



Main Model United Nations Conference

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Challenges of a Changing Global Order – Responding to Emerging Conflicts

The background of the cover is a photograph of a UN peacekeeping vehicle, a white armored truck with 'UN' markings, driving through a conflict zone. The scene is dusty and shows signs of destruction, with smoke in the air and debris on the ground. The image is in a muted, blue-toned color scheme.

BACKGROUND GUIDE

SECURITY COUNCIL

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Main Model United Nations Conference 2022

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1. Introduction

Honourable Delegates,

We, in the name of the entire team, welcome you all warmly to the 17th Edition of the MainMUN conference. We, Christian Baier and Ruby Brady, will be your chairs for the upcoming days and therefore, we would like to use the opportunity to introduce ourselves.

My name is Christian and I am currently finishing my bachelor in political science with economics as a minor. I started attending MUNs back in High School and when I came to university it was clear that one of the first things to do is to apply to the MUN society, in which I am for the 4th time now! What fascinates me about every new MUN conference is the unique setting in which it takes place: Meeting young people from all around the world, having several intense days of debating and socializing and in the end leaving with many new friendships. My advice: Don't be shy and experiment with all the options the rules of procedure give you! You'll see how much fun it is. And don't forget to sign each others' placards on the last day to get a nice memory!

My name is Ruby and I am currently finishing my bachelor of political science, with a minor in Ethnology and studying law as a double degree. I attended my first MainMUN in my first year of university, starting off very shyly in the large General Assembly. However, three MUNs later I ended up in last year's Security Council trying to prevent an escalation of a crisis to World War III. So, now I am very excited to chair this interesting committee. My advice: definitely, have fun and get to know people! Also, relax, as everyone here has had different experiences learning the ropes, so don't feel intimidated but get up and contribute your opinions. Use moments in 'unmods' or socials to ask your co-delegates for help or any tips. I'm sure we will get through our challenges, and I look forward to your discussions, memes and seeing your creative zoom-backdrops!

The topics to discuss at the MainMUN 2022 Security Council will be:

- Stabilizing regions threatened by the resurgence of non-state actors
- The situation in the Democratic Republic of the Congo (DRC)

The topics will be presented on the following pages and we will be able to get into the topics with some optional guiding questions.

We at MainMUN do not require position papers but we strongly advise to write them. Our own experience has shown that delegates who take the time to write position papers tend to be more prepared than those who do not. If you write a position paper and hand it in before the deadline, you will also receive feedback from us which provides a unique opportunity to feel confident in your preparation.

Be aware that this Background Guide provides you with just basic information on the topics and you are required to further inform yourself on the topics and your country's position (on the topics as

well as your country's policies as whole). As the system of an interconnected crisis can always take sharp turns, you need to be well prepared to represent your state in a diplomatic manner and you should also be prepared on the topics of the other committees if you are your country's head of delegation, as your fellow country delegation members might need feedback or support from you.

Delegates should keep in mind that while we take diplomatic conduct very serious at MainMUN, the conference is also a simulation. Please be courteous to your fellow delegates at all time, even if you do not agree with their country's policies and try to also interact with delegates of member states which are important to your own, even if they are not represented by your friends. MUNs are a great place to form new friendships, which we have both experienced in the past, and we hope you get to experience this as well. Do not forget to lobby for your ideas in the committee and outside, as our experience shows that the best deals are made over food and coffee.

The MainMUN 2022 Security Council (SC) will observe the standard MainMUN Rules of Procedure for the committee work. In addition, the Security Council will also follow a certain set of rules specific to the SC. The delegates who are their country's head of delegation will also be able to write directives and get involved in the crisis. Therefore, they will need to look at the crisis handbook as well. You will be provided those rules separately and will also be able to download them from our website.

If you have any remaining questions regarding the committee, feel free to contact us via the mymun committee chat or later in the process via Ryver. We are looking forward to the conference. We are excited to meet you all and we expect very interesting and fruitful debates.

2. The United Nations Security Council

The UNSC is the primary body to maintain international peace and security. Its powers include the establishment of peacekeeping operations, the establishment of international sanctions, and the authorisation of military action through Security Council resolutions; it is the only UN body with the authority to issue binding resolutions to member states.

2.1. History

After the effects of World War II and the failure of the League of Nations, the United Nations (UN) were established as an intergovernmental organisation to maintain peace and security. In turn, the UNSC was created with the responsibility to maintain those principles. (United Nations 1945)

The first session of the UNSC was held on 17 January 1946 at Church House in London, England. Later however, the UNSC received its permanent domicile at the UN Headquarters in New York. Until 1965, the Security Council was comprised of five permanent and six non-permanent members. It was after 1965 that the number of non-permanent members was increased to ten (Bourantonis 2005).

During the Cold War, the UNSC, due to the disagreements between the United States of America and the former Soviet Union, was quite ineffective and the permanent members made frequent use of their veto power to prevent certain resolutions from passing. The late 1980's, however, were marked by an effective Security Council, which authorised peacekeeping missions in different countries, such as the former Yugoslavia, Somalia, the Democratic Republic of the Congo, Kosovo, and East Timor. Since the end of the Cold War, the Council has adopted significantly more resolutions by consensus than during the Cold War (Encyclopedia Britannica 2014).

