Rwanda. Following the concord between Rwanda and DRC in the end 2008, the Government of DRC authorized a joint operation with Rwandan troops to fight against the FDLR. The operation is known as "Umoja Wetu" which began in the late January 2009 (Doss, 2014:723).

Nonetheless MONUC was not consulted and agreement was only respected by the FARDC and Rwandan troops. This agreement was seen more as political and military exercise that intended as test competition between President Kabila and Kagame (Doss, 2014:723). To consolidate the result of 'Umoja Wetu', the Security Council authorized KIMIA II. This operation did not intend to defeat the FDLR, instead to degrade command and diminish the FDLR's military capacity, in order to give chances to the National Police and the FARDC in retrieving control in the armed-groups occupied areas. KIMIA II succeeded to keep pushing the FDLR out from several key strategic positions. However, this success was followed by ferocious retaliation from FDLR against civilians and resulted in terminating KIMIA II at the end of 2009 (Doss, 2014:725).

The following operation “Amani Leo” was formed to strengthen the work of previous operation, but avoid the failure of its predecessor. MONUC set two objectives to carry this operation, namely: limited military strikes to bring remaining FDLR down, and strengthening of ‘suspend’ operations to make stabilization room in areas controlled by the FDLR. Amani Leo proceeded and kept FDLR in pressure, and the negotiations with the CNDP were signed to complete the CNDP integration. With these developments, the relations between DRC and Rwanda were getting warmer, brought government of DRC, Security Council and UNSG agreed that the UN peacekeeping in DRC should be re-shaped (Doss, 2014:726).

More than a decade after MONUC operated in the country, the situation in DRC appeared to stabilize slightly in 2008 to 2009, including improved relations with neighboring country, Rwanda. President Kabila pushed MONUC to drawdown and closure the mission in 2011 (World Peace Foundation, 2016). In May 2010, after intense negotiation with government in Kinshasa, the Security Council authorized the resolution 1925 to convert MONUC into MONUSCO, with its French acronym, *Mission de l’organisation des Nations Unies pour la Stabilization en RD Congo* (Murphy, 2016: 222).

Through the mandate, MONUSCO was given the permission to use “all necessary means” within limits and capacity of mandate’s protection in the areas where its forces were sent forth. Resolution 1925 emphasized protection of civilians that later became the priority of the mission to concentrate its military forces in the eastern DRC. Beside civilians, protection mentioned here includes humanitarian personnel, human right defenders, who are threatened with physical violence, in order to support government to stabilize and consolidate the peace in DRC (Murphy, 2016:22).

MONUC did not enter the history with the remarkable success story. Despite the

presence of almost 20,000 peacekeepers, the mission has been unable to stabilize the country. However, even though the mission faced many failures along the way, seen from the point of view of Murphy (2016), MONUC did not abandon the people of DRC (Murphy, 2016: 245). The mission at least performed its tasks reasonably, particularly at the first phase of its deployment and its role in the elections (Tull, 2009:226).

3.3 Force Intervention Brigade (FIB)

The UN may have changed the name of the mission, but the situation in the country remains unfazed. MONUSCO soon faced similar problem as its predecessor did, including criticism for the late response to mass rape incident in North Kivu in August 2010 (Doss, 2014:726). Smith (2010) from *The Guardian* reported that rebel forces raped 242 villagers. The attacks, which took place between July 2010 and 4th August 2010, had taken various ranges of victims, from a newborn baby boy to 110 years old woman.

The situation deteriorated when *Mouvement du 23 Mars* (M23), the new influenced rebel group, arose in North Kivu Province on May 2012. The group emerged as a result of ineffectual efforts to overcome security interests, political and economic issues. Moreover, it was also followed by discontent among actors between government of DRC and the CNDP. With weapons and logistic supports from Rwanda, M23 occupied important parts of North Kivu quickly, created administration for the rebel and recruited the new members. On 20th November 2012, M23 took over Goma, the capital province of North Kivu, after having the intense fights involving FARDC and MONUSCO (Tull, 2017:7).

This situation had significantly deteriorated humanitarian situation with intense attacks against local population. Furthermore, regional tensions were also fueled

by external supports that were continuing to provide support to M23²² (UN, 2013). In its peaks, M23 had 3,000 – 4,000 combatants (Tull, 2017:7). The chaos did not only affect political and security situation in North Kivu, but also increased humanitarian needs, due to M23 military activities and the consequent of increasing activities of other armed groups in North Kivu. In early January, more than 2,6 million people had been displaced in DRC, where 1,8 millions were located in the Kivus. Furthermore the military activities of M23 in North Kivu also had spread to the South Kivu. The chaos resulted 40,000 people escaping to Minova. As 22nd January 2013, the UN reported that 58,000 Congolese refugees were in Rwanda, some 100,000 fled to Uganda, another 40,000 went to Burundi and 63,000 were placed the United Republic of Tanzania²³(UN, 2013).

Goma was indeed disaster for both government of DRC and MONUSCO. Even though MONUSCO's peacekeepers had engaged with the rebellion, yet the mission could not stop the M23 in advance (Tull, 2017:8). Tull (2017) observed that the occupation of Goma did not only humiliate the government of DRC to admit the defeat, but also for MONUSCO which at that time was recorded as the second largest mission of UN peacekeeping in the world²⁴. The fall of Goma also marked a major political repercussion towards peace and stability in eastern DRC and the Great Lakes region (Tull, 2017:8).

At the same time, the failure to defend Goma also fueled the tensions between DRC and neighboring countries due to presumption of Rwanda support to M23 (Tull, 2017:8). Furthermore, International Conference of the Great Lakes Region (ICGLR), a regional organization in the Great Lake Region, evolved the idea of special force to be placed in DRC. ICGLR directed its own proposal to the African Union (AU) and the UN to establish a neutral international force, in order

²² For more details, please see "MONUSCO report February 2013".

²³ For details, please see "MONUSCO report February 2013, paragraph 23-26".

²⁴ In November 2012, MONUSCO had 19,145 uniformed personnel. The mission was the second largest after the UN mission in Darfur that had 21,350 personnel.

to annihilate existing armed groups in the region. However, as noted by Müller (2015), there were some obstacles to actualize the idea, such as: difficulties to find the states that will contribute the troops for the operations, financing issues, and the right time to deploy the troops. Thus, Tanzania, South Africa, and Southern African Development Community (SADC) committed to ICGLR to provide troops to establish “neutral international force” (Müller, 2015:362).

Following the incidents in Goma, on November 2012, the Security Council expressed its deep concern concerning security situation and humanitarian crisis in the eastern provinces of DRC through resolution 2076. The resolution strongly condemned the actions carried out by M23 and its attacks against civilians, MONUSCO, and humanitarian workers. At the same time, the Security Council condemned the human right abuse and the use of child soldiers by the rebel group. Additionally, the Security Council also condemned M23’s effort to establish an illegitimate parallel administration in DRC territories²⁵.

As part of the proposal to strengthen MONUSCO, the UNSG sent the UN military adviser to meet the chairs of SADC and ICGLR to hold the meeting to discuss the possibility of consolidated troops for ‘neutral intervention force’ under the same mandate of MONUSCO. Considering the report from the UNSG, both the Head of Missions and the SRSG of MONUSCO, the Security Council eventually expressed the needs to deploy extra force equipped with enforcement capabilities. On 28 March 2013, by adopting Resolution 2098, Security Council authorized the establishment the Force Intervention Brigade (FIB) in DRC (Müller, 2015: 363).

President Joseph Kabila and his government supported the idea of integration of Intervention Brigade into MONUSCO (The East African, 2013). As reported by *Great Lakes Voice*, Minister of Foreign Affairs of DRC, Raymond Tshibanda, said that the government of DRC is willing to reach political agreement with the

²⁵ For details, see Security Council Resolution 2076.

M23, as long as the group will to “cease to exist a politico-military movement”. Tshibanda also accentuated that if two parties are not able to negotiate, the Force Intervention Brigade will end the group. Nonetheless, Tshibanda stressed that the creation of Intervention Brigade is not a panacea, however it may be seen as a great diplomatic victory for DRC (Great Lakes Voice, 2013).

In the meantime, in response to the establishment of Intervention Brigade, the M23 leader, Bertrand Bisimwa ensured that his troops will not attack the UN troops, but they are ready to defend themselves if they are attacked. Bisimwa also warned the UN that if his troops get attacked, the revenge would be like catastrophe (Mugabe, 2013). Additionally, the M23 wrote an open letter signed by Bisimwa to the governments of Tanzania and South Africa, to convince these two states for not coming into ‘dangerous adventure’, and pull their troops out from the Brigade. Yet, both Tanzania and South Africa dismissed the threats (Gberie, 2013).

Actually, before issuing resolution 2098 through short negotiation (in one week), there were contradiction and weariness express by two permanent members of the Security Council: Russia and China. There were two issues raised here, namely: the impartiality of the UN and the security safety of peacekeepers and other humanitarian components²⁶.

Responding the decision of the Security Council, the civil society in DRC, including charity groups operating in the country, also expressed their dissatisfaction for not being consulted for the creation of FIB (Moshiri, 2013). Josephat Musamba, a researcher from Simon Kimbangu University in Bukavu, expressed his concern that the Brigade may not be able to engage with several rebellion groups in the same time (Gallo & Vogel, 2013). Additionally, the Head of Doctors Without Borders in Goma, Francesca Mangia, expressed her concern that the presence of FIB is a going to be a problem for humanitarian actors, since

²⁶ Taken from “ securitycouncilreport.org February 2014 monthly forecast”

population will not differentiate between the regular UN forces and the Brigade when they see the white cars pass. Mangia opined that the establishment of Brigade will make humanitarian actors will become a target (Raghavan, 2013).

Strengthening the statement of Mangia, Pieter Vanholder, the country director of The Life and Peace Institute in Bukavu believed that the Intervention Brigade could affect the security situation in DRC. Vanholder also emphasized that if things go wrong, the Brigade might be seen as occupation of deterrent troops. In this case, Vanholder assumed that the UN and other actors would not be able to identify solution for DRC in general if they cannot identify the root causes of the problems in DRC (Tumwebaze, 2013).

The decision of the Security Council to establish the FIB also caused reaction from neighboring countries. Rwanda, for example, accused the UN's intervention through its Intervention Brigade undertook collaboration with Hutu rebels involved in 1994 Rwandan Genocide (Charbonneau, 2013). In addition, Lagrange, a senior analyst on Central Africa for International Crisis Group, told *Aljazeera* that the situation in Goma is very complex because there are combination parties engaging in the conflicts, M23 and FARDC, which want to drag the UN into the fight. Lagrange believed that the regional war would emerge if this military solution prevails (Brooks, 2013). As a matter of fact, a South African analyst, Helmoed Romer Heitman told Reuters that the mission carried by the Brigade is a complex mission. Seen from tactical point of view, Heitman presumed that this is a logistical nightmare since it is unknown who is who in the "zoo" from one day to the next due to the large number of rebellion groups operating in the country (Gberie, 2013).

The particular mandate of the FIB is to neutralize and disarm the rebel groups in the eastern DRC, which continually posed threat against local population and challenged the authority of DRC at the same time. The FIB is the first 'offensive' peacekeeping detachment authorized by the UN that distinct it from previous UN

troops deployment because of its offensive mandate and its advanced military capabilities. In addition to protect civilians from ongoing violence coming from conflicts parties, the troop may take the initiative to prevent their growth, disarm, and eventually neutralize the groups (Müller, 2015: 360).

Consisting over 3,000 troops from Malawi, Tanzania, and Republic of South Africa, the forces are allowed to utilize mortars, snipers, heavy artillery and attacked helicopter to combat M23 (Benson, 2016: 5). In addition to offensive equipment, the FIB is also authorized to use drones, five years since Alan Doss, the former SRSF for MONUC, asked the Council for drones, to improve information and intelligence gathering (Nichols, 2013). This type of operation completely changed the operational power of the UN forces in the battlefield (Benson, 2016:5).

The Brigade is intended to protect civilians from the armed groups with the strong support of its robust mandate (Piiparinen, 2015: 157). The first joint operation conducted between the Brigade and the FARDC against the M23 started in 26th October 2013. While other traditional peacekeepers continued to run the mandate by protecting civilians in designated areas, the Brigade supported combat operations using artillery and mortar fire and attacked helicopters (Tull, 2017: 9).

