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LESSONS LEARNED FROM THE DRC: NON-STATE ARMED GROUPS AND THE UN

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ABSTRACT

The position of the non-state armed groups in the conflict management process has been neglected due to the provisions of International Humanitarian Law despite their significant role in the conflict. Therefore, the UN has been responding and dealing with these actors in a limited way. In case of Democratic Republic of Congo (DRC), which is characterized by various dynamics involvement of various armed groups of state, as well as non-state actors operating from within the country and as a spill-over from the bordering countries. Over the years, as a response, two UN missions - MONUC and MONUSCO were deployed. Even though the MONUSCO mission has been better equipped for responding to crises and unexpected situations, the unrest and political violence persisted. Through quantitative document analysis the article evaluates the flexibility and adaptation of the UN to recognize the non-state armed groups as legitimate parties to the conflict by referring to their nature, character and categories by measuring the frequency and density of pre-defined terms that fall into the definition of non-state armed groups. The aim is to summarize the lessons learned from both missions and explain why the MONUSCO mission has tackled the conflict more successfully. The analysis shows that lessons have been learned from the MONUC mission only partially as the mandate's capability has been improved in MONUSCO. However, the UNSC may utilize the naming and shaming strategies more in order to become more prepared for adaptation to diverse situations.

Key words: non-state armed groups, UN, Resolutions, MONUC, MONUSCO, DRC

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Introduction

According to the Council of Foreign Relations, there are more than 70 armed groups that operate in the eastern provinces of the Democratic Republic of Congo (DRC). (Council on Foreign Relations, 2018) The Central Emergency Response Fund claims that currently "more than 13.1 million people urgently require humanitarian assistance throughout the country and violence has forced hundreds of thousands of people to flee their homes, including some 750,000 who have sought refuge in neighbouring countries." (United Nations Central Emergency Response Fund, 2018) This conflict clearly poses a threat to human security, including not only the physical violence but also the structural one, including water and food insecurity, societal insecurity and lack of shelter for people affected by the conflict. Endangered human security arises fundamentally from the specific dynamics of the conflict that includes various non-state armed groups (NSAGs) fighting. (Engelhart, 2016) The rise of NSAGs is not new, however, the predominant Westphalian model of international relations forced politicians as well as scholars to focus on states and their governments as the key actors and thus armed conflict between states became also the object of the Law of armed conflict. The rules for internal conflicts were also later incorporated into the Law of War with the Additional Protocol II and stressed the role of the common Article 3 to all Geneva Conventions. However, the international law does not consider the NSAGs as legitimate actors, rather as a subject of state sovereignty (Hofmann, 2006), which means that they neither do contribute to the conventions that are being signed and adopted, nor are they being pushed to comply as there is a limited mechanism for that. (Hofmann, 2006) The legal approach towards the conflict and the parties to the conflict is yet very limited as the NSAGs are very diverse and to meet the threshold set in the documents causes that many NSAGs are left out of the data and reports published. (Krause, Milliken , 2009) Therefore, the usage of parties to the conflict is of little utility for the analysis as it does not explicitly reaffirm the significant role of actors that do not meet the threshold set by International Humanitarian Law understating these parties as states and/or international organizations. Non-state actors and non-state armed groups with limited or no legitimacy are not traditionally the object of international law and therefore do not fall under the authority of the International Court of Justice (ICJ). In case individual members of NSAGs commit a crime defined by the Geneva Conventions, they may only be punished by national court or International

Criminal Court (ICC), only if the state whose citizen committed the crime is a signatory party to the ICC statute.