2.2. Competencies

The UNSC is the only body that has the power to adopt binding resolutions. When a resolution is adopted, the member states, in accordance with Article 25 of the Charter of the United Nations (1945), must accept the Council's decision. The mandate of the SC is to maintain international peace and security and to take measures whenever those are threatened. The Council's authority is particularly relevant with respect to the UN's four primary purposes, as specified in the Charter of the United Nations (1945): maintaining international peace and security; developing friendly relations among nations; cooperating in solving international problems; promoting respect for human rights as well as being a center for harmonising the actions of nations. In order to prevent the escalation of a given conflict, the Council may call upon the parties to comply with provisional measures. The Council also cooperates with a number of international and regional organisations, as well as non-governmental organisations to gather knowledge and implement its decisions.

2.3. Operation

The Charter of the United Nations (1945) lays out the Council's specific powers and responsibilities: First of all, the Council is allowed to call its members to apply sanctions and other measures. Sanctions can, among others, consist of economic and financial penalties, restrictions on travel or the cancellation of diplomatic relations. Furthermore, the Council has the mandate to investigate any dispute which may lead to aggression between two parties, such as states, other non-state groups or within national territories. Finally, the Council can decide on military action against any international peace- or security-threatening situation, and – where needed – is allowed to further decide on the deployment of troops or observers. Whether a situation endangers peace or security is determined by the Council.

2.4. Special Rules of the Security Council

The right to veto decisions is one of the special rules applied in the SC and sets it apart from the other main bodies of the United Nations. The following rules, additional to the rules mentioned in the MainMUN Rules of Procedure Guide, will be applied in the SC only.

2.4.1. Minimum Majority and Veto Power

Each member of the SC has one vote. Votes on all matters require a majority of nine member states, with the concurrent support or abstention of all permanent members in substantial matters. If one of the five permanent members votes against a matter of substance, such as a draft resolution, it is “vetoed” and does not pass. The five permanent members were granted a special status in the Security Council. Each of them is allowed to the right of veto at any time. In accordance with Article 27 of the Charter of the United Nations, “decisions on procedural matters shall be made by an affirmative vote of nine members“. Decisions of all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members. If a permanent member does not fully agree with a proposed resolution, but does not want to veto, it may choose to abstain. The resolution can be adopted, if the required number of nine favorable votes are given.

2.4.2. Declare a Vote Substantial

This is a motion which may only be used by the permanent members of the Security Council. It may be entertained on any procedural motion. The aim of this motion is to change the required vote on the procedural motion into a substantial vote. On a substantial vote, all delegates who are ‘present’ may abstain, and, even more important, the required majority for that motion to pass is nine including all permanent members. The motion can be found in the Rules of Procedure and below, a short sample session will explain how it usually works:

Chair: “Are there any points or motions on the floor? N-P5 state, to what point do you rise?”

N-P5 State: “Distinguished chair, we/the Republic of... move(s) to suspend the meeting for the purpose of a caucus for five minutes.”

Chair: “Thank you, this motion is in order at this time. Are there any further motions on the floor? P5 state to what point do you rise?”

P5 state: “Honourable Chair, fellow delegates, we/the Republic of... move(s) to declare the motion to suspend the meeting substantial.”

Chair: “This is in order at this time. Is there any opposition to this motion?” (Several placards are raised) “Seeing objections, we will now have to vote upon re-declaring this motion procedural. All those in favour of re-declaring, please raise your placards now.” (12 placards are raised) “Thank you. All those against?” (The P5 state which originally declared the motion substantial raises its placard) “Abstentions?” (Two placards are raised) “Due to the veto of a permanent member state, the motion to re-declare the motion [for suspending the meeting] procedural fails. We will now vote substantially upon suspending the meeting. All those in favour, please raise your placards.” (13 placards are raised) “Against?” (Again, the P5 state which originally declared the motion substantial raises its placard) “Abstention?” (One placard is raised). Due to the veto of a permanent member, this motion fails. We will continue with the formal session.”

2.4.3. Status of Observers

A non-Council member (observer) is given debating rights. This will allow the delegation to be recognised by the Chair during debate and proposing motions to the floor or vote upon procedural matters. Observers cannot vote on substantial matters and submitting draft resolutions or amendments is prohibited. Observers can be UN members whose interests are directly affected, or non-members of the UN and experts, who are invited to the UNSC.

2.4.4. Explanation of a Vote

You are allowed to explain your vote after a roll call vote, when you say “no, with rights” or “yes with rights”. The explanation should be kept rather short, as you will have only a short time to realise it. You may only explain your vote if you vote against a draft resolution or abstain from a vote. Furthermore, you need to remain in diplomatic conduct at all times. Reasons for an explanation of vote can only refer to your country’s position, personal reasons are not allowed. With voting clause by clause and divisions of the question, it is quite easy to vote in favor only on specific parts of the resolution. To prevent the confusion of your colleagues, if you vote against the resolution in a particular case, it might be necessary to explain your vote to the committee. On the other hand, there is of course also a possibility to make a final point about the resolution as a whole, but you should be mindful that the chairs will realise if you try to abuse such an explanation.

2.5. Bibliography

Bourantonis, D. (2005). *The History and Politics of UN Security Council Reform*. New York: Routledge.

Encyclopedia Britannica. (2014): United Nations Security Council. Retrieved from: <http://www.britannica.com/EBchecked/topic/532070/United-Nations-Security-Council> (6 January 2019).

United Nations (1945): UN Security Council, What is the Security Council? Article 1 in Charter of the United Nations.

3. Topic I: Stabilizing Regions Threatened by the Resurgence of Non-State Actors

3.1. Introduction

Instability and conflict today are no longer primarily the realm of states in open conflict with another¹, and while there are various militarised state interventions², increasingly, non-state actors are adding a dimension of destabilisation to conflict regions which needs to be considered if conflict resolution is to be attained. At a local level, the effect of ongoing conflict is contributing to humanitarian disasters which in turn have become the breeding ground for further non-state actors (Johnson 2015: 43).

