

Policy Brief

Recurring insurgency in the Democratic Republic of Congo: A consequence of social exclusion or conflict entrepreneurship?

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Abstract

The Democratic Republic of Congo (DRC) is one of the richest countries in the world, with one third of the world's known cobalt and coltan deposits within its borders. Despite its rich mineral endowment, the vast east African nation is only known for recurrent insurgency, extreme poverty and incessant socio-economic decay. Recurrent intra-state conflicts have stalled any attempt at securing sustainable institutional transformation, negatively impacting and retarding development and growth. As the conflicts continue unabated, so does the plundering of precious minerals involving insurgent groups, well-connected and powerful individuals, local and external military units, Multi-National Corporations (MNCs) as well as private companies. Previous academic researches on the conflict have been largely restricted to analysing the impact of the unending wars without accounting for the cyclic behaviour of the conflicts. This policy brief attempts to establish the relationship between illicit exploitation of mineral resources and the conflicts, especially in the Eastern provinces of the DRC. Critical questions revolve around the dynamics of the DRC's persistent instability. What could be the underlying drivers of these unrelenting conflicts? Why would MNCs continue to sustain their business adventures in a conflict-ridden country? Who is sustaining the operations of the insurgent groups? What can be done to achieve a sustainable transformational change? This policy brief, through discourse analysis, attempts to establish the correlation between the recurring insurgency and illicit trade of minerals in the DRC, demonstrating how the conflicts can be better explained using theory of conflict entrepreneurship than the social exclusion school of thought. The brief concludes that as long as the root causes and drivers of the insurgency are not addressed, sustainable transformation will remain a fleeting objective.

Key Words

Insurgency, sustainable institutional transformation, conflict entrepreneurship, social exclusion, recurrent conflicts

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Source: Elizabeth Wilmshurst (2012)

Map of the Democratic Republic of the Congo showing eastern provinces of North and South Kivu which are prone to insurgency

Introduction: The historical perspective

The Democratic Republic of Congo (DRC) has not known peace, stability, and sustainable economic and socio-political development for long periods of time. There is always a fertile and breeding ground for conflict between its ethnic groups. Like in some African states experiencing post-colonial insurgency, the environment in the DRC has remained dynamic, hostile, fluid and complex (Barlow, 2019). Since the attainment of independence from Belgium in 1960 and after successive governments in power, the situation has remained at a stage where “Kinshasa pretends to govern, the world pretends to help” (Mills, 2014: 220). Accounting for the complexity of the DRC insurgency is key to finding sustainable transformation in the mineral rich east African nation. There seems to be a correlation between its wealth and the resurgent conflicts.

The analysis of the relationship between insurgency in the DRC and illicit trade of precious minerals cannot proceed without examining significant historical events. These are occurrences which have led to an entrenched of culture of patronage and pillage, lawlessness and impunity since the end of King Leopold’s rule in the then Belgian Congo. Since the end of colonial rule, the DRC’s history has always been a suitable case study of the resource curse in Africa (Brydges 2013). Paradoxically, successive governments have presided over a very rich and decaying country.

The most notable rule was the Mobutu Sese Seko regime of November 1965 to May 1997. Before Mobutu’s rule collapsed in 1997, his government survived on “wholesale plunder of the nation’s resources for private gain” (Gilpin and Downie, 2009). During his time, national resources were plundered under a policy known as *Zairianisation*, where foreign-owned business entities were nationalised and distributed to the inner circle (Venugopalan, 2016). The policy had devastating effects on the country’s political and socio-economic

development. Private sector confidence was damaged and creditworthiness was undermined, leading to devastating socio-economic decline (Venugopalan, 2016). Rates of inflation and unemployment increased inordinately and were coupled with widespread lack of social justice. However, his regime managed to survive through Cold War-era benevolence of the United States of America, Belgium and France. When the Cold War ended in 1991, so did his purpose as a *strategic ally* of the West. His old allies abandoned him on account of “refusing to carryout promised democratic reforms” (Ndikumana and Kisangani, 2003). This was the beginning of his demise and the coming in of lawlessness in the vast mineral-rich country.