With the support of the MONUSCO Intervention Brigade, robust operations led by the Congolese armed forces rapidly took control of strategic positions from the retreating the M23 that eventually defeated the armed group militarily. All former the M23 strongholds located in North Kivu were in the control of forces of the government of DRC. This new situation generated good momentum for state authority to restore and disarm the other rebellion groups, and receive spontaneous return of some refugees and IDPs (Benson, 2015).

Later on, on 5th November 2013, President of the M23, Bertrand Bisimwa

requested the halt of hostilities and demanded a mechanism to alleviate the fights. In response, the Minister of Information of DRC urged M23 to lay down the weapons. On the same day with the released statement, Bisimwa announced that the M23 had terminated its rebellion and would seek to resolve its assertion through political negotiation (Kulish, N., Sengupta, S, 2013). On the same day, the Government of DRC announced its victory and captured all towns owned by the M23. Following the victory achieved through joint cooperation, by 7th November, the Ugandan officials announced that about 1,500 M23 combatants including Sultan Makenga, the M23 military commander had crossed into Uganda and surrendered²⁷(Tull, 2017:9).

In over a year, the Brigade has achieved a great large success. Equipped with special Forces, armored personal carriers, snipers and drones, the Intervention Brigade successfully succeeded to support the offensive operations of government of DRC (Benson, 2016:5). Since the defeat of the M23, the Intervention Brigade has continued its support on the FARDC against remaining rebels that kept continuing to pose a threat to civilians. FARDC and the Brigade began offensive operations against ADF in January 2014, and by April, rebel group had been drove out from its main base operations in Virunga National Park, followed by the assassination of the leader group²⁸ (Long, 2015).

The operation of Intervention Brigade in DRC had changed standard operation of the UN in the battleground. Today, MONUSCO is not the only mission that has offensive force within its mission. The Security Council also authorized MINUSMA in Mali with offensive force to support the authorities transition, stabilize the key population particularly in northern Mali, and to deter threats and take active actions to prevent the elements to return to the area (Karlsrud, 2015:40). In 2014, The Security Council also established MINUSCA and authorized whatever necessary to protect civilians in the Central African

²⁷ For details, see "Report of the Secretary-General on MONUSCO, December 2013".

²⁸ Long, Nick. "Ugandan ADF Rebel Commander killed in Congo". Voice of America, 2015.

Republic where ferocious sectarian conflict has partitioned the country (Sengupta, 2014).

Nonetheless, after almost half decade, the victory moments had vaporized as quickly as it had risen. The campaign to combat M23 was not applied to FDLR, ADF and other armed-groups spread out within DRC territory (Tull, 2017: 10). Violence towards civilians is still there, and armed-groups attack could come whenever peacekeepers and other humanitarian actors could not avoid. Violence has escalated. The country currently has 4,5 million IDPs and proliferation of armed groups throughout the country (CRG, 2018). The effectiveness of 'the use of force' in peacekeeping operation is still questioned, and relations between MONUSCO and government of DRC deteriorated.

Responding the attack in Beni in 2015, for example, a lot of criticisms were thrown towards MONUSCO, including its Intervention Brigade. Teddy Muhindo Kataliko, the president of Civil Society in Beni territory talked to *Aljazeera* that the population feels there is no will from MONUSCO to help them. One analyst who asked to remain unnamed said that MONUSCO's statement that ADF was responsible for the attacks in Beni was not credible that later questioned MONUSCO's intelligence works (Moloo, 2016). Additionally, responding the attack to the dozen peacekeepers in December 2017, President Joseph Kabila expressed his discontent to the UN forces, including its Intervention Brigade. Through the Congolese newspaper, *Le Potentiel*, Kabila said that the UN never eradicates the rebel groups since its arrival in 1999 (Le Potential, 2018).

3.4 Understanding Conflicts in DRC

Before analyzing the impacts and effectiveness of the UN since the establishment of Intervention Brigade in DRC, it is necessary to understand the origin causes of conflicts in DRC itself. To understand the conflict, the causes are grouped into three different clusters. Every cluster has played key role that triggers the

conflicts in the country.

Bad governance and the failure of institution system.

From 1960 to 2014, DRC had five different constitution (UNECA, 2015). The first constitution known as the fundamental law, adopted by the Belgian legislature. The constitution worked based on dual executive where prime minister and president were elected by the members of a parliament of lower house. The second constitution was issued in August 1964. The law gave the president strong executive powers to set aside the prime minister. Three years later, a new constitution was created in 1967 that purposed to centralization. The constitution removed all provincial powers, which had been given before. The fourth constitution was produced in 1974 to institutionalize the single state and strong presidential system. Almost thirty year later, in December 2005, a new constitution was created. In the next following year, the 2006 constitution was issued to legalize a federal system with its 25 decentralized provinces with the capital city (UNECA, 2015: 31).

Based on the research conducted in 2015, USAID (2015) indicated similar fundamental cause of conflicts in DRC, which refers to the general method applied in the system of governance of DRC, such as patrimonial²⁹ - and clientelistic³⁰ - governance methods. These methods produces weak and dysfunctional institutions, creates a feeling of mistrust, even defiance towards the authorities between people (USAID, 2015: 31).

At the same time, De Vries (2015) emphasized that all pervasive issues in Congo

²⁹ "Patrimonialism is a system of government administration in which management personnel are responsible only to the political leadership, and where government jobs are treated as income producing personal assets (Brinkerhoff & Goldsmith, 2002:40)".

³⁰ "Clientelism is a political system based on conditional loyalties and involving mutual benefits, in which individuals of unequal power are linked together through the exchange of favor (Brinkerhoff & Goldsmith, 2002:40)".

are neo-patrimonialism³¹ where everyone at all levels needs to use whatever means they have available through political clout, weapons, labor or money in order to feed their mutual networks. However, De Vries also agreed that the wider conflict in DRC is a result of a decade of regional dynamics interposing themselves on a weak state and community tensions (De Vries, 2015:18). In order to achieve power through these networks, the Congolese elites use their various resources and monopoly redistributed them within their circle networks to strengthen the loyalty among ally (USAID, 2015:31).

Leading up to the conflicts, in this case, UNECA (2015) pointed out that the state had failed to perform its functions to deliver service, secure law, and defend the country's interests (UNECA, 2015:41).

Indeed, the recent researches demonstrated that the weak government system strongly influenced by the regime. Yet, it should not neglect the possibility that the state fragility emerged from the dependency function coming from historical path. As Tusalem (2016) agreed in his article, the colonial experience often has influences and legacy for post-colonial state in economic and political development (Tusalem, 2016:456).

Indirect rules were commonly found in most African colonies during the colonial era. Under this rule, exploitation activities created distrust between the native privileged class and the lower class. To illustrate, Mizuno & Okaza (2009) explained that during colonial period, the colonial ruler divided indigenous people into the ruling group and the ruled group. The colonial ruler instructed these ruling groups to transfer the native's treasures to colonial ruler. In order to do so, the ruling groups gained the trust and political power, and took control government. The tyrant of the colonial ruler created suspicious of ruled groups

³¹ "Neo-patrimonialism is a mix government administration, with a rational-legal veneer overlaying a web of personalistic ties characteristic of patrimonial rule (Brinkerhoff & Goldsmith, 2002:40)".

toward the ruling groups, which at the end lead into inefficient activities and revolt (Mizuno & Okaza, 2009: 406).

Mizuno & Okaza (2009) used the argument from Acemoglu et al. (2001) that “the extractive institutions built by colonial powers during colonial period were inherited by the indigenous elite”. Later, the elites extracted the resources of the masses, which later enable them to exploit the resources of the state’s population by using the power they had. Wong (2012) also outlined that to obtain international recognition of sovereignty and aids, it is common to find the African rulers become cooperative partners for the greater states to loot state resources and exploit their own folks. Therefore, domestic politic of post-colonial state is often occurred and triggered by rivalries between ethnics, which in then end undermine the state’s control on the country’s resources (Wong, 2012: 87). As a result, Wong concluded that civil wars, violence between ethnic, separation, and corruption are the result of under-developing in post-colonial Africa (Wong, 2012: 67).

DRC is post-colonial country³² and the situation today is observed as one of the consequences of Belgian colonization (The Guardian, 2010). Government of DRC had failed to establish a well-being institution to create sufficient regulation. UNECA found that corruption and kleptocracy had plagued the government system, gives the opportunities for domestic and foreign actors to illegally extract the resources. Consequently, DRC is facing complex issues in its political system such as: military and police forces are not able to protect local populations form the violence. Instead, the public often perceived these forces as the source of security threats due to the legacy abused by government police and military forces. Instead of being protectors of their people, these forces are seen as a menace against local communities. Let alone the weak system in judiciary that has created ‘immune protection’ on security forces committed to crimes

³² “Post Colonial countries are former colonies and states that joined the International State System after 1945” (Kisangani, 2014:188).

(UNECA, 2015: 41).

As the consequence of bad governance, conflict among ethnic groups becomes inevitable. Furthermore, UNECA also found the weakness of the post-independence constitution of DRC had caused the failure to give proportional representation system along ethnic, regional and ideological lines (UNECA, 2015: 32). Kisagani (2012) gave the example of the outcome of the 2006 and 2011 elections that had discriminated original Tutsi ethnics coming from the Kivu region. The result of election only selected one Congolese Tutsi from Masisi in the provincial assembly (Kisagani, 2012). While in 2011 election that should provide Congolese Tutsi in representation was cancelled as a result of political instability (Kisagani, 2012; Prunier, 2009).

The second issue-underlying factor of conflict due to the ineffectiveness of government is the issue of land. Rice (2010) thought that tensions over land could spark a new round of ethnic conflict in DRC (The Guardian, 2010). Fertile land is not only a mean of survival but also considered as a sensitive tribal heritage. Armed groups use these tensions around land to mobilize people against interlopers from other communities (De Vries, 2015:19). In the eastern part of DRC, land issues are always associated with the vibrant conflicts. The lands are poorly allocated, which later become the source of the violence across the country. Moreover, small - politically and wealthy elites also tend to have control over the land to enrich themselves and gain their personal interest by seizing the livelihood of the poor majority.

Vlassenroot (2012) also found that a weak governance³³ framework and failed judiciary system had significantly impacted rural population on socio-economic aspect (Vlassenroot, 2012:6). The conflicts between Faustin and small farmers in

³³ "In Kivu provinces, it was found that there is no effective government, no dependable security, no credible justice system, police force, or body to appeal to for resolving conflicts over land". LA Times, 2014.

Beni showed an example of how state service (in this case the land registry) is corrupted and easy to manipulate. In addition, the conflicts on gold mining in Mwenga also showed how the local elites took advantages on the issue related to the coming of mining company to pursue their personal interests (USAID, 2015:31).

The third issue that remarks the ongoing conflicts in Eastern DRC is the failure of government in the Disarmament, Demobilization and Reintegration (DDR) program purposed for the ex-combatants. There are two significant problems that could be highlighted in this case. First, it is viewed from an economic problem. The cash grants given out to the ex-combatants were too small to support and rebuild the life of ex-combatants. In addition, this policy also creates resentment among Congolese population who thought that the government of DRC rewards individuals who caused misery in their community. The second problem of DDR in the eastern DRC was political. The DDR program was intended to integrate different militia groups into a national army, which is known as *mixage*³⁴ and *brassage*³⁵. However this is not similarly applied across militias and rebel groups which at the end to choose to strengthen their relative military power in the region (UNECA, 2015:35).

Economic factors

The explosion of youth employment, along with the devastation of the economic environment, and public sector's mismanagement, have weakened the state's capacity to give basic needs and security the Congolese people (UNECA, 2015: 29). This circumstance creates an environment as well as triggers contestant of violent between state authorities. Today, the DRC's most challenge for political problem and development issues is the inability of youth to reach the work

³⁴ "*Mixage* provided for military integration at the platoon level with a view to forming six brigades; it also allowed troops to remain in their province of origin" (UNECA, 2015)

³⁵ "*Brassage* aimed to create a united national army by merging the individual members of various armed forces operating in the country, and involved the transfer of troops to provinces other than their home province" (UNECA, 2015)

market. International Monetary Fund (IMF) (2013) estimated that only 100 out of 9000 university graduates who are able to manage to find the jobs that suitable to their education level. This kind of situation is leading into youth unemployment that at the end connected to the conflict in DRC (UNECA, 2015). The youth employment has been determined could increase the motives and opportunity to spread the conflicts by the rebel groups (Urdal, 2015). These youths, they are usually recruited to join the rebellion or to work at artisanal mining under the control of the armed-groups. Therefore, the high unemployment has given advantages for rebellions' finance and increased profit for leaders of the group (UNECA, 2015:29).