The scholarly interest in the NSAGs rose in the late 1990s and early 2000s after internal armed conflicts arose in different parts of the world and became visible via television or radios. The literature on the non-state armed groups focuses on different areas of their activities and areas. **Englehart** (2016) as well as **Bruderlein** (2000) deal with the relationship between human security and NSAGs. The emphasis was put on the military aspect of the NSAGs referring mainly to the traditional understanding of security. However, as Englehart finds out, the NSAGs poses bigger threats for the local population rather than a military security threat, which they do pose especially from domestic insurgencies. (Englehart, 2016) Another set of literature is focused on the role of NSAGs in the humanitarian action, (Hofmann, 2006) state-building process, (Podder, 2013) in a fragile or failed state[1]. Our aim in this paper is to look at how the UN is able to tackle the non-state armed groups and their role in internal armed conflict in the DRC, more specifically whether it recognizes the NSAGs as actors in the conflict and whether, and if so, how it includes the NSAGs in the conflict resolution process. We assume that the UN does not strictly follow the academic definitions of particular terms, thus we apply more complex view on the non-state armed group as follows.

1 Non-state Armed Groups

It is very complex to define NSAGs as they differ in size, behaviour, structure, motives, goals and resources. (Hofmann, 2006) Non-state armed groups also perceive themselves differently than the governments and international organizations do perceive them. Often, they think of themselves as "liberation armies" or "national resistant movements" (Huber, Reimann, 2006) whereas the 'other side' often sees them as 'terrorists' (Hofmann, Schneckener, 2011) or as a 'problem.' (Schneckener, 2009) Their role is understood not only as a trigger for the conflict but also as an obstacle to conflict resolution. **Hofmann, Schneckener** (2011), however, claim that they are part of the

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[1] See Diane. E. Davis. "Non-State Armed Actors, New Imagined Communities, and Shifting Patterns of Sovereignty and Insecurity in the Modern World." *Contemporary Security Policy*, vol. 30, no. 2 (2009), pp. 221-245; Anthony Vinci. "Anarchy, Failed States, and Armed Groups: Reconsidering Conventional Analysis." *International Studies Quarterly*, vol. 52 (2008), pp. 295-314; Kate Meagher. "The Strength of Weak States? Non-State Security Forces and Hybrid Governance in Africa." *Development and Change*, vol. 43, no. 5 (2012), pp. 1073-1101

problem as well as part of the solution and "progress regarding a secure environment is often only possible of at least the most powerful of the non-state armed actors[2] involved can be included in a political process that grants them some kind of political influence and/or economic and financial privileges, which may in turn undermine the whole process of state-building." (Hofmann, Schneckener, 2011) The concerns of state arise mainly of the threat the NSAGs pose in terms of the monopoly of the use of violence and force, thus they act as "spoilers" (Schneckener, 2009) not only locally, but also across borders, sometimes they may act also as proxy forces in neighbouring states. (Englehart, 2016) The framing of NSAGs as spoilers spurred new research area comprising of strategies to tackle the effects of NSAGs - spoiler management. Within this area, Stedman's paper has become prominent attempt to systematize the strategies by providing three paths towards the NSAGs: 1. positive propositions or inducements to counter demands made by non-state armed actors; 2. socialization in order to bring about situational or even normative changes of behaviour; and 3. arbitrary measures to weaken armed actors or force them to accept certain terms. (Stedman, 1997) There are several problems with the spoiler theories, one being the different capacity of the groups to spoil. The fact that the NSAGs differ in so many ways affects also their capacities in external engagement. The other problem with the spoiler assumption is that spoiler has no interest in state- or peace-building process. **Schneckener** (2009) provides a basis for NSAGs to be understood also as 'governance actors', where it is important to look at to what extent the NSAGs may act as a stabilizer instead of a spoiler. This is closely related to the legitimacy and inclusion issue and the ways of engagement with the NSAGs. (Schneckener, 2009; Podder, 2013) when an NSAG poses great acceptance by the population as correct and appropriate, the concerns of state may be lower, as the legitimacy plays the primary role of potential future institutionalisation of such group and incorporation of the group into the state's political system. Different framings of NSAGs provoke different ways of engagement. **Podder** (2013) argues that in the case of NSAGs it is almost impossible to find 'one model fits all' that would effectively work. Moreover, various actors (NGOs, states, international or