Mobutu’s hold on power weakened and was worsened as effects of regional instability in Rwanda, Burundi and Uganda reached the DRC. His decline was catalysed by the 1994 genocide in neighbouring Rwanda in which over 800 000 Tutsis and moderate Hutus were killed. When Kagame, a Tutsi, seized power in Kigali, more than two million Hutus fled to the DRC, through the porous eastern borders (Venugopalan, 2016). The Rwandese were fleeing from “the disease of wounded hearts” (Prunier, 2011) as survivors sought retribution, while the perpetrators denounced others to escape punishment.

Among these refugees, were people of the Hutu ethnic group as well as former Rwandan soldiers and militiamen. They were accommodated (armed) by the United Nations High Commissioner for Refugees (UNHCR) in the Kivu regions, provinces dominated by Congolese Hutu. With armed refugees and fugitives of genocide trials close to the border, the leadership in Rwanda resorted to the invasion of the DRC in September 1996 (Prunier, 2011). Critical questions arise revolving around whether Rwanda failed to use other channels to address the issue. This the reason why many thus conclude that Rwanda, a poor country in terms of mineral wealth had other additional motives besides national security claims.

In light of the threat posed by refugees in the DRC, diplomatic options could have been used at regional level. Rwanda went on to back an anti-Mobutu rebel coalition, the Allied Democratic Forces for the Liberation of Congo (AFDL), under the leadership of Laurent Desire Kabila. This marked the beginning of the First Congo war which toppled Mobutu Sese Seko.

In the final analysis, it is important to note that it was the First Congo war which invited a number of armed groups whose eventual focus was on the control of DRC's mineral resources. Mobutu had the backing of Sudan (Khartoum) which counted on his support against the then South Sudan fighters, the South Sudan People's Liberation Army (SPLA). The DRC was also used as a launch pad for attacks on Rwanda, Uganda, and Burundi. Further to the South-West, Mobutu supported the National Union for the Total Independence of Angola (UNITA) rebel movement of Angola. However, his military defeat came as a result of lack of a formidable national army against coalitions supported by neighbouring countries.

When Kabila took office, he followed Mobutu's example of governance. In the early days of his rule, Kabila's government was underwritten by external powers of Rwanda and Uganda, who had installed him in power, motivated by their vested-interests in the DRC's mineral wealth close to their borders. At first Kabila welcomed foreigners in his army. Rwandese military officers were given posts to assist him as a *repayment* for the role in the overthrowing of Mobutu (Venugopalan, 2016). Kabila was considered an ally of the Rwanda-Uganda cooperation and easy to manipulate (McNully, 1999). Critics described Kabila as a puppet. The foreign soldiers were viewed as liability. On 26 July 1998 Kabila ordered foreign troops out of the DRC (Reyntjens, 1999).

When he ordered Rwandan troops out of the DRC, Kagame responded by marching his troops towards Kinshasa. The anti-Kabila crusade included proxy ethnic groups trained and

supported from Kigali. Rwanda counted on a quick victory based on a *blitzkrieg* capture of Kinshasa, the seat of government. However, Rwanda did not anticipate that Angola, Namibia and Zimbabwe would come to Kabila's aid, as part of a Southern African Development Community (SADC) military alliance. Kabila also relied on Burundian, Rwandan and Ugandan dissident groups (Nzongola-Ntalaja, 2002). The war transitioned from a "Congolese conflict to a continental war", involving Angola, Namibia, Rwanda, Uganda and Zimbabwe (Prunier, 2011). The war, also known as "Africa's World War", claimed over three million lives (Froitzheim et al, 2011).

Kabila did not last long as president. On January 16, 2001 he was assassinated by a security aide. He was succeeded by his son Joseph Kabila a week later (Ogunnoiki, 2019).

When the war officially ended in 2003, millions had died, many foreign military elements and insurgent groups were a common feature. The extraction of the DRC's resources by networks of external players such as foreign governments and mining companies, including Multi-National Corporations (MNCs), reached alarming levels. These MNCs continue to thrive despite operating in dangerous and insecure environments. This has raised critical questions about whether insurgency in the DRC is a consequence of social exclusion of the local people or a result of illicit trade between the various armed groups and MNCs. This is also exacerbated by institutional collapse and state failure in the DRC which has encouraged the creation of militia and insurgent groups as a form of employment among the disenfranchised youths.