Additionally, DRC is a home for the copper and cobalt. At the same time, it also produces large amounts of coltan (columbite-tantalite), petroleum, silver and diamond³⁶. The USGS (2014) reported that DRC accounts for 55 percent of world's cobalt production (with 45 percent of world's reserves), 21 percent of industrial diamonds and 12 percent of tantalum (USGS, 2014)³⁷. From 2010 to 2015 global cobalt demand increased from 65,000 to 90,000 per year where DRC is leading as the main producer and Katanga province known as the biggest producer (Al Barazi, S., et al., 2017). In the US, the Pentagon had identified cobalt and copper as "strategic and critical minerals" for production of military planes, missile guidance systems, and commercial jet engines. This mineral is difficult to substitute due to its high heat resistance (Prendergast & Lezhnev, 2017).

Cobalt is well recognized as one of the most expensive raw materials, which is normally found inside lithium ion batteries. Its existence gives a challenge to the big battery supplier, the computer and car companies, and the customers. Even though engineers have tried to create cobalt-free batteries to decrease dependency on cobalt for years, but cobalt still plays the role as the best material to boost

³⁶ More detail, please check at: "<http://minerals.usgs.gov/minerals/> "

³⁷ More detail could be found at: "<http://minerals.usgs.gov/minerals/pubs/country/2012/myb3-2012-cg.pdf> "

battery performance. Artisanal cobalt is less expensive than products coming from industrial mines. But it costs deaths and injuries for the labors. *The Washington Post* (2016) found during their visit in the remote mines area in DRC that around 100,000 cobalt miners in Congo used inappropriate and simple tools to dig underground, which is equipped far from minimum safety equipment.

There was thought that conflicts in DRC has linked with the abundant mineral sources. De Luca, G., et al (2012), for example, determined that natural resources could be characterized as a curse since the intensity of conflict in surrounding areas is likely to experience an increase. However, many also argue that minerals itself did not lead to war. The majority of violence in eastern DRC has been carried out in mineral-rich areas where all of the mining in conflict areas is artisanal - it uses manual labor, simple tools, and basic technologies, and officially illegal. Enough Project (2009) discovered through their research that armed groups in these areas profit from minerals trade in two ways: controlling the mines, and exacting bribes and taxes from transporters. In this case, the government of DRC lacks meaningful control over the mineral-rich areas. The powerful groups used this situation to exploit artisanal miners through manipulation, harassment and extortion (Enough Project, 2009:4).

Laudati (2013) also showed evidence on minor role of in facilitating the activities of some rebel groups. Laudati presented Johnson (2009)'s argument to emphasize that armed groups have no specific appeal to minerals since they use whatever resources they can control to finance the groups, such as: mineral, agricultural, roadblock taxes, charcoal, and hemp. Furthermore, Laudati gave another examples referring to Mbusa Nyamwisi's rebel government financed itself through cross-border trade, while Laurent Nkunda received only limited profited from mining activities to fund CNDP (Laudati, 2013: 33).

In addition, the M23 did not rely on mineral sectors, instead it heavily relied on taxes of household and transport. In the meantime, the FDLR relies on gold, but

it also gains additional income from illegal goods taxation, charcoal, and agriculture (Bernarding, N., et al, 2015). Here, Bernarding, N., et al (2015) agreed that a mineral profit is not the strongest driver for armed group actors. Dissatisfaction on economic and political situation, limited options of livelihood, and frustration over the failure of DDR program had driven the intense conflicts. While their motives had altered from time to time, it is obviously seen that the armed groups had political ambition to oppose central government in Kinshasa (Bernarding, N., et al, 2015).

To sum up, weak governance causes state's inability to be able to meet the needs of Congolese people through state's massive economic potential. The state has failed to protect the border of the country, to prevent the youth to join the rebellion and control the mineral trades. While mineral sources are often referred to the source of the conflict, they are primarily the result of a systematic failure of the state to regulate its economic policies.

Geopolitical interest from regional and global levels

The roots of conflicts in DRC have regional dimensions while the impact has affected the entire region. It started from the state privatization by King Leopold II (UNECA, 2015:42). During Congo War after independence, which took the same period of the Cold War, DRC was used to use as a stage for the global fight (UNECA, 2015). Belgium, the UK and France, the USA, the British Settler colonial minority regimes and the Central African Federation, Apartheid South Africa, all had geo strategic and economic interest to have control on Congo, especially for Katanga Province. In the meantime, this interest was crashed with Soviet Union's interests, which intended to prevent the emerge of west's satellite regime (Melber, 2017: 21).

Accordingly, the peace agreement given to overcome security situation in DRC is not merely the result of political negotiations. Lusaka Ceasefire Agreement and Addis Ababa Framework Agreement (AFA), for examples, these two agreements

represent economic factors that represent political and military struggle between regions where the DRC is economically tied. The first one links the eastern the DRC (Ituri and the Kivus) to the Indian Ocean, while the second is dominated by Katanga Province, which connected to ports in Southern Africa. The economic element is placed upon agreement, in the context of benefits, which are gained from the exploitation of natural resources and trading in the regions (Musila, 2014:2)

Thus, presently DRC still finds itself in a situation where its control over its political and economic fate is affected by global factors (UNECA, 2015: 42). Responding the lost of Goma, Security Council approved the establishment of FIB to neutralize armed groups in the eastern DRC. However, the FIB itself was the creation of SADC, as South Africa, Tanzania and Angola have strong strategic business ties with Kinshasa and more difficult relations with Rwanda (De Vries, 2015:44). SADC is increasingly concern about peace and security in the Kivus, since many South African companies operating in DRC. (Muslila, 2014: 4) (Shepherd, 2014:4). As Bersharti & Mthembu-Salter (2016) mentioned that South Africa has clear interest in increasing its business in the DRC, as this boosts and diversities exports at a time, when traditional source of earnings mining- is shrinking in value and volumes (Besharti, Mthembu-Salter, 2016: 39). Today, DRC has become significant market for South African business. The fact shows that 21,6% of total import for goods and services in DRC come from South Africa, as the biggest supplier³⁸.

To sum up, there is no particular factor that could be determined as the single cause of conflict in DRC. The current security situation in DRC could not be separated from its experiences as colonized state that is inherited into next generations, resulting from weak governance, political and economic systems. In addition, the conflict in Congo is complex inter-connected needs and interests that exist is not only between Congolese people but also external states that have

³⁸ Data is taken from the embassy of South Africa in Kinshasa DRC, available at: "<http://www.dirco.gov.za/kinshasa/bilateral.html>"

been involved to influence politics, economics and national security in DRC.

3.5 Legal Basis of Force Intervention Brigade

To have mandate that authorizes the use of force is not something new for the UN peacekeeping mission. However, it was normally used for short duration and not pointing particular enemies in running the operations (Karlsrud, 2015:41).

Müller (2015) observed that the offensive operations carried by the Intervention Brigade through peacekeeping mission still lacks of legal analysis. As it was also claimed by Sheeran & Case (2015), who considered that the implications of the FIB have not been resolved. During the retreat of the Security Council, the UN Office of Legal Affairs gave an overview on MONUSCO's possibility to lose protection status under International Humanitarian Law (IHL)³⁹. The mandate authorized the FIB to see force against "all" armed groups, which is not clearly mentioned in resolution 2098. Seen from the scope of application of IHL regulation, it requires distinction whether the Intervention Brigade maybe considered as a party of the conflicts and whether this condition also applies to the rest MONUSCO forces, both military and civilian.

When the Security Council authorized the establishment of the FIB, it did not create a separate legal unit with regular MONUSCO forces. They operate as part of the similar military force, use the same UN emblems, wear the blue helmets, drive on white vehicles, and working under the same force commander. Additionally, they share the military bases, communications, logistics and other required supports.

The impact of the mandate is a significant issue to the UN peacekeepers that get benefit of legal protection from attack coming from various legal regimes, such as written on the general rule of IHL, the "Rome Statute of the International

³⁹ Taken from "securitycouncilreport.org July 2013 Monthly Forecast"

Criminal Court” and the Safety Convention for the UN and associated personnel (Sheeran & Case, 2015).

As written Customary International Humanitarian Law, Rule 33:

“Directing an attack against personnel and objects involved in a peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians and civilian objects under international humanitarian law, is prohibited”

Meanwhile, Rome Statute of the International Criminal Court, Article 82 about the war crimes, paragraph 2 (e) iii:

“Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict”

The practice of these rules is applicable in for peacekeepers and humanitarian personnel involved in IACs and NIACs. However, these rules only apply to the UN peacekeeping forces or other forces formed by the regional organization, as long as they are assigned to protect civilians. As a result, these rules do not include forces that are assigned in peace enforcement operations. Referring to IHL, once a group of people joined the enforcement force, they would be considered as combatants⁴⁰(ICRC, 2009).

Conflicts in DRC are considered as a non-international armed-conflict. Thus, seeing from the type of operations carried out by the FIB, it is also inseparable from the peace enforcement. Furthermore, the status of Intervention Brigade that

⁴⁰ More details, please see “Customary International Humanitarian Law, Volume I: Rules, ICRC, 2009”

works under the leadership of MONUSCO's force commander had put the Brigade in an ambiguous status. As Müller (2015) stated in his article, seen from the legal status of personnel involved in operations of UN peacekeeping, its members should not be placed in both positions, as protected person and combatant at the same time. Consequently, the involvement of the FIB in the operations would exempt every unit of MONUSCO from special protection, once it took part in the conflicts. When it is considered as combatant force, special protection to MONUSCO personnel is no longer used to which law of IACs applies (Fleck, 2014: 613, 625).

In addition to the IHL protection, the UN personnel are also privileged to other protection from a particular treaty, the Safety Convention. It applies to the UN personnel, which are "persons engaged or deployed by the Secretary-General... as members of the military, police or civilian components of a United Nations operation".

The Safety Convention requires state parties to ensure three things:

1. The UN personnel are not the object of attack or peculiar actions that prevent them to discharge their mandate. It includes the equipment and premises belong to the mission.
2. When the UN personnel are captured, they shall not be interrogated and shall be released immediately.
3. All intentional attacks towards UN personnel, including their premises, or threats to undertake such attacks are considered as criminal actions (Whittle, 2015:870)

As written in article 2 of the Safety Convention,

"This Convention shall not apply to a United Nations operation authorized by the Security Council as an enforcement action under Chapter VII of the Charter of the United Nations in which any of the personnel are engaged as

*combatants against organized armed forces and to which the law of international armed conflict applies”.*⁴¹

With the creation of the FIB, it is clear that at least some MONUSCO’s personnel take part as combatants against the organized armed forces. However, the most bodies of law which applies to the conflict between FIB and non-state armed forces is categorized to NIACs, instead of IACs. Therefore, when it is analyzed from the Safety Convention, it appears that all units of MONUSCO, including FIB, still get profit from strong protection (Whittle, 2015: 870).

As a result, under the Safety Convention it shows that MONUSCO with its regular peacekeepers and the Intervention Brigade still has benefitted from strong protective provisions. However, the consequences of the IHL application remain unclear (Whittle, 2015: 871).

3.6 The UN Peacekeeping Principles in the Force Intervention Brigade

At the time the Security Council created the FIB and integrated it with MONUSCO, it inevitably avoided the fact that the Brigade is also part of the peacekeeping operation in the DRC⁴². As written in Resolution 2098 paragraph 12, MONUSCO was authorized to take “all necessary measures” through its military regular forces and Intervention Brigade to perform these following tasks:

1. Protecting civilians from the threat of violence in the area where its units operate. These tasks also include protecting the UN personnel, facilities, premises, installation and equipment, identifying threats to civilians, and implementing the response plans.
2. Neutralizing and disarming the armed groups through the Intervention

⁴¹ More details, see “Convention on the Safety of United Nations and Associate Personnel. Available at: <http://www.un.org/law/cod/safety.htm> “

⁴² See “Resolution 2098, Paragraph 9”.