In Afghanistan, we have recently seen decades of engagement with both state and non-state actors rapidly come undone in a matter of weeks if not days. International intervention concerned with various levels of humanitarian, institutional, policing and military assistance resulted in a mixture of progress mainly in the urban centres, new local power structures and alienation in other areas. Some analysis suggests that the isolation of the Taliban and other regional leaders together with high levels of corruption at a state level could have strengthened the position of the non-state actors (NSA), enabling their resurgence (Dean / Small 2021). That the Taliban's resurgence was so poorly predicted by almost all parties reflects perhaps the degree of misconception surrounding the role of NSAs in their regional context. We are left with a population in Afghanistan facing not only concerns of personal liberty but a humanitarian crisis. The way forward for organisations to deliver assistance is confounded by having a state now under the control of an NSA which is at this stage not officially recognised internationally and not universally accepted within the state (Borlini 2021: 2).

3.2. Non-State Actors – a definition

Non-state actors have taken a variety of forms related to the purposes they aim to serve. Some of their aspirations extend beyond the borders of a particular region, some are religiously motivated, others have more precise political motivations within a given state while others are humanitarian organisations.

Non-state actors are often understood in a broad sense, including non-governmental organisations involved in humanitarian activities. As such the International Network for Economic, Social and Cultural Rights for example has a more encompassing categorisation of NSAs that include non-governmental organizations (NGOs), private organizations and financial institutions as well as armed groups (ESCR). In order to reduce ambiguity research papers frequently refer to 'non-state *armed*

¹ 21st September 2021, the US declared itself as no-longer at war for the first time in 20 years while ignoring involvement in conflicts in for example Syria and Somalia

<https://www.nytimes.com/2021/09/22/us/politics/biden-war.html>

² 5th January Russia deployed troops in Kazakhstan <https://www.aljazeera.com/news/2022/1/6/violence-in-largest-kazakh-city-after-moscow-led-troops-arrive>

actors'. This reflects the understanding of NSAs within the United Nations Security Council (UNSC) which has typically focused on organisations which pose a threat to security (Cambanis et al. 2019: ix).

However, not surprisingly there is not a clear definition adopted by the Security Council nor the UN General Assembly (UNGA). In past resolutions, the Security Council has used the term *Non-State Actors* (NSA) when referring to those acting unlawfully or without association to a particular state (S/RES/1540 2004)

S/RES/1540, 2002: non-state actors as 'an individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of [the relevant] resolution'

Of particular concern is the resurgence of NSAs who have previously been involved in the destabilisation of states or armed conflict in a particular region. A resurgence implies an added complexity in the nature of an NSA which brings with it the influence of past relationships with a variety of state, international, local as well as other non-militant actors, as well as questions as to their longevity in the face of previous intervention. They bring resources and experience along which can give them an advantage over parties wishing to limit their influence (Rizqi / Widiatmaja 2019: 1).

Recent Covid-19 related issues offer an illustration as to how NSAs are able to take advantage of a crisis affecting the general population, using their own structures to facilitate much needed supplies, enabling them to compete with state services and win over the people (Felbab-Brown 2021). In cases such as NSAs in Nigeria, it could be argued that for NSAs in the face of a humanitarian crisis there is much to be gained by continuing with an unresolved conflict (Felbab-Brown 2020: 68, 71).

3.3. Background of NSAs

NSAs have grown in significance over past decades, evolving from being primarily confined to regionally specific issues such as separatist movements, to more complex organisations with often broader, if unclear, aspirations. Their involvement in armed conflicts 'is nothing new' however since the end of the Cold War in the early 1990s, there has been a shift in the nature of the conflicts themselves and NSAs' involvement (Burniske et al. 2017: 8). While not a new phenomenon, international peacekeeping and security matters increasingly have to attend to questions of state responsibility and sovereignty, coupled with state collapse and NSA's involvement (Burniske et al. 2017: 8). This tendency is seen for example in intrastate, in contrast to interstate, wars in the period of '1990-2017 accounting for over 90 percent of armed conflicts' (Borlini 2021: 11).

The key theoretical concept regarding the term NSA is that of it being 'non-state', and in our usage, armed actors. The range of attributes now characterising the diversity of contemporary actors, such as regionally or culturally specific structures, transboundary operations, an overlapping of actors, historical allegiances, and multiple goals, have served to aggravate not only the ability to clearly identify actors but have also hindered the development of security policy (Javan/Wieland-Karimi 2015: 7, Hofmann/Schneckener 2011: 604).

The international stage has seen a shift from isolating and excluding NSAs to needing to take note of issues concerning the NSAs and in some cases needing to address NSAs directly, sometimes at odds with the status and role of sovereign states (Rizqi / Widiatmaja 2019: 3). NSAs do not however operate in a vacuum separate from Member States but are often involved in covert relationships to further their own agendas, adding additional complexity to negotiations and other dealing with them (Cambanis et al. 2019: 10).

3.4. Addressing Non-State Actors

Increasingly the world has witnessed situations in which a state has lost 'its authority or control over territory' (Boon 2019: 209), relying on a dominance of military presence or being dominated by the actions of NSAs resulting in major conflicts and humanitarian crises. The international response to such situations has become very complex requiring a greater understanding of factors influencing the outcome of any counter action. International or state actors are frequently confronted with non-conventional forms of armed conflict as well as conflict covering the sovereign territory of more than one state. NSAs have also become more sophisticated in the style of governance they offer as an alternative, often creating a sense of legitimacy. (Boon 2019: 209, Felbab-Brown 2020).