Root causes, drivers and actors in the recurrent insurgency

The insurgency in the DRC is tied to a complex network of drivers and actors, founded upon a long history of politics of patronage, intra-state conflicts and regional instability. The major drivers of conflict in Africa have always revolved around issues of exclusion, unresolved

colonial structural challenges and neo-colonialism through the use of MNCs under the guise of Foreign Direct Investment (FDI).

In the DRC, what is clear is that there is ethnic-based contestation for power to gain and control resources, poor governance characterised by weak institutions and an administration disconnected from the populace, incessant vulnerability of citizens who live in resource-rich areas (these are often at the mercy of government forces, officials and armed groups), pseudo-democracy and politics of patronage, preferential treatment of foreign businesses in the name of foreign direct investment (FDI) at the expense of the locals and unchecked disgruntlement within security establishments (Barlow, 2019). This policy brief will not expand on the causes of conflict, but will only focus on the actors taking advantage of these genuine grievances in the DRC to maintain their lucrative illicit business ventures in conflict areas.

The foundation of the mosaic of insurgent groups which have been and continue to operate in the DRC was established during the First Congo War that toppled Mobutu, as already highlighted. Mobutu was removed from power on account of a regional consensus while the subsequent anti-Kabila war was limited to Rwanda and Uganda, (Kisangani, 2003). In these wars, foreign governments and their militaries were involved in the plunder of mineral resources of the DRC. As a result, several motives, groups, and points of disputes emerged. In the end, foreign governments had to justify their violation of the DRC's sovereign rights. As already noted, Rwanda claimed that it was after the armed refugees and fugitives who had committed genocide while Uganda was in pursuit of rebels fighting under the Lord's Resistance Army (LRA) led by Joseph Kony (Kisangani, 2002).

In the current conflict, several insurgent groups are known to be operating in the eastern provinces of the DRC, close to Rwanda and Uganda. This policy brief will only profile the

most prominent armed groups, which are well known for illicit trade with foreign companies. These include the National Congress for the Defence of the People (CNDP), Democratic Forces for the Liberation of Rwanda (FDLR) and the Mayi-Mayi, and Forces for the Defence of Democracy (FDD).

According to several studies conducted by the United Nations (UN) and other non-profit making organisations, the FDLR is the most prominent insurgent group involved in illicit trade of precious minerals in the eastern regions of the DRC, which encompasses North and South Kivu provinces. The provinces have been epicentres of the DRC's insurgent activities in recent times (Muraya and Ahere, 2014).

The FDLR is the largest insurgent group in the Kivu provinces. It has a stranglehold on the mineral trade of South Kivu. According to Global Witness, the FDLR has become “the law and an end in themselves” (Global Witness, 2009). Their activities include trading openly in the markets and towns. In some occasions the insurgent group uses Congolese civilians as middlemen. The group is also involved in extortion. Studies reveal that the FDLR “systematically extort minerals and money from miners, charging a flat fee of 30 % on mining proceeds and taxing minerals at roadblocks” (Global Witness, 2009: 5).

The other dominant military group involved in illegal mining activities is the FARDC. The FARDC is a configuration of army units and former soldiers and fighters of the RCD, MLC and Mayi-Mayi. The mixed brigades were created after negotiations in Kigali between the FARDC and General Nkunda, the former leader of the CNDP. The group is known for its activities at a mine called Bisie, the largest cassiterite mine in North Kivu. The region accounts for 80% of cassiterite in exports (Global Witness, 2009). From 2006 to 2009, Bisie mine was entirely under the control of the army represented by the Armed Forces of the Democratic Republic of Congo (FARDC) brigades. In 2007 and the beginning of 2008, the

group collected at least US\$120.000 a month (Global Witness, 2009). During the same period, commanders of the same military group owned some mineshafts for private gain.