Brigade. As stated in resolution 2098:

“In support of the authorities of the DRC, on the basis of information collation and analysis, and taking full account of the need to protect civilians and mitigate risk before, during and after any military operation, carry out targeted offensive operations through the Intervention Brigade referred to in paragraph 9 and paragraph 10 above, either unilaterally or jointly with the FARDC, in a robust, highly mobile and versatile manner and in strict compliance with international law, including international humanitarian law and with the human rights due diligence policy on UN-support to non-UN forces (HRDDP), to prevent the expansion of all armed groups, neutralize these groups, and to disarm them in order to contribute to the objective of reducing the threat posed by armed groups on state authority and civilian security in eastern DRC and to make space for stabilization activities”

3. Monitoring the arms embargo. This task includes observation of moves of military personnel, arms, and other materials that pass through the border of eastern DRC.
4. Supporting national and international justice process. MONUSCO is required to support government of DRC and work together with the authority to bring justice to those took part in the violence during the war and crimes against humanity within the state⁴³.

Müller (2015) outlined that this authorization has put peacekeeping mission itself in double status: as peacekeeping and peace enforcement at the same time. Nevertheless, to accommodate the broadening mandates of the peacekeeping mission in term of the use of force, the UN labeled the operation of the FIB as robust peacekeeping⁴⁴. These labels enabled the organization to avoid the term of enforcement. However, the UN has been failed to explain the impartiality of

⁴³ For more details, please look: “the UN Security Council resolution 2098, paragraph 12”

⁴⁴ For more details, please look: “the UN Security Council Resolution 2098, paragraph 12 (b)”

mandate and how it could be used to take actions in the context of self-defense. Consequently, to assign their duty as the mediator between the conflict parties, the UN has put the higher risk on their peacekeepers. Due to lack of analysis, as well as distinction between peacekeeping and peace enforcement, the UN personnel often become the target of revenge (Müller, 2015:370). For instance, in December 2017, a dozen peacekeepers were killed in attack of armed-groups in MONUSCO base (Washington Post, 2017).

Müller (2015) also figured that the concept of UN peacekeeping comprises two defining features: firstly, from an organizational perspective. This applies when the missions are seen as the branches of the Security Council that follow the UN Charter, article 29. Secondly, peacekeeping featured the principles of the UN's peacekeeping operation under which these missions operate⁴⁵.

Consent of the Parties

Referring to the UN Charter, article 2 (7), it is understood that the deployment on the territory of host state is not permitted unless the Security Council authorized the operation through its mandate, under Chapter VII of the UN Charter. Accordingly, when it works in traditional concept, the peacekeeping missions generally require the acceptance of the parties in order to perform its functions. In the case of MONUC and MONUSCO, for instance, the parties, in these case are neighboring countries and several armed groups, had given their consent through signed agreement in order to halt hostilities and terminate the conflicts. In several issued resolutions, Müller (2015) showed that in traditional concept, it mentioned armed groups operating in eastern DRC, such as FDLR, APCLS, LRA, ADF, Mayi-mayi groups, and the other armed groups. Yet, seen from the case of FIB, in creating the mandate, the UN did not seek the acceptance of armed-groups involved in the conflicts. This situation gave the lack of chance to gain consent from the parties involved in the conflicts. Therefore, this kind of action could only be achieved through peace enforcement operations instead of peacekeeping (Müller, 2015:365).

⁴⁵ More details, look: "Chapter 2, the Principle of UN's Peacekeeping".

Impartiality

The FIB mandate showed the difference between impartial peacekeeping and partial peace enforcement. While MONUSCO is permitted to “take all necessary measures to protect civilians from violence emerging from parties engaged in the conflict”, on the other hand, it is stated that “FIB carry out targeted offensive operations.... either unilaterally or jointly with the FARDC.... to prevent the expansion of all armed groups, neutralize these groups and to disarm them in order to contribute to the objective of reducing the threat posed by armed groups on state authority⁴⁶”.

Accordingly, the authorization of Intervention Brigade showed its bias in every aspect by conducting joint operations with state armed forces, in this case FARDC, and declaring its objective of these operations to reduce armed-groups’ threats towards the host state. Through these actions, Müller noted that the UN Security Council issued a partial mandate for FIB, and left no space to impartiality towards other parties which are involved in the conflicts (Müller, 2015: 367). Meanwhile, in the UN’s system, Department of Peacekeeping Operations (DPKO), stressed that “impartiality should not be confused with neutrality and inactivity” (UN, 2008)⁴⁷. Nevertheless, when we look back the case, MONUSCO and FIB have place themselves as the pro-government of DRC and bring FIB troops may not be seen as the neutral troops (Murphy, 2016: 241).

Non-use of force

The UN is normally allowed to use the force as an exceptional case in peacekeeping operations. But, in the case of FIB, the Brigade is not only permitted to use the force when they become the target of armed-attack from warring parties, or when civilians living in a protected area become the target. But also, the Intervention Brigade is authorized to use the extensive force to combat particular parties and actively track down to fight the armed-groups

⁴⁶ For details, see the “UN Security Council Resolution 2098”

⁴⁷ For details, see “United Nations Peacekeeping Operations - Principles and Guidelines (2008)”.

themselves (Müller, 2015: 365).

In short, the Security Council has taken an extraordinary step by explicitly authorizing military force against named parties to the armed conflict in DRC. However, Rudolf (2017) saw this action was taken without referring to the agreed principles of peacekeeping that could create controversy afterwards (Rudolf, 2017:167).

3.7 Political Interest from International Actors

When the Force Intervention Brigade was initiated, De Vries (2015) clearly mentioned that the Brigade was a creation of SADC as South Africa, Tanzania, and Angola that possess strong strategic business with Kinshasa but difficult relationship with Kigali. De Vries agreed that the FIB was praised for its robust mandate in order to get M23 out, known as Rwandan proxy force, which was seen as direct threat to SADC's ally, the Kinshasa government (De Vries, 2015:44).

Piiparinen (2016) strengthened this argument and also drew attention to neighboring countries of DRC that provide the troops in the FIB apparently have their own national interest in order to finish ongoing civil war in DRC. The wars in DRC have affected those countries, including the spread of violence and the incoming refugees from affected provinces, which are bordered with those countries (Piiparinen, 2016:166). Rugeje & Maeresera (2016) also reinforced this statement by adding that international actors such as the European Union (EU), the US, the UK, France and Belgium had been supported by the cooperation between ICGLR and the SADC. However, seen from Rugeje and Maeresera's point of view, the interests of these international state actors may contradict against the political unity between the member states of these two groups, as the political and diplomatic relations between these international actors are not hospitable, instead the relations between members state have been hostile

(Rugeje & Maeresera, 2016:73) (BBC, 2013).

Viewing from a political perspective, Tull (2017) saw that the limited of FIB's peace enforcement had two intended consequences. First, the defeat of the M23 decreases the boost of DRC's government to promote the peace and build good institutions. Tull (2017) believed that every military intervention has political consequences to reshape the relations between national actors and warring parties. It is often to find that rulers and the armed groups are seen as buyer and seller, who use violence as the tool to deal with a maximum price they will gain from government. In the case of FIB, the troops had sharpened the situations since they are taking a side to the advantage of the government of DRC. The important point that can be taken from here is, the Intervention Brigade framed the rebel groups as the problem and state as the solution.

By issuing resolution 2098, the Security Council had indirectly assumed that all armed groups are hostile, therefore they could not be incorporated into political measures. Nevertheless, the fall of Goma had forcibly brought back the government of DRC to a negotiation table. It led the government of DRC recognized that the anarchic situations are caused by the poor governance and dysfunction of state institutions. Later on, through the Peace, Security, and Cooperation Framework (PCSF), the government agreed to commit to security sector reform, democratic reform and decentralization. PCSF is one of the most important frameworks for politic and diplomacy to build the peace in DRC and neighboring countries over the past decade. However, since the Intervention Brigade had arisen on the horizon, it caused negotiating the surrender of armed groups was not an important option anymore. The impression here is MONUSCO has put military solutions in order to approach the stabilization, leave the other goals such as: reconciliation, capacity building on political institution, and relations between country and society.

The second consequence is the defeat of M23 had brought MONUSCO and

government ended the cooperation with the mission. These two factors are considered could damage the prospect of stabilization and peace building in eastern DRC. Six months after the defeat of the M23, the effective cooperation between the FIB and the FARDC was getting slower. The UNSG himself has noted that the security situation did not show expected improvement (UN, 2014)⁴⁸. On the other hand, MONUSCO leadership also struggled to bring a message that the mission is working in the one mandate and one force. Nevertheless, the reality on the ground is not the same.

It is observed that the internal UN force is passive and static among the framework brigades. The commander of contingent at South Kivu Brigade, for instance, confirmed that the presence of his troops in DRC is for traditional peacekeeping that serves under chapter VII of the UN⁴⁹. Several governments that contribute troops to MONUSCO also have given their strict instructions for not putting themselves at any risk, so they will not defend the territory (Fabricius, 2017). Consequently, the passivity had affected the effectiveness for the protection of civilians (PoC), as the top priority of the mission. In March 2017, through the report written for MONUSCO, UNSG called for more “forthcoming cooperation by Troop-Contributing Countries (TCC) and impeded to report to the Security Council on any cases of non-performance”⁵⁰(UN, 2017).

The conflicts in the eastern DRC fell on the area where the peace and security are fallen under responsibility both SADC and the ICGLR. In the end, as suggested by Rugeje & Maeresera (2016), these two group’s relevant political and strategic security institutions need to continuously make synchronized efforts towards a workable mechanism for the utilization of Intervention Brigade in eastern DRC (Rugeje & Maeresera, 2016:76).

⁴⁸ “MONUSCO Report, September 2014, paragraph 89”.

⁴⁹ “UN, Strategic Review, Executive Summary, paragraph 26”

⁵⁰ “UN, MONUSCO Report, March 2017, paragraph 59”.

3.8 Now What? Should the UN Leave or Stay?

Almost a half-decade after the establishment of the Force Intervention Brigade in DRC, MONUSCO has extended the mandate for four consecutive years. However, violence in eastern DRC has increased tremendously in the past two years. Today, the number of IDPs in DRC is reaching almost three million, makes DRC as the country with the largest number of displaced persons (CRG, 2018). Through the research conducted by Congo Research Group, it was found that there are 132-armed groups across the country. The number has increased significantly since 2013⁵¹. There are signs that armed groups have begun positioning themselves again ahead political battle over national power.

In 2017, for instance, Clowes (2017) from *Reuters* reported that armed fighters led by the former military commander of the M23 have crossed over the border from Uganda. Moreover, on January 2018, veteran opposition and rebel leader Mbusa Nyamwisi declared that only an armed struggle that would be able to take President Kabila from power (CGR, 2018). As reported by Ligodi (2017) that the election in DRC that should take in place in end of 2016 could not be performed before April 2019. Consequently, dozens of people had been killed in protest to force Kabila to step down at the end of his presidential term.

After the victory to defeat the M23 in 2013, CRG (2018) pointed out that there is not a lot has been heard about the presence of the FIB. It quickly lapsed into a more reactive stance. MONUSCO again face the criticism from the international community that considered the Intervention Brigade is another failure. Not mentioning the worries of other humanitarian organization for the safety of their staff since MONUSCO now is considered taking the part of the conflict⁵². Some experts presented their arguments to remark the cause of the default of

⁵¹ See Appendix 2.

⁵² Joint INGOs sent their open letter to MONUSCO to ensure better protection of civilians during military operations.

MONUSCO to neutralize the other armed groups in DRC.

Firstly, Tull (2016) emphasized that the creation of FIB is political rather than military in nature. The idea to establish the Intervention Brigade coming from SADC was merely to rid M23 in order to discontinue the Rwandan backing. Once the M23 defeated, the troops were much less motivated to combat the other armed groups. During an interview conducted by CRG, it was also found that FIB troops refused direct orders, where one of senior MONUSCO officer reported that he had to physically present to conduct aggressive patrolling in Beni⁵³. Furthermore, in an official briefing with diplomats, CRG found that a senior officer of FIB said that he was obviously uncomfortable to use force against armed groups due to the contradicted mandate with the principle of UN peacekeeping (CRG, 2018: 14).