3.4.1. International Framework

General Assembly

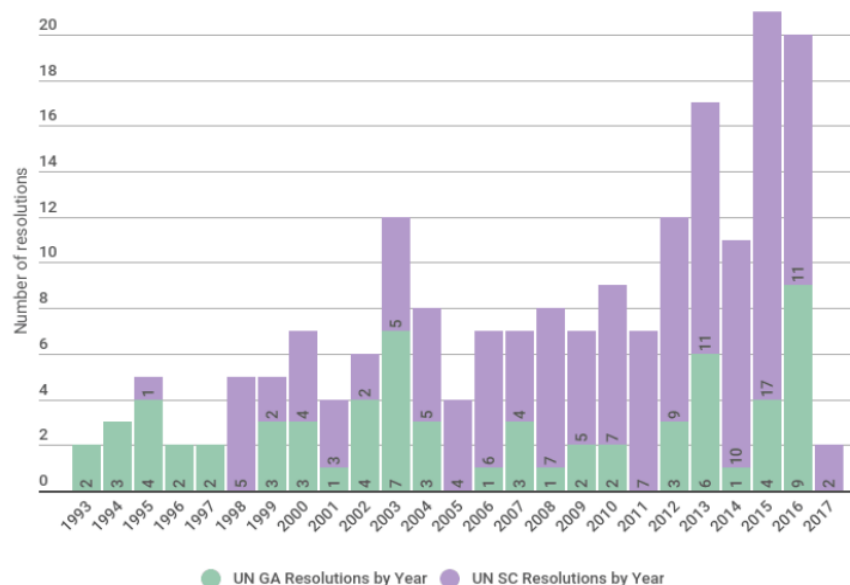
Due to the threat posed by NSAs in relation to matters of international peace and security these issues are regularly discussed in the General Assembly First Committee (UN Charter: Chapter IV, article 11). Resolutions adopted by the UN General Assembly regularly address different threats posed by NSAs, further urging the safeguarding of civilian populations from illicit activities carried out by NSAs.

In its recent 76th session, held in December 2021, the General Assembly's First Committee discussed specific dangers posed by non-state actors. The 45th plenary meeting saw the adoption of a text concerning the threats of NSA acquiring weapons of mass destruction (UN Media 2021). A/RES/76/29, adopted in this recent session, restates the GAs 'strongest possible condemnation of the use of chemical weapons', including a 'concern' of threats not only originating from the acquisition of chemical weapons but also its 'production, acquisition and use' by non-state actors (UN Press 2021). Concern about NSAs' involvement in the illicit use of information and communications technologies (ICTs) is addressed in the General Assembly 2018 adopted resolution 73/27, with the title "Development in the field of information and telecommunications in the context of international security" (A/RES/73/27).

As seen in these examples NSAs have been addressed by the General Assembly, referring to their threat to international peace, as well as addressing 'potential human-rights obligations or other responsibilities' (Burniske et al. 2017: 17). The GA's engagement with matters of non-state actors is,

however, affected by article 12 of the UN Charter with which the General Assembly is not to issue ‘recommendations on disputes or situations being addressed by the UN Security Council’, affecting the proportional less engagement than the Security Council (Permanent Mission of Switzerland to the UN 2017: 13).

Comparison of the Number of Relevant Resolutions by Year: U.N. General Assembly vs. U.N. Security Council*



Note: This study solely considers found Resolutions ‘that pertain to what might be conceptualized as possible human-rights obligations or other related responsibilities of (certain) ANSAs’ (Burniske et al 2017: 4)

Source: Burniske et al 2017, page 19.

* Searches conducted through April 2017

3.4.2. Security Council

As seen in the graph, engagement with NSA in the Security Council has grown over the past decades. While the graph and associated findings end in 2017 (Burniske et al. 2017), developments show that international rules have addressed and engaged NSAs with increasing frequency implying a trend (Borlini 2021: 09).

3.4.2.1. Legal Framework

The increase by the UN to address non-state actors from the 1990s onwards coincides with the perceived shift after the end of the Cold War. In 1992 the Security Council recognised ‘a time of change’ in its considerations of ‘the responsibility of the Security Council in the maintenance of international peace and security’ (Security Council Report S/23500 1992: 2, 3):

“The absence of war and military conflicts amongst States does not in itself ensure international peace and security. The non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security. The United Nations membership as a whole, working through the appropriate bodies, needs to give the highest priority to the solution of these matters”

To understand the SC's approach and work in this 'new time' requires a reflection on the SC's functions and powers originating in the UN's creation in 1945. From a 'state-centric assumption' of the collective security system imagined post-WWII at the drafting of the UN charter, the concern stated in the preamble 'to save succeeding generations from the scourge of war' was understood to address interstate war (UN Charter, preamble). Consequently, functions of the Security Council were designed around States interests and rights (Borlini 2021: 10). However, with the shift in the nature of conflicts actions of the SC under Chapter VII are seen in the gradual inclusion of NSAs (Borlini 2021: 11).

The SC deviation from addressing threats originating from states, is often justified under its mandate through Chapter VII, for example in particular through Article 39:

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security." (emphasis added)

Here the possibly flexible application of the article enables addressing 'situations beyond inter- and intrastate armed confrontations' (Borlini 2021: 16). This led to understanding the SC's activities as 'envisioned, designed, and justified as a means of stabilizing, securing, and strengthening fragile states' (Borlini 2021: 17). In light of the Council's 'mission of advancing international peace and security' preventive measures are met with the 'growing gravity of threats rooted in non-state actors' (Borlini 2021: 64).