The FARDC and FDLR which are supposedly enemies on the battlefield often collaborated in the exploitation of precious minerals. They made mutual agreements to share spoils and used roads used by the FARDC and vice versa. Minerals which were acquired by the FDLR would also be sent to international markets through local airports controlled by the FARDC (Global Witness, 2009). This collaboration is a clear testimony that the insurgency in the DRC is a consequence of lawlessness, poor governance and conflict entrepreneurship.

The participation of Rwanda and Uganda in the plunder of minerals resources in the DRC is also evidenced in a number of ways. First, after the conquest of the eastern DRC in 1998 by the two neighbouring countries it was concluded that the pursuit of armed refugees and dissidents was only an official position. A few years after the invasion Rwanda started to export diamonds yet there are no significant diamond resources in Rwanda (Venugopalan, 2016). Second, studies reveal that Rwanda and Uganda are known transit countries for illicit minerals. The bulk of illicit minerals produced in the Kivu provinces leave the DRC through Rwanda and Burundi (Global Witness, 2009).

The security situation in the DRC also encourages the free movement of criminal syndicates. The DRC has a number of airstrips and aerodromes which are found in most mining towns. The majority of them were established during the Mobutu-era for the convenience of connected politicians who benefitted from Mobutu's politics of patronage (Prunier, 2011). The airstrips are maintained better than public infrastructure. These are used by smuggling syndicates who take advantage of the porous borders and lack of national airspace security and policing. A total value of US\$ 1.25 billion of illicit minerals leave the DRC per year (UNEP, 2015). From this evidence one can thus conclude that networks of these criminal

groups are well embedded in the DRC and neighbouring countries. Major mines are controlled by the insurgent groups (Nathan and Sakar, 2010). Weak institutions and lack of effective and insufficiently paid national security organs encourage the proliferation of insurgent groups.

The direct role of various military units in eastern DRC, neighbouring countries and insurgent groups in the recurrent conflict of the DRC, is complemented by MNCs and foreign companies. As noted already in this brief, the majority of parts of North and South Kivu, insurgent groups as well as the national army control the trade of cassiterite, gold, columbite-tantalite (coltan) and other precious minerals. The absence of law and order and state failure encourages armed groups to carry out these unregulated activities (Global Witness, 2009). This has led to the militarisation of mining activities in the DRC, prolonging the insurgency. The profits made from these unrestricted trade are used to sustain the logistical demands of the armed groups. In the process of making huge profits, human rights abuses are a routine. These include murders, widespread killings of unarmed civilians, rape and displacements of villagers. The insurgent groups are well-networked in terms of illicit trade in precious minerals. Their ultimate destinations are international markets in Europe, Asia and North America.

Who are these MNCs and companies which facilitate illicit trade, fuelling conflict in the DRC? This is the most critical question in this policy brief. The answer to this question will show that recurring insurgency in the DRC is not only a consequence of poor governance, but to a larger extent motivated by conflict entrepreneurship. Before profiling the most prominent companies trading in the DRC, it is worth noting that the militarisation and illicit exploitation of minerals is well documented. Non-governmental organisations, the United Nations Group of Experts and journalists have all carried out detailed reports on these activities. Their findings detail that; all warring parties, including national army personnel and their

commanders are heavily involved, in the course of plundering mineral resources insurgent groups and the Congolese army use forced labour, often under harsh and dangerous conditions, and that the minerals are destined for international markets in Asia, North America and Europe (Global Witness, 2009).

It is also important to discuss the role played by elements of the illicit trade known as the *comptoirs*, before the analysis of the known MNCs and foreign companies. These are trade houses registered officially with the DRC government. The majority of them are based in mineral rich areas such as Goma and Bukavu. These middlemen are also involved in the illegal trade. One can thus conclude that the fact that they are licenced only acts a cover for illicit trade which is fuelling insurgency. In the majority of cases, these *comptoirs* are the main links between insurgent groups, military units and MNCs. Their customers include European and Asian companies such as the Thailand Smelting and Refining Corporation (THAISACO). The company is the world's fifth largest tin producing company owned by the British metals giant, Amalgamated Metal Corporation (AMC). Other prominent companies include the British Afrimex and Belgian companies; Trademet and Traxys (Global Witness, 2009).