Secondly, Day (2017) found that the FIB only targeted four armed groups operating in DRC. Day (2017) gave the example during the massacre in Kasai that caused the deaths of 400 civilians⁵⁴. Since the name of the group performing massacre was not on the list, the FIB felt that it has no mandate to engage. This phenomenon has placed the FIB in criticism for not playing its role to its potential in combating one of the most serious atrocities in DRC.

Thirdly, after coordinated cooperation between MONUSCO and FARDC against armed group started in 2013, the coordination had been suspended in 2015 after the application of Human Rights Due Diligence Policy (HRDDP) in the mission⁵⁵. The Office of the United Nations High Commissioner for Human Rights (OHCHR) found that Congolese army had been involved in the massacre

⁵³ This information is collected through anonymous interview between CRG and MONUSCO staff.

⁵⁴ For more information, see report from Aljazeera at:

“<https://www.aljazeera.com/news/2017/08/250-killed-dr-congo-kasai-170804084918265.html>”

⁵⁵ “HRDDP is a policy designed to prevent the UN from supporting security sector elements that may commit grave human rights violations. More detail, please see Stimson Center. Challenges and the path Forward for MONUSCO. Better world Campaign & Stimson Center, 2016”

resulting sanctions by the UN addressed to FARDC commander for his role in killings, during the massacre in Beni from 2014 to 2015. Furthermore, *Reuters* (2016) reported that the UN affirmably stated that the mission would withdraw support for military campaign carried out by the Government of DRC against the Rwandan rebels, if the government does not remove two generals who were proven committed to human right abuses⁵⁶. Consequently, the government of DRC suspended coordinated operations with MONUSCO.

Relations between two forces were degenerated after the suspension. The suspension reduced the influence of MONUSCO in military operations and limited possibilities at the same time to address civilian protection issues (Verweijen, 2017). MONUSCO faced language and cultural barriers that disrupted intelligence gathering and responding to certain events (Better World Campaign, 2016). The suspension had reduced MONUSCO influence on the military operations and limited possibilities to address the issue of civilian protection (Washington Post, 2017).

Fourthly, Office of Internal Oversight Service (OIOS) observed that bad relations between MONUSCO and the government of DRC had negatively affected the effectiveness of the mission's operation to confront the armed groups elements. While some put the responsibilities on the indefinite agreement between government against the rebel groups, and some found blame in the way of mission civilian leadership participate with the government of DRC (OIOS, 2017).

Finally, MONUSCO military contingents were found are not so active in protecting civilians. This includes limited intelligence, the difficulty to distinguish Congolese army with armed groups due to similar uniform, difficult terrain, defiance to deal with guerrilla groups, and "limited nature" of a

⁵⁶ For more information, please see: "Nichols, M. U.N. to Congo: Remove generals accused of abuses or lose support. Reuters, 2015".

memorandum of understanding (MoU) signed by individual troops contributing countries. In fact, the reluctance of TCCs to engage in military armed groups despite orders from the leaders to do so had been noted by the Secretary General in his report⁵⁷(OIOS, 2017).

After all, in spite of shortcomings and accusation, Sanche & Morgan (2017) agreed that the UN, in this case is MONUSCO, needs to remain in the DRC. Even though the mandate and activities must be revised, including the clear distinction between Intervention Brigade and traditional peacekeepers, the peacekeeping operation must continue. Through its regional Intervention Brigade, the UN has supported the FARDC forces to crack down armed-groups in eastern DRC. In 2017, *Defence Web*, the Africa's leading defence news portal⁷ reported that more than 1,300 South African National Defence Force (SANDF) personnel joined into the Intervention Brigade had continued to operate in MONUSCO. So far, FIB stars as a strong joint operation that had helped the defeat several armed-groups since 2013. Withdrawing the troops obviously would leave the country with additional new internal civil war.

Furthermore, *The Economist* (2016) reported that the existence of the UN in DRC is possibly helpful. Its presence does not just bring the forces, but also deploying staff to monitor the current situation that can raise the warning signal for incoming danger. The departure of the UN from DRC will enable particular parties to create conflict and threat local population without having any resistance. Consequently, there would be more fighting and less aid and humanitarian agencies that are willing to operate in DRC. It is understandable that until DRC gets government that is able to and will to do its best to protect its people, the UN will be needed.

Yet, in spite of critics coming from international community questioning the intervention of the UN in DRC, the Security Council and international NGOs

⁵⁷ See, "UN, MONUSCO Report, March 2017, paragraph 59".

also recognize the vital role MONUSCO plays in the protection of civilians and monitoring and reporting on human rights violations. Leave alone the incoming presidential election where MONUSCO plays a ‘crucial role’ in promoting stability of the country. Analyzed from the SRSR reports⁵⁸ issued from 2013, MONUSCO had shown its efforts to implement the mandate and engage in a range of vital responsibilities such as:

Neutralized the Armed Groups

Following the defeat of M23, the mission continued its operation through military components, including its Force Intervention Brigade. By coordinating with the FARDC, MONUSCO conducted operation against armed groups in eastern DRC including ADF, FLDR, and FRPI. The mission deploys means including attack helicopters, unarmed and unmanned aerial vehicles (UUAVs). Additionally, the mission also established bases in hotspot areas and conducted regular patrolling to deter armed group violations. The operations had suppressed the growth of the armed-groups. For FDLR, though now it is much larger, but the leadership among the group had been weakened. Later, it is followed by the closure of headquarters of ACPLS and surrendering of hundred rebellions that entered the national program of disarmament, demobilization, disintegration which is supported by MONUSCO.

Early Warning

Through Community Alert Networks (CANs), MONUSCO had pioneered the activity to improve situational awareness that will be able to respond quickly the threats against civilians. The mission distributed communication equipment to hundreds of local Congolese citizens. Consequently, the mission receives crucial information on current risks and conflict and is able to do preventive actions to avoid casualties.

Local conflict prevention and stabilization

By engaging with local communities, MONUSCO’s civil affairs section prevents and resolves local conflicts, including long running inter communal disputes that

⁵⁸ For complete reports, check at: “<https://monusco.unmissions.org/en/reports-secretary-general-0>”

produce significant violence.

Monitoring and Reporting on Human Rights Violations

In order to improve accountability, Joint Human Rights Office (JHRO) provides regular reports on human rights violations. It includes reports on violations that are undertaken by rebellion groups and government forces.

The rule of law

To strengthen the rule of law and counter impunity, the mission regularly trains police, correction officers and members of the judiciary. Additionally, the mission also supports mobile courts to increase justice and provides technical support to the military and civilian justice systems.

For further insights in assessing whether UN is still required or not in DRC, Harvard University (2014) conducted a satisfaction survey in 2014 about the presence of UN troops in 600 villages and neighborhood. The study itself showed various results. In term of security, the respondents were asked whether FARDC and MONUSO were present in their villages. In total, 42% of respondents indicated the presence of FARDC, while only 11% indicated the presence of MONUSO. However, a geographic analysis showed that 32 percent of the respondents who contribute to the pole, lived within 5 kilometers from MONUSCO base, and 52 percent lived within 10 kilometers from the base. The analysis itself showed no difference to perceive safety based on the presence of FARDC. Moreover, statistically, the presence of MONUSCO base was associated with a lower sense of safety, with the fact that the bases are located in areas, which are less secure.

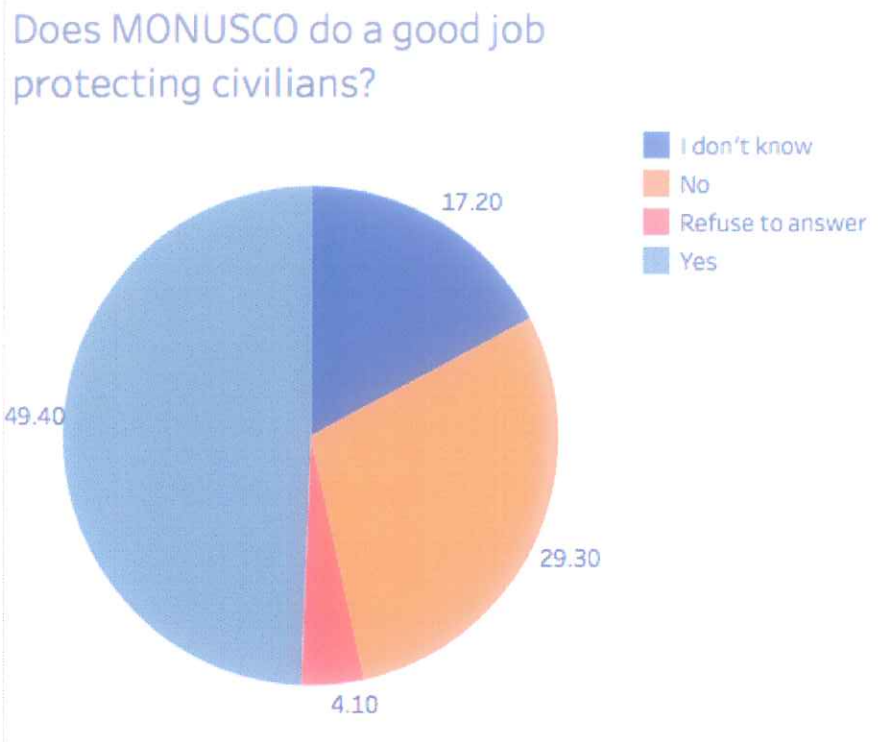
When the respondents were asked whether security actors, including MONUSCO, protect civilians or not, with regards to MONUSCO, the answers were varied. The results showed that 34% of respondents confessed that the body does nothing to protect civilians. The results are based on individual perceptions and might not represent the actual effect of the presence of the actors. Moreover, it may reflect how the local population put their high expectation on MONUSCO.

It may lead the respondents to see roles, which are normally carried out, by the police and FARDC, as the tasks that MONUSCO should perform. Here, the researchers thought that the fact that respondents put the lower trust in MONUSCO in providing security is caused by the lack of knowledge of the mission's mandate. Through the research, the facts showed that it was only 14 percent of respondents confessed their knowledge of the mission of being good to very good. To conclude, MONUSCO is required to step up and improve its community outreach and develop better strategies to increase its present visibility among actors and community.

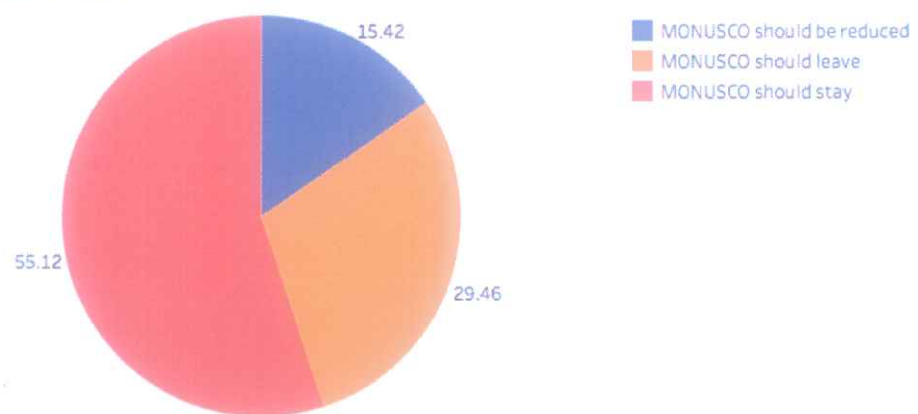
Additionally, Congo Research Group with the New York University (2016) had conducted a survey in 2016, by conducting face-to-face interview with 7,545 people. The main questions that were asked to relate to MONUSCO were: does MONUSCO do a good job to protect civilians, and should the mission leave or stay. The result of the survey was mixed, where 49.40 percent respondents thought that MONUSCO protected civilians and 29,3 percent did not think that MONUSCO did the job properly. In the meantime, when questioning whether MONUSCO should leave or stay, the results were also constantly mixed, where 55,1 percent think the peacekeepers are still needed and the other 29,4 percent think that the UN should leave.

Therefore, despite the criticism found after the establishment of the Intervention Brigade, based on most of argues and surveys, most of the correspondent agreed that the UN is still required in DRC.

Figure 1. Congo Research Group survey result



Should MONUSCO stay, leave immediately, or be reduced in size?