Resolutions adopted since 2013 show increased activity addressing NSA threats by referring to their nature as a 'threat to peace'.

S/Res/2127, 2013: [operating under Chapter VII the Council expressed its] deep concern [about the] continuing deterioration of the security situation in the [Central African Republic], characterized by a *total breakdown in law and order* [and] the *absence of the rule of law*. (emphasis added)

S/Res/2177, 2014: [d]etermin[ed] that the unprecedented extent of the Ebola outbreak in Africa constitute[d] a threat to international peace and security.

S/Res/2442, 2018: [acting under Chapter VII] that piracy *exacerbates instability in Somalia* by introducing large amounts of illicit cash that fuels additional crime, corruption, and terrorism. (emphasis added).

S/Res/2347, 2017: [T]he unlawful destruction of cultural heritage, and the looting and smuggling of cultural property in the event of armed conflicts, notably by terrorist groups, . . . can fuel and exacerbate conflict and hamper post-conflict national reconciliation, thereby undermining the security, stability, governance, social, economic and cultural development of affected States.

Empirical study shows the increased presence of NSA in resolutions. From 758 resolutions adopted explicitly under Chapter VII in the period of 1990 - 2017, 408 resolutions or 54%, deal with NSA. Additionally, due to this upward tendency, solely considering 2009-2017, brings the NSA related resolutions to 70% (Borlini 2021: 64). (Please note: These figures result from a study different to the graph above. Here the focus is solely on the Council's concern with NSA, regardless of NSA being a direct subject of the resolutions.)

3.4.2.2. SC addressing NSA

It is evident that the presence of NSAs pose a challenge to established international law due to the nature of conflict transcending state borders and requiring a range of actions from international institutions. Security Council Resolutions predominantly place obligations and limitations on states but faced with the difficulty to identify non-state actors, they are restricted as to the extent of their intervention (Borlini 2021: 28)

In numerous resolutions Member States have, for example, been called upon to fulfill obligations in relation to NSAs, such as freezing assets and restricting movement.

Example: S/RES/2178, 2014

The 2014 resolution regarding the threat posed by armed foreign terrorists as a 'manifestation of violent extremism' (UNSSC 2015: 14) was the first from the Security Council to address Countering Violence Extremism (CVE) as a Chapter VII obligation and thus, call on member states to these measures (S/RES/2178 (2014), UNSSC 2015: 14).

However, where a state's status and authority have been challenged or forcibly removed, it is not in the position to implement obligations with which to constraint the threat of NSAs (Boon 2019: 209).

Consequently, the UNSC has in some instances addressed NSAs acts of aggression directly. This is seen to be controversial and has been met with 'push back' from Member States who disagree with the implied violation of state sovereignty (Boon 2019: 209). Here, further consideration needs to be given to the status and positions NSAs take within international law. By implication, the Security Council addressing an NSA directly is ascribing its status of being a 'subject' of international law (Boon 2019: 211). It implies a conflict of assigning status within a 'state centric system' to an actor which finds itself outside of the concept of statehood. Addressing NSAs, for example by prescribing human rights obligations or other related responsibilities to them, rather than to regionally or financially tied State, is seen by many Member States as a 'last resort' (Burniske et al. 2017: 1; Boon 2019: 210). This is especially aggravated when dealing with fragile or NSAs which are not geographically confined to a state's territory. Here lies one of the most complex aspects of NSAs; how to not engage with them if they become in effect the governing actor in a region or state.

3.4.2.3. Use of language

The Security Council has increasingly 'called out particular armed non-state actors directly and used its Chapter VII authority to directly regulate them' (Boon 2019: 210). An example:

Resolution S/RES/2067, 2012. Strongly condemns the grave and systematic violations and human rights abuses perpetrated by many parties and in particular by Al-Shabaab and its affiliates against the civilian population, including violence against, children, journalists and human rights defenders and sexual violence against women and children, and calls for the immediate cessation of such acts, and emphasizes the need for accountability for all such violations and abuses.

In some recent cases NSA are implied, when using the term 'all parties'

S/RES/2459, 2019: '*demands* that all parties immediately cease all forms of violence, human rights violations and abuses, and violations of international humanitarian law, including rape and other

forms of sexual and gender-based violence, and hold those responsible accountable, in order to break the prevailing cycle of impunity.’

Apart from the effects of addressing NSAs, the language used when addressing infringements to international law or norms becomes relevant. This further requires Member States to engage with their perception of NSAs’ positions in terms of these international concepts. In past resolutions, there has been no differentiation made between an NSA’s or State’s infringements of international humanitarian law, in both instances the term ‘violations’ is used. However, when referring to international human rights, while States ‘violate’, NSAs ‘abuse’ them, indicating that some Member States possibly deny NSAs’ obligation to human rights law (Boon 2019: 210, Fortin 2017).

3.5. Current Situation

Regions that require an urgent focus on the threat posed by NSAs are often those that have experienced decades of conflicts and have a weakened state apparatus. Some conflicts are or have been subject to international involvement, in form of humanitarian assistance or as well as international military involvement. Recent years have seen a rise in conflicts and with-it human casualties and humanitarian violations (UNICEF 2021). The role of NSAs has resurfaced in many places where NSAs had been effectively controlled by military but are once again dealing with NSAs deepening influence.