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[2] Non-state armed actors is an appellation used by Stedman, S. (1997), Davis, D. (2009) and others. For the purpose of this article this appellation is interchangeable with the appellation non-state armed groups. This research does not differentiate between these two appellations since the essence of them remains the same in the context of the research of NSAGs in DRC.

regional organizations) have different approaches to different groups. These attitudes arise mainly from the political interest thus, it is fair to argue that this issue is highly politicized, (Hoffman, 2007) which again has negative effect on the research and policy strategies done and applied to solve the NSAGs issue.

Hofmann (2006) analysed the NGO, UN and EU approaches stating that the NGOs are used as intermediators when states cannot negotiate and include the NSAGs into the conflict resolution process. The NGOs apply the track II diplomacy and thus are filling in the gap in terms of appropriate and effective mechanism in communicating with the NSAGs. The reason why there exists a gap is that states have strong concerns about legitimizing the NSAGs, while at the same time, the international community realizes the NSAGs are crucial when managing the humanitarian action in the field. The UN, however, stresses that with the loss of territory, the responsibility of the state to protect its own civilians does not diminish. Therefore, the UN started to recognize these groups in its resolutions, although it was a long process from very vague "all parties to the conflict" to naming and shaming of the particular groups (as is proved also by our analysis). Yet, there are no perfect strategies developed for grasping of the problem of "state concerns versus the exigency to engage with NSAGs." (Hofmann, 2006, p. 400) Unlike the states and the UN, the EU has more open-minded approach on the NSAGs as they accept the NSAGs as being part of the conflict and include them in humanitarian issues including the trade of small arms and light weapons or compliance with the Ottawa Convention. (Hofmann, 2006) Especially relevant for our paper is the initiative of the EU Council to meet with the unarmed political opposition and representatives of civil society of the DRC as a further step in the peace-building process. The result of this meeting was an inter-Congolese dialogue starting 25 February 2002. Furthermore, the EU called for Burundi forces to a ceasefire and started peaceful negotiations. (Hofmann, 2006)

The academic and NGO sector provides us with several definitions that shed a brighter light on the functioning of these groups. It may be said that NSAGs are "armed groups that use force to achieve their objectives and are not under state control" and "do not pursue a private agenda but rather political and/or economic objectives." (Hofmann, 2006, p. 396) **Englehart** (2016) adds that what makes them an analytical category is "the capacity to use organized violence without the official sanction of a public authority." (p. 172) **Schneckener** (2009) recognizes the diverse character of the NSAGs, nevertheless, he lists three conditions under which a group may be recognized

as NSAG: "1. It is willing and capable to use violence for pursuing its objectives; 2. It is not integrated into formalized state institutions such as armies, presidential guards, police or special forces; 3. They possess a certain degree of autonomy with regards to politics, military operations, resources and infrastructure" (p. 8) **Schneckener** (2009) admits, similarly to **Krause** and **Milliken** (2009), that despite the name emphasizing the non-state character, a lot of these armed groups are actually directly connected to the state power and such definition provides another hinder in the study of NSAGs as well as there are officials directly or indirectly involved. **Schneckener** (2009) ends the list with the fourth condition being the stable organizational structure.

To depict the full picture on how complex and sometimes misleading different definitions of NSAGs may be, recent research adopted an appellation "hybrid actors" to suggest their position between nonstate and proxy actors. (Cambanis et. al., 2019) Given different context and different case studies, focused predominantly on the Middle East, **Cambabis et. al.** (2019) claim that hybrid actors that would, for the purposes of this research, ultimately fall under the category of NSAGs are "distinct in the way that they not only serve a security function, but also play a role in politics and economics" (p. 1). Their analysis and definition of hybrid actors is based on their stateness and autonomy. These would however suit to define what we call NSAGs in the DRC since authors also admit that they are present in conflict zones and thrive from weak state.