3.9 Conclusion

The creation of Force Intervention Brigade had created various challenges for the UN, particularly MONUSCO, including the safety of its personnel, both military and civilians. By taking sides next to the Congolese government, it is difficult for MONUSCO to be a neutral negotiator. Speaking about protection for the UN personnel, it appears that all MONUSCO personnel, including the FIB have the strong benefit from solid protective provisions under the Safety Convention. Nonetheless, observed from International Humanitarian Law, the status of protection of peacekeepers is remaining unclear. At the same time, seen from the principles of UN peacekeeping operations, the Brigade does not strictly follow the principles of peacekeeping. Consequently, the establishment of Intervention Brigade also carries the danger not only to UN personnel but also other humanitarian actors, such as humanitarian and aid workers operating in the country, which were considered by armed groups taking side of MONUSCO and the Brigade.

The FIB brought the new perspective in UN peacekeeping operations. Its actions effectively proved its effectiveness when it successfully defeated M23 and other armed-groups. With its joint operation with FARDC, the Brigade had prevented the groups become larger. ACPLS, had closed its headquarter and followed surrender of hundred of rebellions to join national reconciliation program. The operation also weakened the leadership of FDLR.

However, today, the security situation did not change a lot. Moreover, the violence does not target local civilians only, but also humanitarian workers and peacekeepers at the same time. Various analyses had been done. When we look back to the cause roots of conflict, it discovered that bad governance and institutional system, economic situation, and geopolitical interests had put DRC facing never-end conflicts. Additionally, the establishment of Intervention Brigade could not be separated from the interest of international actors, such as

the members of SADC, that are strongly supported by the European Union, the US, UK, France and Belgium.

To answer the question whether should UN leave or stay, the answers are diverse. However, despite the criticism found after the establishment of the FIB, based on most of arguments and surveys, most of correspondent agreed that the UN is still required in DRC.

CHAPTER 4

CONCLUSION

The thesis aimed to assess the UN Peacekeeping in Democratic Republic of Congo (DRC). The UN has been operating in DRC for almost two decades, leaving out the previous mission established four decades before. However, the study is merely focused on time period, from 2013 to 2017, after the establishment of the Force Intervention Brigade (FIB), as the first force that takes offensive actions to disarm and neutralize the armed groups, under the same leadership of the UN's peacekeeping operations, namely MONUSCO.

To consolidate research, the research used qualitative method, and DRC is used as the case study. Due to security situation in DRC, it was not possible to perform the field research in gathering required information. Therefore, all data used in this research come from books, articles and academic journals, newspapers from reputable and reliable resources, and organization reports, focused on human rights and conflicts in DRC. Moreover, in order to get insights from Congolese as the direct subject who are directly affected from the intervention, the thesis utilizes data collection from the result of surveys that were issued by reliable institutions. Additionally, personal experience of researcher could be included as a direct surveillance.

When it is observed since the first United Nations intervention in DRC, the conflicts are not merely internal matter, instead it involves the interests of other international actors. It could be seen since the beginning, the presence of the UN in the country because of the succession of Belgium troops that trigger the request of separation of Katanga Province, one of the richest mineral sources area in the country. Today, the presence of the offensive troops in DRC is a result of intervention from its neighboring countries, such as South Africa and Tanzania.

Four decades after the accomplishment of ONUC, the UN returned with another

mandate with the new name, MONUC, to observe the ceasefire after the signing of Lusaka agreement. However, only a few years after its establishment, MONUC changed into a larger mission. When the mission changed its name into MONUSCO, the mission hold record as one of the largest UN peacekeeping operations in the world. At the same time, it became the first mission that was authorized to use the force to combat peculiar armed groups in the eastern DRC with the Force Intervention Brigade (FIB).

Observing conflicts in DRC, it is necessary to see the root cause of the conflicts in DRC. Three clusters are divided to determine the cause of the conflicts. First, UNECA (2015) found that bad governance and the failure of institution system is a significant root cause that motivates conflicts in DRC. Supporting this argument, USAID (2015) also discovered that the governance system in DRC, which still adheres patrimonial and clientelistic systems, later led into dysfunctional institutions. Even though De Vries (2015) emphasized that the method used by the government right now is neo-patrimonialism, De Vries also agreed that the conflict in DRC is the result of weak state and the tensions among the community. Furthermore, the status of DRC as a post-colonial state contributes in fueling conflict in the country. During the colonial period, the community was divided into two different categories: ruler group and ruling group. As Mizuno and Okaza (2009) observed, this system created suspicious, distrust and conflicts among the indigenous people that were continued after the independence period. As *the Guardian* (2010) found through the interview with a Congolese who gave his perception that poor political class in Congo is one of the consequences of Belgian colonization. Moreover, Wong (2012) also agreed that conflicts among ethnics, which is leading into the land issue, and Disarmament, Demobilization and Reintegration (DDR) program, is considered as the consequent of underdevelopment in a post-colonial country in Africa (Wong, 2012). The government of DRC had failed to establish an institutional environment for the good governance (The Guardian, 2010).

Second, UNECA (2015) found that the high number of youth unemployment and devastation of economic environment had led into the inability of the government of DRC in providing basic services and security to its people. International Monetary Fund (IMF) found that only 100 out of 9,000 university graduates who are able to find a job that suitable to their level education. These unemployed youths are finally joined the rebellions or worked in the illegal mining, under control of the operating armed groups, to get their income. Even though DRC is known as the rich mineral country, particularly cobalt, many experts showed the facts that minerals did not lead into the war. Experts found that minerals only play a minor role in funding the armed groups. For instances, Laudati (2013) showed the facts that Mbusa Nyamwisi supported his rebels from cross-border trade. Additionally, in order to fund CNDP, Laurent Nkunda just gained limited profits from mining activities. Meanwhile, M23 relied on taxes of households and transports, FDLR depended on gold, but more heavily relied on illegal taxation, agriculture and charcoal (Bernarding, et al, 2015).

Third, geopolitical interest from regional and global levels is also considered as a major factor in fueling conflicts in DRC. It could be observed since state privatization by King Leopold in the nineteenth century. Moreover, the peace agreement given to overcome conflicts in DRC is not only the result of political negotiations, but also representing economic factors, interests of neighboring countries, and other international actors (Musila, 2014). For instance, South Africa, as a pioneer and one of troop contributing countries for the Intervention Brigade, is the biggest supplier for good and services in DRC.

From the legal basis, the FIB faces the legal challenges, particularly for the safety of the UN personnel, both military and civilians. Viewed from International Humanitarian Law and Rome Statute of the International Criminal Court, its status as protector and combatant at the same time has placed the other MONUSCO personnel to loose their protection as international civil servant. On the other hand, observed from the Safety Convention, MONUSCO personnel still

has protective provisions. Meanwhile, when it is analyzed from the principles of the UN peacekeeping operation, the FIB is not strictly following these principles. As a result, when it is analyzed from the legal basis, the status of Intervention Brigade had affected the other UN personnel since the Brigade works under the same umbrella of the peacekeeping operation. The forces have put themselves in ambiguous situation.

Viewed from the political perspective, there are four matters that need to be highlighted concerning the establishment of the FIB. First, it could not be denied that the creation of FIB was based on strong political interest among SADC members and other international actors that have strong strategic business relation with Kinshasa, but sour relations with Kigali. Tanzania, for example, after the Rwandan genocide had voted against the Rwanda to join East African Community in 2006. The relations are particularly sour in 2013 when the President of Tanzania asked Rwanda to hold the talks FDLR that led anger the Rwandan government (Beloff, 2016). Meanwhile, the relations between South Africa and Rwanda have been strained since 2010, and the visa office closed after the Rwandan intelligence head was found assassinated in Johannesburg (EWN, 2018). Second, the establishment of FIB had given two unintended consequences: diminishing the incentives of the Congolese government in promoting peace and ending the cooperation with the mission. Third, FIB intervention had created a result that the negotiating of the surrender-armed group was not important, and made PSCF remained in the paper. Fourth, MONUSCO's internal force stays passive and static those affect the effectiveness of protection of civilians. Moreover, after the application of HRDDP, MONUSCO faced some difficulties in performing the operations, such as language, cultural barriers, and political obstacles.

Despite its success in combating several armed groups, the UN is still receiving criticism from the international community that questions its effectiveness in promoting peace in DRC. Evidence shows the facts that since the establishment

of the FIB, the attacks against local populations and the UN personnel still could not be avoided. However, despite all those criticism, there are some facts that need to be highlighted, as the UN has put its efforts on the top of everything to implement the mandate. The UN's successful to disarm several armed groups had pushed the other rebellion groups to voluntarily surrender and joined national program of disarmament, demobilization, disintegration which are supported by MONUSCO. Furthermore, its community alerts networks program had prevented many local conflicts and casualties. To increase accountability, MONUSCO also includes the reports on violations undertaken by the rebel groups and government forces. Eventually, to strengthen the rule of law, MONUSCO supports increase justice and provide technical support to military and civilian justice systems.

Furthermore, I agree with Whittle (2015) that there shall be a clear distinction between the FIB with traditional peacekeepers. Firstly, The FIB shall distinguish themselves from regular troops by avoiding the use of blue beret and the UN white vehicles. That would be great to separate two forces where the laws apply to each, where FIB could operate under the full remit of IHL, and MONUSCO operation will not lose its privilege as a neutral political mediator, through its relations with offensive combat force. Secondly, the FIB operations shall be clearly distinguished from MONUSCO. Therefore, the Brigade shall not use the knowledge intelligence from MONUSCO to implement the mandate, or obtain advantage through its association with MONUSCO that made MONUSCO personnel as potential target. Thirdly, in order to work more independently, the troop shall come from the countries that share a similar language and culture. In the case of the FIB, it is only Tanzania that shares a similar culture and speak the same local language, namely Kiswahili, while neither South Africa nor Malawi speak Kiswahili or French. Eventually, the UN should apply a strict sanction for any cases of non-performance that had been noted by UNSG in his report. However, as December 2017, no case was reported.

To conclude, military means carried by MONUSCO through its Intervention

Brigade is not enough to resolve conflicts in DRC. Non-military solutions shall be applied together to address various problems including the land ownerships, the tension between ethnic, management of natural resources, and top of everything, the power disputes. The Intervention Brigade may become a competent agent to accomplish this political process by taking the rule as a preventer, to convince the armed groups in negotiating, so they will not attain their goals by coercions and violence.

When it comes to the question of whether the UN as a whole should leave or stay in DRC, based on the survey results conducted by Harvard Universities (2015), New York University and Congo Research Groups (2016), it concludes that most of correspondent agreed that the UN is required to remain in the country. As also strengthened by *The Economist* (2016), and Sanche & Morgan (2017), the peacekeeping operation is required until the government of DRC is able to provide its best protection for its people. The experts believed that pulling out the troops out of DRC would leave the country with additional civil wars.

Appendix 2.