The past year’s events in Afghanistan show an example of this with the resurgence of the Taliban in the context of a government, supported by an international military presence. At the time of writing this Background Guide, headlines across news outlets report the Taliban’s visit to Norway for talks with Western officials, sparking discussions on recognition, legitimacy and the worsening humanitarian crisis.³ Simultaneously, the New York Times is leading with breaking news headlines such as ‘As Islamic State Resurges, U.S. Is Drawn Back Into the Fray’ dealing with the renewed occurrences of ‘coordinated and sophisticated attacks’ (Arraf/Hubbard 2022) and this being ‘a wake-up call for regional players, for national players, that ISIS is not over, that the fight is not over’ (Kawa Hassan, Middle East and North Africa director at the Stimson Center, cited in Arraf/Hubbard 2022).

When assessing the current situation, addressing the effects of the Covid-19 pandemic are inescapable. Many of the current dynamics, challenging international and state structures, have been exacerbated by the pandemic and its consequences. Economies have been hit hard, with severe effects on its citizen, especially those most vulnerable. In Kenya, Nigeria, and Burkina Faso a study reported that 75% of women had at least partially lost household income and were facing food insecurity (Felbab-Brown 2021). Many state economies have been heavily hit, resulting in budget constraints and the inability to offset the ‘destruction of people’s livelihoods’ which in turn affects the legitimacy of governments and political systems. With a growing dependency on illicit activities and

³ As examples: Politico 23.01.2022: <https://www.politico.com/news/2022/01/23/taliban-talks-norway-recognition-00000913>

BBC 24.01.2022: <https://www.bbc.com/news/world-asia-60106407>

economies, NSAs have had the chance to deepen their economies and strengthen their power. Many NSAs have consequently strengthened and have ‘used [the pandemic] to tighten control over local populations’ (Felbab-Brown 2021).

3.6. Points of Discussion

States dealing and negotiating with NSA: What is your country’s stance towards dealing with the Taliban? How are they officially addressed? Are there official negotiations? What are the effects on the legitimacy of States negotiating with NSAs?

Responses to conflicts involving NSAs: How effective can local or international responses be? Can root-issues be addressed or are they exacerbated?

State autonomy and legitimacy: What can the International Community do when addressing threats to security by NSAs within the borders of a State?

Dependency on conflict: What are possible ways of breaking the dependency of populations on NSAs in conflict and illicit trade?

International framework: How do NSAs fit into an international framework? How can States avoid being manipulated by NSAs when faced with humanitarian crises? Does accountability come with legitimacy?

3.7. Further Research

Database or excerpts concerning NSAs in UN Security Council Resolutions with reference of ‘invocation of Chapter VII authority’, from page 34 onwards. Following page 93: General Assembly Resolutions

<https://dash.harvard.edu/handle/1/33117816>

Self-defence against NSA, positions from various Member States

<https://www.justsecurity.org/75487/self-defense-against-non-state-actors-all-over-the-map/>

<https://www.redalyc.org/journal/6002/600266295004/html/>

NSAs ‘trends’ of 2021

<https://www.brookings.edu/blog/order-from-chaos/2021/01/15/the-key-trends-to-watch-this-year-on-nonstate-armed-actors/>

NSA’s affiliated with states, or engaging in governing activities, so called ‘Hybrid Armed Actors’

<https://www.chathamhouse.org/about-us/our-departments/middle-east-and-north-africa-programme/hybrid-armed-actors-mena-regionhttps://tcf.org/content/report/hybrid-actors/?session=1>

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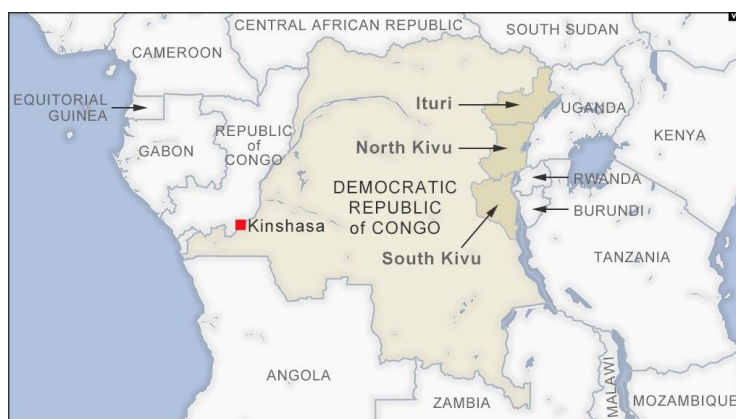
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4. Topic II: The Situation in the Democratic Republic of the Congo (DRC)

4.1. Introduction

In 2019, Felix Tshisekedi was elected the new president of the Democratic Republic of the Congo (DRC). His presidency marks the first peaceful transition of power in the history of the country and was viewed as a positive sign for the Congolese democracy. At the same time, the aftermaths from the 1997-2003 Civil War, into which multiple neighbouring states had been involved are still present: Many rebel groups are still operating, causing harm and spreading terror especially in the Eastern provinces of the country, where the actual control of the central government remains low. A lack of perspectives has been bringing many people back into rebel groups even after they've left them long ago.

According to the United Nations, this has caused about 800,000 refugees to leave the country and 4.5 million internally displaced persons to give up their homes. The Human Development Index of the DRC ranks among the lowest 10% of the world and the country has been faced by repeated Ebola outbreaks (Global Conflict Tracker 2021). While the country is rich in natural resources, their exploitation often happens under inhumane conditions for the workers and is used as a source of financing for terrorism. According to the Kivu Security Tracker (kivusecurity.org) in the regions of Kivu and Ituri alone almost 3000 violent deaths have happened, almost 200 mass rapes and over 1000 kidnappings.



The DR Congo with the three Eastern Provinces Ituri, North Kivu and South Kivu, which will be in focus of this guide.