In this research we should emphasize that the we adopted the abbreviation NSAGs to encompass the phenomenon as widely as possible. Since, this is quite a new term, it has not been defined so strictly that the academic research would already work with only one universally agreed definition and that is also the reason why most of the research depicts them by different name, i.e. *armed groups* or *non-state armed actors*. As will be later proved by our analysis the language incorporated by the UN Security Council's Resolutions is highly inconsistent. We can perceive that with starting by "all parties [to conflict]" in the beginnings of the conflict resolutions went on with other different appellations such as *armed forces*, *foreign and/or domestic groups*, *Congolese armed groups* (which essentially only contextualises the term "domestic armed groups" in the territory of the DRC and has no intent to suggest the affiliation to the state authority) or *non-state actors*. This inconsistency led us to decide that the best caption for all of these is the term *non-state armed groups* especially because groups' domestic of foreign character is irrelevant for this research and mainly

since bigger proportion of these groups involved in the conflict in the DRC are originating from within the state but also from neighbouring countries such as Rwanda, Uganda or Burundi. The denominator for selection of the concrete groups studied is simply the territory in which these NSAGs are active perpetrators of violence, thus the "armed"; and their un-connectedness with state (since most of these groups are more-less self-sufficient and do not rely on any incomes from state authorities, rather on support from other entities) thus the "non-state". Moreover, on the DRC territory, the most "popular" non-state armed groups are not private actors, rather insurgent or militia groups however, they use similar practises as private actors to secure finances and other resources for their functioning or their character changed over time. (Hofamnn, Vlassenroot and Marchais, 2016; Shouten, Murairi and Kubaya, 2017; Nantulya, 2017) In the course of the past 20 years these practices have not changed substantially. The way non-state armed groups express their motives and use the available means remained the same. In several cases, the motives might have changed, as it was in the case of the ADF. "The ADF started out as an Islamist insurgency in 1996, committed to overthrowing the Ugandan government and establishing Islamic law. However, after being ejected from Uganda, the ADF became deeply entangled in North Kivu's local dynamics. It has forged strong ties to local politicians and businessmen and engaged in a range of illicit activities, including weapons smuggling, timber harvesting, money transfers, and the illegal sale of forcefully seized land. There is little evidence of political or religious motivations in its current activities" (Nantulya, 2017). Moreover, the data in IPIS report says that "the National Congress for the Defense of the People (CNDP) reportedly made up to 250,000 dollars per month from taxes on road transport and access to markets. A few years later [2006 onwards], the M23 rebel group made about 200,000 dollars per month, mainly from roadblock taxation. According to the 2014 final report of the UN Group of Experts, the M23, as well as other armed groups, financed themselves principally through roadblocks and control over border posts." (Schouten, Murairi and Kubaya Batundi, 2017, p. 10) In order not to omit these important groups, we do not distinguish the nature of their interest and include groups with various interests in our analysis.

Many authors attempted to define a typology of these non-state armed groups, however in this sense and for the purpose of our research **Krause** and **Milliken** (2009) and **Schneckener** (2009) outlined a typology that is best suited for our research. In the next part we will go through different types of NSAGs.

2 Typology of NSAGs

Krause and **Milliken** (2009) suggest five categories to which the NSAGs can be divided:

1)   *insurgent groups* that effectively control part of the territory and thus can be considered as 'proto-states' or 'states in formation'. They represent an alternative towards the current government that uses oppressive and violent measures to the civilian population. These are the groups that consider themselves mostly as liberators and are often invited to negotiations with the NGOs. The literature also suggests that in this respect, the concerns states face in legitimizing the NGASs do rather prevent from effective conflict resolution and subsequent peace- and state-building as these groups do have strong legitimacy from the society.