Map of proliferation of Armed Groups in DRC (Kivu Security, 2017)

MAP OF NON-STATE ARMED ACTORS IN NORTH & SOUTH KIVU (DEMOCRATIC REPUBLIC OF THE CONGO)

October 2017
www.kivusecurity.org
www.sulu.org

- | | |
|---------------------------------|---------------------------------|
| 1 - ADF | 70 - RM Butachibera |
| 2 - APCLS | 71 - RM Donat/Ngandu |
| 3 - CNRD | 72 - Rala Mutomboki Eterenge |
| 4 - FDC-Guides | 73 - Mai-Mai Kiwira Kabame |
| 7 - Busumba group | 74 - RM Hamakombo |
| 8 - FDLR-FOCA | 75 - RM Imani Bitaa |
| 9 - FDLR-RUD | 76 - RM Kimba |
| 10 - FNL - Nzabampema | 77 - RM Kazimoto |
| 11 - Mai-Mai Kombi | 78 - Rala Mutomboki Lukoba |
| 12 - Nyatura FDP | 79 - Rala Mutomboki Mabala |
| 14 - LD Zone | 80 - RM Maheshe |
| 15 - LD Kishumba | 81 - RM Mungoro |
| 16 - LD Mahinduzi | 82 - Rala Mutomboki Mirage |
| 17 - Mai-Mai Mbulu | 83 - RM Mutole |
| 18 - Mai-Mai Délégués | 84 - Rala Mutomboki Safari |
| 19 - es-M23 | 85 - RM Ndarumanga |
| 20 - Guides-MAAC | 86 - RM Shukuru |
| 21 - Mai-Mai Charles | 87 - RM Kivwama |
| 22 - Corps du Christ | 88 - RM Wemba |
| 23 - FRPI | 90 - UPCP-Lafontaine |
| 24 - RM Kabanzi | 91 - RM Shabani |
| 26 - Mai-Mai Kifuafua | 93 - RM Bipompa |
| Baami-Limendi | 94 - Mai-Mai Nyandenga |
| 27 - Mai-Mai Kifuafua Delphin | 95 - Nyatura Love |
| 28 - Nyatura Kigingi | 96 - Mai-Mai Mazimano |
| 29 - Mai-Mai Kifuafua Maachano | 97 - Rala Mutomboki Kisekelwa |
| 30 - Mai-Mai Kifuafua Shallo | 98 - Mai-Mai Jackson |
| 31 - Mai-Mai Simba (Manu) | 99 - Mai-Mai Darlo |
| 32 - Mai-Mai Inwemyemali | 100 - Mai-Mai Léopold-Muthundo |
| 33 - Mai-Mai Nzirunga | 101 - MRCL |
| 34 - Mai-Mai Forces Divines | 102 - UPLC |
| Simba | 103 - Rala Mutomboki Shabitembe |
| 35 - Nyatura Mahanga | 104 - Mai-Mai Ebu Ela |
| 36 - Mai-Mai Reunion (FPC) | 105 - RED-Tabara |
| 37 - Nyatura Bizagwira | 106 - Ngumino |
| 38 - Mai-Mai Makanaiki | 107 - Mai-Mai Bigaya |
| 39 - Mai-Mai Kiribicho | 108 - FOREBU/FPB |
| 41 - Mai-Mai Maboro | 109 - FNL Nibizi |
| 42 - Mazembe | 110 - RM Kabazimia |
| 43 - Biloze Bishambuke | 111 - Nyatura Capuzza |
| 44 - Mai-Mai Mutumba | 112 - Nyatura JED |
| 45 - Mai-Mai Mushombe | 113 - Nyatura Jean-Marie |
| 46 - Mai-Mai Nguru | 114 - Mai-Mai Kithikyoto |
| 47 - Mai-Mai Nyakiliba | 115 - Mai-Mai Sibenda |
| 48 - Mai-Mai Nyerere | 116 - Milice Pakombe |
| 49 - Mai-Mai PRM/PAREM | 117 - Mai-Mai Lwanga |
| 50 - Mai-Mai Echilo | 118 - Mai-Mai Simba-Luc |
| 51 - Mai-Mai Malaika-She Assani | 119 - Milice N'yuba |
| 52 - Mai-Mai Vuvya | 120 - Rala Mutomboki Mamba |
| 53 - Mai-Mai Yakutumba | 121 - Mai-Mai Muhima |
| 54 - Mai-Mai Karakara | 122 - RM Machite |
| 55 - Nyatura-APRDC | 123 - Rala Mutomboki Manyilica |
| 57 - NDC-R | 124 - Mai-Mai Aigie |
| 58 - NDC Sheka | 125 - Twiganaho |
| 60 - Nyatura Delta | 126 - Nyatura Nzayi |
| 61 - Nyatura Dioni | 129 - Mai-Mai René |
| 62 - Mai-Mai Mukekenya | 130 - Rala Mutomboki Shemakingi |
| 63 - Nyatura Kavumbi | 131 - Local Defense Ngengwe |
| 64 - Nyatura Kalume | 132 - CNPSC |
| 65 - Nyatura Kasongo | |
| 68 - RM Aililo | |
| 69 - Rala Mutomboki Blaise | |



Appendix 3

DRC's Minerals by Province⁵⁹

No	Province	Minerals
1	Badundu	Diamonds, gold, petroleum
2	Bas Congo	Bauxite, Oil shales, limestones, phosphates, vanadium, diamonds, gold
3	Equateur	Iron, copper and associates, gold, diamonds
4	Orientale	Gold, Diamonds, Iron
5	Kasai Oriental	Diamonds, Iron, Silver, Nickel, Tin
6	Kasai Occidental	Diamonds, gold, manganese, chrome, nickel
7	Katanga	Copper and associates, cobalt, manganese, limestone, uranium, coal
8	North Kivu	Gold, niobium, tantalite, cassiterite, beryl, tungsten, monzanite
9	South Kivu	Gold, niobium, tantalite, cassiterite, sapphire
10	Maniema	Tin, diamonds, cassiterite, coltan

⁵⁹ World Bank Data, 2008

Appendix 4
Armed Groups in Eastern DRC⁶⁰

No	Name of Armed-Group	Occupancy Areas
1	Mouvement du Mars 23 (M23)	North Kivu
2	Maï Maï Hilaire (Union pour la Réhabilitation de la Démocratie du Congo - URDC)	Beni
3	Forces démocratiques de libération du Rwanda (FDLR)	Masisi, Walikale, Southern Lubero and Rutshuru territories
4	Maï Maï Kifuafua	North Kivu, in Masisi territory
5	Raia Mutomboki	South and North Kivu
6	Maï Maï Sheka (Nduma Defence of Congo - NDC)	North Kivus' Masisi territory
7	Maï Maï Morgan	Orientale Province, in Mambasa and Bafwasende territories
8	Local Defence Forces Busumba (LDF)	North Kivus' Masisi territory
9	Front de défense du Congo (FDC)	Ntoto and Kimua
10	Union des Patriotes Congolais pour la Paix (UPCP/FPC)	North Kivu's Lubero Territory
11	Mouvement d'Action pour le Changement (MAC)	Masisi
12	Mouvement Populaire d'Autodéfense (MPA)	Rutshuru territory
13	Kata Katanga	Katanga Province
14	Maï Maï Simba	Maniema and Orientale provinces
15	Allied Democratic Forces (ADF)	Beni territory
16	Lord's Resistance Army (LRA)	Northern DRC
17	Forces nationales de libération (FNL)	South Kivu
18	Maï Maï Yakutumba	South Kivu
19	Nyatara	Masisi

⁶⁰ More details, see IRIN news, "Armed Groups in eastern DRC, available at: <http://www.irinnews.org/report/99037/briefing-armed-groups-eastern-drc> "

20	Forces des Défense des Intérêts du Peuple Congolais (FDIPC)	Rutshuru territory
21	Alliance des Patriotes pour un Congo Libre et Souverain (APCLS)	Masisi
22	Coalition des Groupes Armés de l'Ituri (COGAI)/MRPC	Orientale Province
23	Forces de résistance patriotiques en Ituri (FRPI)	Ituri
24	M18	Orientale Province
25	Forces de Défense Nationale (FDN)	Walikale territory
26	M26	North Kivu

BIBLIOGRAPHY

Articles

- Al Barazi, S., et al., 2017. *Cobalt from the DR Congo - potential, risks, significance for the global cobalt market*. Bundesanstalt für geowissenschaften und rohstoffe.
- Benson, J., 2016. *The UN Intervention Brigade: Extinguishing Conflicts or Adding Fuel to the Flames*. One Earth Future.
- Bernarding, N., Guesnet, L., Müller-Koné, M., 2015. *No rebel without a cause: shifting the debate about conflict minerals in eastern DRC*. BICC Working Paper.
- Better World Campaign, 2016. *Challenges and the Path Forward for MONUSCO*. Washington DC: Better World Campaign.
- Besharti, N.A., Mthembu-Salter, G., 2016. *Eyes on the prize: South African business in the DRC*. Johannesburg: SAIIA.
- Bildt, C., 2011. *Dag Hammarskjöld and United Nations Peacekeeping*. United Nations Publications, 2011.
- Brinkerhoff, D.W., Goldsmith, A.A., 2002. *Clientalism, patrimonialism and democratic governance: an overview and framework for assessment and programming*. Cambridge: Abt Associates Inc.
- Cammaert, P., Blyth., 2013. *The UN Intervention Brigade in the Democratic Republic of the Congo*. Vienna: International Peace Institute.
- Cawthra, G., 2016. *Peacekeeping Interventions in Africa*. Maputo: Friedrich-Ebert- Stiftung Mozambique.

Clark, J.N., 2011. *UN Peacekeeping in Democratic Republic of Congo: Reflections on MONUSCO and Its Contradictory Mandate*. Leiden: Martinus Nijhoff.

Congo Research Group, 2018. *New CRG Report - The art of the possible: MONUSCO's new mandate*. Congo Research Group, 1 March.

Day, A., 2017. *The best defence is no offence: why cuts to UN troops in Congo could be a good thing*. United Nations University, 15 May.

De Luca, G., et al., 2012. *Mineral resources and conflicts in DRC: a case of ecological fallacy*. Washington DC: International Food Policy Research Institute (IFPRI).

De Vries, H., 2015. *Going around Circle: The challenges of peacekeeping and stabilization in the Democratic Republic of the Congo*. The Hague: Netherlands Institute of International Relations.

Enough Project, 2009. *A Comprehensive Approach to Congo's Conflict Minerals*. Washington DC: Enough Project.

Fabricius, P., 2017. *Is the Force Intervention Brigade still justifying its existence?* Institute for Security Studies, 22 June.

Fleck, D., 2014. *The legal status of personnel involved in United Nations peace operations*. International Review of the Red Cross, 613-636.

Hatto, R., 2013. *From Peacekeeping to Peacebuilding: The evolution of the role of the United Nations in Peace Operations*. International Review of the Red Cross.

Jacobson, T.W., 2012. *UN Peacekeeping: Few success, many failures, inherent flaws*. International Diplomacy & Public Policy Center. Available from: http://www.idppcenter.com/UN_Peacekeeping_Failures.pdf

Melber, H., 2017. *Lumumba, Hammarskjöld, and the cold war in the Congo*. New African. Available from: https://www.researchgate.net/publication/316166987_Lumumba_Hammarskjöld_and_the_Cold_War_in_the_Congo

Musila, C., 2014. *The DRC and its Neighbourhood: The Political Economy of Peace*. Johannesburg: SAIIA.

Oswald, B., 2013. *The Security Council and the Intervention Brigade: Some Legal issues*. Insights. Available from: <https://www.asil.org/insights/volume/17/issue/15/security-council-and-intervention-brigade-some-legal-issues>

Piiparinen, T., 2016. *Intervening to Strengthen sovereignty: The lessons of the UN Intervention Brigade for Global Peacekeeping*. LA: Sage.

Sanchez, W.A., Morgan, S., 2017. *Yes, MONUSCO needs to stay in the DRC*. International Policy Digest, 13 May.

Sheeran, S., Case, S., 2014. *The Intervention Brigade: Legal Issues for the UN in the Democratic Republic of the Congo*. NY: International Peace Institute.

Stearns, J., Vogel, C., 2017. *The landscape of armed groups in Eastern Congo*. Kivu Security Tracker, available from: <https://reliefweb.int/sites/reliefweb.int/files/resources/Landscape%20of%20Armed%20Groups%20Essay%20KST.pdf>

Tull, D. M., 2016. *United Nations Peacekeeping and the use of Force*. Berlin: Stiftung Wissenschaft und Politik.

USAID, 2015. *Beyond stabilization: understanding the conflict dynamics in North and South Kivu, Democratic Republic of Congo*. USAID.

Vaughan, L., Tzanakopoulos, A., 2011. *Humanitarian Intervention*. Oxford Public International Law. Available from: <http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e306>

Vlassenroot, K., 2012. *Dealing with land issues and conflict in eastern Congo: towards an integrated and participatory approach*. Brussels: Conflict Research Group.

Willmot, H., Sheeran, S., Sharland, L., 2015. *Safety and Security Challenges in UN Peace Operations*. International Peace Institute.

Books

Beardsley, K., 2012. *UN Intervention and the duration of international crisis*. LA: SAGE.

Carey, M., 2013. *The social work dissertation: using small-scale qualitative methodology*. NY: McGraw Hill.

Creswell, J.W., 2014. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. LA: SAGE, 2014.

Hanhimäki, J.M., 2008. *The United Nations A very short introduction*. Oxford: Oxford University Press.

Haskin, J.M., 2005. *The Tragic State of the Congo: From Decolonization to Dictatorship*. NY: Algora Publishing.

Hogan, J., Dolan, P., Donnelly, P., 2009. *Approaches to qualitative research: theory & its practical application*. Oak Tree Press.

International Committee of the Red Cross, 2005. *Customary International Humanitarian Law*. Cambridge: Cambridge University Press.