Source: https://www.voanews.com/a/africa_militia-raids-eastern-dr-

4.2. History

In the first decades until 1990, the country was relatively stable politically. This stability relied heavily on support by Western nations, and was motivated by the block thinking during Cold War times. With the emergence of a new political environment in 1990, Western states became more critical towards the dictatorship in Zaire, demanding democratic reforms and ultimately, many cut their support for the regime (Cordell et al. 2021).

During the Rwandan genocide in 1994, Mobutu took an active role and supported multiple sides, among them - Western governments who intervened in the conflict, but also militias in neighbouring countries. In 1997 multiple militias launched attacks against the Mobutu regime and since it had lost

most of its support abroad, it collapsed after a few months and after Mobutus fall, the Democratic Republic of the Congo was re-established (Cordell et al. 2021).

The first president Laurent-Désire Kabila quickly established a new dictatorship and despite presenting his country as democratic on the international stage, reports about human rights abuses quickly surfaced. After only one year, in 1998, insurgencies broke out in the eastern regions and a brutal civil war emerged. This civil war became international when neighbouring countries got involved on both sides, with Angola, Namibia and Zimbabwe supporting the Kabila regime while Uganda and Rwanda supported rebel groups in the eastern regions. After several negotiations for peace the civil war could be ended in 2003, leaving horrible results all over the country: An estimated three million people were killed, large parts of the infrastructure were devastated and executive power over the country was at a minimum (Cordell et al. 2021).

The recent years were shaped by many instabilities. Although the latest elections in 2019 marked the first peaceful transfer of power in the country in its independent history, all elections were shaped by inconsistencies, multiple postponements and were never recognised by all parties (Cordell et al. 2021). The situation especially in the Eastern provinces remains complicated, still responsible for many casualties and deaths as well as a stop in development in these regions. Young people are lacking perspectives which would prevent them from getting into militias and reintegration programs for former combatants only take place on a small scale (El Miviri/ Boisselet 2021).

In addition, the country is hit hard by frequent Ebola outbreaks. Especially in Eastern parts, where access to sanitary facilities and medical treatment is limited, several waves have claimed thousands of lives so far (Doctors without Borders 2018).

4.3. UN Framework

The United Nations is currently present in the DR Congo with the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUSCO) and has further established a sanctions regime. Before going deeper into the framework developed by the Security Council, other relevant frameworks shall be addressed

4.3.1. UN Human Rights Council (HRC)

The HRC is submitting regular reports about the Human Rights Situation in the DR Congo and especially takes the conflict regions into focus. In his most recent report A/HRC/42/32 (2019), the UN High Commissioner for Human Rights took the 2019 elections, but also the protection of civilians, sexual violence and impunity into focus. While he sees progress in regard to multiple objectives, the report underlines the great number of human rights violations in all these fields and recommends measures for the government of the DR Congo to improve the human rights situation.

4.3.2. The Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region

The framework was adopted in 2013 by the DR Congo and eleven states of the region surrounding the DR Congo and supported by the UN and the African Union. It determines the current situation as being unsatisfying and despite improvements, it asserts that without further measures the human rights situation is likely to worsen. It therefore draws on three pillars: Measures taken by the government of the Congo, cooperation with regional partners and cooperation with the international community. (S/2013/131)

4.3.3. MONUSCO

The Monusco is an UN peacekeeping mission, which is mandated by the UNSC. In resolution 1279 (1999), the UNSC has established the mission by uniting all the present UN staff in the Congo under the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC). Its primary aim was to supervise and support the ceasefire agreement, which had been concluded during the Civil War. In the following years, the scope of the mandate and the amount of personnel was steadily increased. The new mandate allowed the MONUC to support the peace process in a broader sense and included for example also support for the elections in 2006 (MONUC, no date).

In 2010, the mission was renamed to its current name MONUSCO by resolution 1925 (2010) to reflect the new phase, that has been reached (adding the word “stabilisation” into the mission title). The focus shifted away from a general supervision of the peace treaty towards the Eastern regions and only towards areas where the security situation still demanded the mission presence. Top priorities were the protection of civilians from human rights abuses and to prosecute human rights violators.

In 2013, an “intervention brigade” was included into the mission. Opposed to the ideals of classical peacekeeping, which is based on non-interference and refraining from the use of force, the intervention brigade has the clear aim to “neutralise armed groups” (S/RES/2098 2019: Operative Clause 9) and was created in the light of resurging conflicts. At the same time, the resolution demanded a clear exit strategy for the intervention brigade, depending on the capability of state forces to guarantee the security of civilians.

In December 2021 the current mandate was adopted in resolution 2612, extending both the mission and the intervention brigade until December 2022. The current priorities are the protection of civilians and the strengthening of state structures in the DR Congo. In the medium run, MONUSCO shall withdraw from the DR Congo. The pace of this withdrawal is repeatedly discussed in the Security Council and strongly depends on the situation in the affected provinces with a clear

downward trend in the troop size in recent years⁴. Almost every year new structures are implemented to transfer tasks back to local authorities. (Security Council Report 2020a)

4.3.4. The Sanctions Regime

In addition to MONUC, the Security Council established a Sanctions Committee in 2004 through resolution 1533 (2004). It consists of all members of the UNSC and is advised by an expert council. It makes its decision by consensus and originally started by imposing and supervising an arms embargo on all non-state actors in the DR Congo. In resolution 1596 (2005), the committee additionally received the power to impose sanctions such as travel bans or asset freezes against individuals and entities. (United Nations Security Council, no date). As of 2020, the Sanctions committee has taken measures against 36 individuals and nine entities (Security Council Report 2020b). As well as the MONSUCO, the mandate of the Sanctions Committee is extended yearly with the current mandate lasting until 1 July 2022, established by resolution 2582 (2021).