2)   *Militant groups* are focused primarily on the political and economic injustices and respond to them violently, but in not such range to fulfil the violence threshold. Comparing the insurgent groups, they do not have any control of specific territory.

3)   *Warlords, urban gangs* and *criminal networks* belong to a category that is mostly considered as criminals and there is a little basis in the literature for them to be included in the negotiations as they possess little legitimacy from the society. Moreover, the concerns of legitimizing such groups increases as these groups are focused on the profits from natural resources, drugs, human trafficking, and kidnapping. The modus operandi also involves high levels of violence and murders that are close or even higher than the level in war and armed conflict.

4)   Private *militias*, *police forces* and *security companies* are becoming more and more interesting for the scholars interested not only in NSAGs but also institutionalist theories and security studies. This category includes also community-based militias and police.

5)   *Transnational groups* are characterized by millennial, religious and other ideological goals and their activities include intentionally and precisely conducted attacks and terror-provoking acts. However, in terms of the effects, they are far less destructive as the domestic insurgents.

Schneckener (2009) on the other side provides a different typology of the NSAGs, where the features of two or more categories by **Krause** and **Milliken** (2009) can be found.

1.   *Rebels* or *guerrilla fighters* or *partisans* whose aim is usually to overthrow the government, the secession of the region or the end of occupation or colonial regime. Their motivation lies in social-revolutionary, ethno-nationalistic or religious ideology on which they build their political agenda. They see themselves as liberators and have a clear structure including command and internal rules of conduct. They are supported by foreign governments and various non-state actors as well. The guerrilla tactics involved the avoidance of direct confrontation with the enemy and reside in mountains, forests and rural areas. These can be found especially, but not limited to Central America or DRC. (Schneckener, 2009)

2.   *Militias* are defined as "irregular, paramilitary combat units that aim at protecting and defending the interests of the government and/or certain segments of the society". (Schneckener, 2009, p. 9) They act opposite to guerrilla tactics as they are being used by the political establishment, although not formally. They do the dirty work and can be found also in Colombia, Northern Ireland or in the Balkans.

3.   *Warlords* control particular territories and use private armies to secure their power. Unlike guerrillas, the relationship is based on personal loyalty rather than national or ethnic ties. **Schneckener** (2009) claims that "Modern warlords are a typical by-product of long-standing civil wars" (pp. 9 – 14) and later run for public office. Their main activities include exploiting of natural resources. Such warlord was also Laurent-Désiré Kabila.

4.   *Terrorists* aim to spread panic and fear among the population in order to achieve their political goal but also the mobilise the radical public. Terrorist groups can be local that counter the existing national political system or transnational terrorist groups that address the international order.

5.   *Criminals* include specific types of organisation such as Mafia, gangs or larger networks. Unlike **Krause** and **Milliken**, **Schneckener** does not merge these groups with warlords as they do not get the public office. They rather infiltrate and do the shadows. Moreover, their modus operandi falls under the criminal offence under rule of law (smuggling, robbery, fraud, blackmailing, piracy, contract killing, money laundering, trafficking of human beings, product piracy, illegal cross-border trading of drugs, weapons, nuclear material, human organs, timber and commodities). They have a patron or committee at the top and operate cross-border.

6.   *Mercenaries* and *private security/military companies* often are "demobilised soldiers or former rebel fighters who now offer their know-how to

other warring parties" (Schneckener, 2009, p. 13) and thus are fighting on all sides.

7. *Marauders* are "demobilised or scattered former combatants who engage in looting, pillaging and terrorising defenceless civilians during or after the end of a violent conflict." (Schneckener, 2009, p. 14) Of special importance are *sobels* – soldiers by day and rebels by night. They use the chaos of conflict for personal benefits.

However, the Columbian case showed that in order to sign a peace agreement sometimes need to include non-state armed groups into the mediation process, as it is impossible to dismiss them or ignore their role from the political life.