Keohane, R.O., Holzgrefe, J.L., 2003. *Humanitarian Intervention, Ethical, Legal, and Political Dilemmas*. Cambridge: Cambridge University Press.

Kisagani, E.F., 2012. *Civil Wars in the Democratic Republic of the Congo 1960-2010*. Colorado: Lynne Rienner Publishers.

Levine, D.H., 2014. *The Morality of Peacekeeping*. Edinburg: Edinburg University Press.

MacQueen, N., 2011. *Humanitarian Intervention and The United Nations*. Edinburg: Edinburg University Press.

MacQueen, N., 2014. *United Nations Peacekeeping in Africa Since 1960*. London: Routledge.

Nasu, H., 2009. *International Law on Peacekeeping. A study of Article 40 of the UN Charter*. Leiden: Martinus Nijhoff.

Prunier, G., 2009. *Africa's world war: Congo, The Rwandan genocide, and the making of continental catastrophe*. Oxford: Oxford University Press.

Soderlund, W.C., et al., 2012. *Africa's Deadliest Conflicts. Media Coverage of the humanitarian disaster in the Congo and the United Response 1997-2008*. Waterloo: Wilfrid Laurier University Press.

United Nations Economic Commission for Africa, 2015. *Democratic Republic of Congo: causes, impact and implications for the Great Lakes region*. Addis Ababa: UNECA.

Vincent, R.J., 1974. *Non Intervention and International Order*. NJ: Princeton University Press.

Book Chapters

Berdal, M., 2016. *The State of UN peacekeeping: lessons from Congo*. London: Routledge, pp. 721 – 750.

Doss, A., 2014. *In the footsteps of Dr. Bunche: The Congo, UN peacekeeping and the use of force*. London: Routledge, 703-735.

Karlsrud, J., 2015. *The UN at war: examining the consequences of peace-enforcement mandates for the UN peacekeeping operations in the CAR, the DRC and Mali*. London: Routledge, 40 - 54.

Kuele, G., Cepik, M., 2017. *Intelligence support to MONUSCO: challenges to peacekeeping and security*. London: Routledge, 44-68.

Laudati, A., 2013. *Beyond minerals: broadening 'economies of violence' in eastern Democratic Republic of Congo*. London: Routledge, 31-50.

Mizuno, N., Okaza, R., 2009. *Colonial experience and postcolonial underdevelopment in Africa*. Berlin: Springer, 405-419.

Müller, L., 2015. *The Force Intervention Brigade - United Nations Forces beyond the fine line between peacekeeping and peace enforcement*. Oxford: Oxford University Press, 359-380.

Murphy, R., 2016. *UN peacekeeping in the Democratic Republic of the Congo and the protection of civilians*. Oxford: Oxford University Press, 209 - 246.

Piiparinen, T., 2015. *Beyond the Technological Turn: Reconsidering the Significance of the Intervention Brigade and Peacekeeping Drones for UN Conflict Management*. *Global Governance*, 141-160.

Rugeje, E.A., Maeresera, S., 2016. *The United Nations Force Intervention Brigade: wither the SADC / ICGLR synchronized peace support efforts in the eastern Democratic republic of Congo recurring conflict?* *Journal of International Studies*, Vol. 12, 65-79.

Sloan, J., 2014. *The Evolution of the Use of Force in UN Peacekeeping*. London: Routledge, 674–702.

Smith, M.J., 2000. *Humanitarian Intervention Revisited. Is There a Universal Policy*. *Harvard International Review*, 72-76.

Tull, D.M., 2009. *Peacekeeping in the Democratic Republic of Congo: Waging Peace and Fighting War*. London: Routledge, 215-230.

Tull, D.M., 2017. *The limits and unintended consequences of UN peace enforcement: the Force Intervention Brigade in the DR Congo*. London: Routledge, 167-190.

Tusalem, R.F., 2016. *The colonial foundations of state fragility and failure*. University of Chicago Press, 445-495.

Whittle, D., 2015. *Peacekeeping in Conflict: The Intervention Brigade,, MONUSCO, and the Application of International Humanitarian Law to United Nations Forces*. Georgetown Journal of International Law, 837-875.

Willmot, H., Sheeran, S., 2013. *The protection of civilians mandate in UN peacekeeping operations: reconciling protection concepts and practices*. International Review of the Red Cross, 517-538.

Wong, P.N., 2012. *Discerning an African Post-colonial Governance Imbroglio: Colonialism, Underdevelopment and Violent Conflicts in the Democratic Republic of Congo (DRC), Liberia and Sierra Leone*. Leiden: Koninklijke Brill NV, 66-94.

Documents

International Committee of the Red Cross, 2008. *How is the Term "Armed Conflict" Defined in International Humanitarian Law?* Geneva: ICRC. Available from: <https://www.icrc.org/eng/assets/files/other/opinion-paper-armed-conflict.pdf>

International Committee of the Red Cross, 2014. *What is international humanitarian law?* Geneva: ICRC.

International Criminal Court, 2011. *Rome Statute of the International Criminal Court*. The Hague: International Criminal Court.

MONUSCO, 2017. *DRC: Victims' harrowing accounts indicate government complicity in ethnic-based massacres in Kasai - UN Report*. Available from: <https://monusco.unmissions.org/en/drc-victims'-harrowing-accounts-indicate-government-complicity-ethnic-based-massacres-kasai—un>

Office of Internal Oversight Services, 2017. *Inspection and Evaluation Division: Evaluation Report*. OIOS.

Office of the United Nations High Commissioner for Human Rights (OHCHR), 2015. *Report of the United Nations Joint Human Rights Office on the International Humanitarian Law violations committed by Allied Democratic Forces (ADF) combatants in the territory of Beni, North Kivu province, between 1 October and 31 December 2014*. OHCHR.

United Nations, 1945. *Charter of the United Nations and the Statute of International Court of Justice*. San Francisco: United Nations.

United Nations, 1992. *An Agenda for Peace: Preventive Diplomacy, peace Making and Peace Keeping*. United Nations Publications.

United Nations, 1999. *Resolution 1279 (1999)*. United Nations, 30 November.

United Nations, 2000. *Brahimi Report*. United Nations, 28 March.

United Nations, 2008. *United Nations Peacekeeping Operations: Principles and Guidelines*. UN Publications.

United Nations, 2013. *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*. United Nations, 15 February.

United Nations, 2012. *Resolution 2076 (2012)*. United Nations, 20 November.

United Nations, 2013. *Resolution 2098 (2013)*. United Nations, 28 March.

United Nations, 2013. *Report of the Secretary-General on the United Nations*

Organization Stabilization Mission in the Democratic Republic of the Congo.
United Nations, 17 December.

United Nations, 2014. *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.*
United Nations, 25 September.

United Nations, 2017. *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.*
United Nations, 10 March.

United Nations. *Convention on the safety of united nations and associated personnel.* United Nations. Available from:
<http://www.un.org/law/cod/safety.htm>

United Nations. *MONUC background.* United Nations. Available from:
<https://peacekeeping.un.org/mission/past/monuc/background.shtml>

World Bank, 2008. *Document of the World Bank: Democratic Republic of Congo growth with governance in the mining sector.* Washington DC: World Bank.

News

Africanews, 2017. *25 civilians killed in DR Congo rebel attack.* Africanews, 19 February.

Aljazeera, 2017. *Bodies of missing UN workers found in DRC.* Aljazeera, 29 March.

BBC, 2013. *Mali conflict: UN backs France's military intervention.* BBC, 15 January.

BBC., 2013. *Africa's Great Lakes, but bad neighbors*. BBC, 31 July.

BBC, 2013. *DR Congo M23 rebels 'all but finished', says UN*. BBC, 29 October.

BBC, 2017. *Kasai unrest: UN experts found dead in DR Congo*. BBC, 29 March.

Beloff, J., 2016. *Friends forever, again? Rwanda and Tanzania mend bridges*. African Arguments, 15 June.

Borger, J., 2013. *UN sends force to look for a fight in Democratic Republic of the Congo*. The Guardian, 5 May.

Brooks, C., 2013. *UN tests combat brigade in Democratic Republic of Congo*. Aljazeera America, 6 September.

Charbonneau, L., 2013. *Rwanda complains to UN about new Congo Brigade*. Reuters, 15 July.

Clows, M., 2017. *Congo government says M23 rebel fighters cross over border from Uganda*. Reuters, 15 January.

CNN, 2005. *World sends help for tsunami victims*. CNN, 1 January.

Diab, K., 2010. *Congo's colonial ghost*. The Guardian, 21 April.

Dixon, R., 2014. *Congo's land conflicts prolong warfare in east*. LA: Los Angeles Times, 2 January.

Gallo, C.J., Vogel, C., 2013. *UN's elite force raises the stake in DRC*. Aljazeera, 16 July.

Gberie, L., 2013. *Intervention Brigade: end game in the Congo?* Africa Renewal, August 2013.

Great Lake Voice, 2013. *M23: If UN special force attacks us, it will be catastrophic & apocalyptic.* Great Lakes Voice, 1 April.

Great Lakes Voice, 2013. *Foreign Affairs Minister Tchibanda calls M23 to dissolve or face force wrath.* Great Lakes Voice, 2 April.

Irinnews, 2013. *NGOs concerned about new DRC Intervention Brigade.* Irinnews, 31 May.

Irinnews, 2013. *Armed groups in eastern DRC.* Irinnews, 31 October.

Jones, P., Smith, D., 2012. *Congo rebels take Goma with little resistance and to little cheer.* The Guardian, 20 November.

Kulish, N., Sengupta, S., 2013. *New U.N. Brigade's aggressive stance in Africa brings success, and risks.* The New York Times, 12 November.

Le Potentiel, 2018. *Failles de l'ONU après la mort de 15 Casques bleus en RD Congo.* Le Potentiel, 7 March.

Ligodi, P., 2017. *No Congo election until mid-2019, vote commission says, angering opposition.* Reuters, 11 October.

Long, N., 2015. *Ugandan ADF Rebel Commander Killed in Congo.* Voanews, 29 April.

Mahamba, F., 2017. *Militants attack east Congo bases, killing two U.N.*

peacekeepers. Reuters, 8 October.

Moloo, Z., 2016. *UN peacekeepers in the DRC no longer trusted to protect*. Aljazeera, 18 January.

Moshiri, N., 2013. *Is DR Congo peace only 'paper thin'?* Aljazeera, 25 February.

Nichols, M., 2013. *U.N. Security Council allows drones for eastern Congo*. Reuters, 24 January.

Plessis, C., 2018. *Diplomatic Relations between SA, Rwanda to return to normal*. Eyewitness news, available at: <http://ewn.co.za/2018/03/21/diplomatic-relations-between-sa-rwanda-to-return-to-normal>

Raghavan, S., 2013. *In volatile Congo, a new UN force with teeth*. The Washington Post, 2 November.

Rice, X., 2010. *Fertile land the prize that could reignite ethnic conflict in DR Congo*. The Guardian, 26 August.

Sengupta, S., 2014. *UN to send peacekeepers to Central African Republic*. The New York Times, 10 April.

Smith, D., 2010. *UN 'ignored Congo rape warnings'*. The Guardian, 3 September.

The East African, 2013. *Will the UN's brigade bring peace to Congo?* The East African, 4 May.

Timberg, C., 2008. *Report: Congo's War and Aftermath Have Killed 5,4 Million*. Washington Post, 23 January.

Townsend, M., 2015. *Revealed: how the world turned its back on rape victims of Congo*. The Guardian, 13 June.

Tumwebaze, P., 2013. *Edemic DRC war: need for a bottom-up approach*. The New Times, 13 August.

News Analyses

Bosco, D., 2013. *When peacekeepers go to war*. Foreign Policy, 1 April.

Frankel, T.C., 2016. *The cobalt pipeline: tracing the path from deadly hand-dug mines in Congo to consumers' phones and laptops*. Washington Post, 30 September.

Prendergast, J., Lezhnev, S., *A worsening crisis in Congo and the threat it poses to U.S. National Security*. Foreign Affairs, 13 October.

The Economist, 2016. *UN Peacekeeping in Congo: Never ending mission*. The Economist, 19 May.

Verweijen, J., 2017. *So U.N forces work closely with host country governments? Not in Congo*. The Washington Post, 3 April.

Vogel, C., 2017. *U.N. peacekeepers were killed in Congo. Here's what we know*. The Washington Post, 8 December.