These companies are some of the entities which sell precious minerals to firms in the electronics industry. It is clear that they conduct their trade without paying attention to the impact of their trade. It has also been noted that whenever the impact of their trade is brought to their attention the companies advance a number of excuses; they use the 'legal' status of their suppliers as justification and claim that the well-being of the DRC population is dependent on their trade, even though such claims ignore the gross human rights violations experienced along the way. The majority of the companies are manufactures of electronic products such as mobile cell-phones, computers, and light bulbs. In the midst of the

insurgency and illicit trade, the DRC government and international organisations have attempted to break the links between mineral trade and armed conflict.

International Intervention Against Conflict Entrepreneurship: Challenges and Prospects

A number of measures have been taken in order to break the link between mineral trade and armed conflict in the DRC. The measures include the use of international trade law and involvement of the affected communities.

For example, the UN has attempted to curb the illegal exploitation and trade of the DRC's precious minerals through a number of initiatives. Between the DRC's two wars, the UN passed Resolution 1493 which addressed the role of state actors in perpetuating armed conflict and gross human rights violations (Arimatsu and Mistry, 2012).

However, the resolution had its flaws. It focussed on state actors while non-state actors took advantage of this limitation. As a result of reports and feedback by experts in the field another resolution was passed, Resolution 1952. It called upon "all states to take appropriate steps ...to urge importers, processing industries and consumers of Congolese mineral products to exercise due diligence" (Arimatsu and Mistry, 2012).

Over and above UN resolutions, *Section 1502 on Conflict Minerals of the Dodd-Frank Wall Street Reform and Consumer Protection Act* requires transparency in the trade business of mineral (Enough, 2018). The law which was passed in 2010 by the US Securities and Exchange requires that all companies involved in four minerals conform to set reporting procedures. Companies are required to publicly disclose annually whether any of classified minerals originated from the DRC. This ensures that companies describe the "due diligence measures taken to determine the source of the minerals" (Enough, 2018).

The use of the law had notable impact to a certain extent. It led to “significant improvements in the transparency of corporate supply chains” (Enough, 2018). More than 75 percent of the world’s smelters and refiners of the classified minerals have also passed third party audits. It was also noted that before the law was passed, there was no certification mechanism for distinguishing conflict mines in the DRC. These include mines controlled by insurgent groups and powerful individuals. It is known that over 90 percent mines in the Kivu provinces are controlled by insurgent groups (UN Group of Experts, 2010).

The international community also engaged the affected Congolese communities. Communities and their leaders, including Nobel Peace Prize nominee Dr Mukwege and civil society group showed their support of the Dodd-Frank 1502 Act (Enough, 2018). A coalition of 31 civil society groups from South Kivu indicated “Dodd-Frank...led to a positive change” (Enough, 2018).

Despite the use of the law and involvement of affected communities, in 2021 a surge in armed and inter-community violence was reported in Ituri province. The province is close to the DRC border with Uganda. Nearly 175 violations were reported since January 2021. These include cases of increased recruitment of children into armed groups, killings and sexual violence (UNICEF, 2021). The violence also displaced more than 1.8 million out the 5.7 million people of Ituri province. The long-term effects of the use of various legal instruments and involvement of communities remain to be seen as the insurgency and illicit trade continue.

Policy Recommendations

This policy brief recommends that:

- ❖ The DRC government and international organisations address the root causes of insurgency.

- ❖ The DRC government end impunity which protects those participating in the illicit trade of precious minerals.
- ❖ MNCs and private companies which have trade links with armed insurgent groups be publicised in international media.
- ❖ Campaigns against products manufactured by companies involved in illicit trade be carried out.

Conclusion

Conflict entrepreneurship have fuelled and continue to sustain insurgency in the eastern DRC through provision of significant financial benefits to armed groups. Participants in this trade have taken advantage of the genuine grievances in the DRC. These include MNCs, insurgent groups, members of armed local and foreign armed force, powerful and well-connected individuals. Gold, tin, tantalum, coltan and tungsten are the most common conflict minerals. Studies have revealed that an estimated 5.4 million people have died as a result of armed conflict between August 1998 and April 2007. Measures to contain and break the link between the mineral trade and armed conflict have only yielded short term results.

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