4.4. Current Situation and Challenges

4.4.1. The Congolese Army

The Armed Forces of the DR Congo (FARDC) have been created after the Civil War in 2003 and have since then been an area of concern for the international community. As the national army of the DRC, the FARDC play a crucial role in maintaining democracy and peace. If any realistic exit scenario for the UN intervention brigades or the MONUSCO in general is considered, it will largely depend on the capability of the FARDC to protect peace and civilians in the DR Congo (Gilpin/ Sigle 2016). The FARDC are viewed separately in this guide, because in recent years reports about human rights violations by the FARDC itself became public. Despite official instructions and guidelines, many soldiers have taken part in human rights violations such as rape, abduction or even killings. Most affected are vulnerable groups such as women and children. One problem is, that relations within the FARDC are often network-based. Rather than official command chains, personal relations are important for the enforcement of orders. Many networks exist from the times of the military dictatorship under Mobutu and span far beyond into politics and economy. These networks are also seen as being responsible for an outreaching impunity of army staff. Despite reports by the Group of Experts established by the UN Sanctions committee and evidence found for war crimes, many officials haven't been convicted or even been put under prosecution yet or have only been prosecuted if that was deemed politically useful by government in Kinshasa. (Steams et al. 2013: 47-51, 62)

⁴ number of military personnel since 2015 [Relevant Resolution]: 19,815 until March 2017 [S/RES/2277], 16,215 until December 2019 [S/RES/2463], 14,000 until December 2021 [S/RES/2556], 13,500 until December 2022 [S/RES/2612]

Among other factors this has led to a general distrust towards the army and Congolese Security Forces among the local population, especially in the Eastern Parts.

“Without credible investigations to determine responsibility for every crime, and without judicial sanctions against the authors of these violations -- no matter who has committed them – impunity will continue to prevail” (Leila Zerrougui in OHCHR 2018)

This statement underlines the necessity of reforms in the FARDC. The UN is supporting such reforms by training troops to improve their capabilities to protect civilians and to increase awareness for these issues within the army (United Nations Peacekeeping 2020). In its recent resolution, the UNSC condemned the violence by the FARDC and the Congolese National Police (PNC), while at the same time stressing the progress that has already been achieved by the Congolese government (S/RES/2556 2020: Operative Clause 9).

4.4.2. Disarmament, Demobilisation and Reintegration (DDR)

A key to a more stable long-term solution is the disarmament, demobilisation and reintegration of ex-combatants into the Congolese society. So far a frequent approach to deal with ex combatants has been to integrate them into the FARDC. This has caused several problems, as it neither breaks the circle of violence, nor does it offer a real better perspective for the ex-combatants. Wages and living conditions for soldiers of the FARDC are described as very low and the reputation among the population as even lower. This leads to many soldiers dropping out again and rejoining armed rebel groups. (Steams et al. 2013: 53-57, 61)

As an alternative approach, DDR tries to break up this circle of violence by offering training to ex-combatants and aiming to create a perspective in the civil society. As many ex-combatants have been recruited at an early age, this is a major tasks and has been accompanied by many problems.

Demobilisation is hindered by the ongoing violence in the whole Eastern region. Most measures are still only taken on a small scale and while some groups might be demobilised, others launch an attack, which often re-mobilises groups. A similar issue is faced by efforts to reintegrate combatants. Networks to armed groups often remain in place. And since many reintegration programs so far only provide limited perspectives and ex-combatants are in addition stigmatised, incentives remain high to re-join armed groups (Steams et al. 2013: 61-68). The new president Felix Tshisekedi, who was elected in 2019 in addition often considers military approaches, which leads to more violence and does not contribute to a general environment of demobilisation. While DDR is seen as necessary tool for a sustainable peace, it remains underfinanced and still lacking clear long term strategy. (El Miviri/Boisselet 2021)

4.4.3. The Role of Rwanda

During the Civil War from 1996-2003 and after the Rwandan genocide, Rwanda started taking an active role in the Eastern regions of the DR Congo. With many Hutu having fled to the DR Congo,

Rwanda had an active interest in the security situation in DR Congo's Eastern Regions. After the 2008 attack on the city of Goma, a UN group of experts found Rwanda guilty of supplying weapons, logistics and military leadership to rebel groups operating on the territory of the DR Congo against the Congolese government and against MONUSCO. (Beswick, Danielle 2012) While Rwanda denies involvement in insurgencies in the DR Congo, reports about such involvement continue (Tasamba 2021) and leave it undoubtful that Rwanda has an active impact on the Security Situation in the Eastern parts of the DR Congo.

4.5. Points for Discussion

Reintegration of former combatants: How can long-term perspectives be provided and how can it be prevented, that combatants re-join armed groups?

International involvement: Which role do neighbouring states play? How can they be integrated into the peace process?

MONUSCO: How should its long-term strategy look like? Is an exit strategy realistic, should it be adapted to new realities and is the mission still effective?

4.6. Further Research

A brief overview over foreign armed groups in the DR Congo:

<https://monusco.unmissions.org/en/foreign-armed-groups>

UN Documents on the Situation in the DR Congo:

<https://www.securitycouncilreport.org/un-documents/democratic-republic-of-the-congo/>

Reports on violence in the Eastern Parts by the Kivu Security Tracker:

<https://kivusecurity.org/>

The UN Mapping report for the DR Congo from 1993-2003, a very detailed overview on history, human rights and political situation in these years:

https://www.ohchr.org/documents/countries/cd/drc_mapping_report_final_en.pdf

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