Given the character of the conflict, these categories are principal guidelines for our analysis. Vast number of NSAGs in the DRC provides an opportunity to study most of the above-mentioned categories. Most of these types of NSAGs are to be found in the DRC and provided the detailed work by Schneckener (2009), Krause and Milliken (2009) we trust that adding on top of this classification would be counterproductive. This typology is as precise as possible and are made to fit almost any conditions in any country. DRC having dozens of NSAGs in different provinces is the right place to study them. There are rebel groups to be found, terrorist groups, warlords, criminals, militias and mainly insurgent groups. Moreover, this typology also completely avoids our research from failing the concept and including state armed groups which essentially is state army that is of no importance for this research.

3 Conflict in the DRC

The DRC is in long-lasting conflict, which can be even traced back to 1990s. The Rwandan-led coalition invaded Zaire (DRC at that time) and overthrew Mobutu Sese Seko after more than thirty years of dictatorship. The leader of this coalition and at the same time the leader of the Alliance of Democratic Forces for the Liberation of Congo (AFDL), Laurent Kabila became the president of the country since 1997. This is also known as the First Congo War.

Second Congo War was launched in 1998, when "Kabila fell out with his former Rwandan and Ugandan allies". (Khadiagala, 2017, p. 35) Later, in 2001 Laurent was assassinated and replaced by his son, Joseph, who still remains in power in 2018. The end of the Second Congo War in 1999 is associated with the signing of the Lusaka Agreement that was supposed to put an end to the

fighting but some trace it to 2003, when a peace deal was negotiated with some of the rebel groups active in the conflict and transitional constitution was signed by President Joseph Kabila. (Khadiagala, 2017)

4 MONUC and MONUSCO

United Nations Organization Mission in the Democratic Republic of Congo (MONUC) was deployed in 1999, with the Security Council's Resolution 1279 giving it its mandate to foresee the adherence to and implementation of the Ceasefire Agreement and to simply monitor the situation with the responsibility to inform the UN personnel on the local conditions. (UNSC RES 1279 (1999)) The mission's mandate has been extended several times due to the internal situation's requirements. As Reynaert argues, "MONUC's mandate was regularly adapted due to changes in the national political context" (Reynaert, n.d., p. 14) and therefore she recognizes three phases – pre-transition phase (1999-2003), the transition phase (2003-2007) and the post-transition phase (2007-2010).

After the post-transition phase of MONUC elapsed, it has been replaced and transformed into the United Nations Organization Stabilisation Mission in the Democratic Republic of Congo (MONUSCO). The mandate of MONUSCO has been primarily focused on the stabilisation of the situation but it could not avoid complications and challenges on its path since 2010. The mandate of MONUSCO was supposed to end in March 2018 but it has been extended until 31 March 2019. (UNSC RES 1279 (2018)) Its "authorized troop ceiling will be comprised of 16,215 military personnel, 660 military observers and staff officers, 391 police personnel, and, 1,050 personnel of formed police units". (UNSC RES 1279 (2018)) Its strategic priorities are agreed to be the protection of civilians and overseeing that credible elections will take place. (UNSC RES 1279 (2018)) Since Joseph Kabila's term in the presidential office has elapsed it has become a priority to monitor the situation and collaborate with DRC's government and other national authorities to stabilize and if possible, help replacing of the President. Both missions have been somewhat special and contributed considerably to settling the situation down at times of crises. "For much of the past 20 years, the Congo has hosted one of the world's largest and most expensive peacekeeping missions." (Khadiagala, 2017, p. 34) "Between 2006 and 2014 alone, the country received around $15 billion in foreign development aid." (OECD Statistics in Khadiagala, 2017, p. 35) Without further mentioning of

details about the conflict in the DRC or the two missions, we will now introduce the most striking findings of our research, in which necessary details will be explained.

5 Findings of the Research

Table 1 (below) provides an overview of the document analysis, which was created from the quantitative document analysis for the purposes of this article. This quantitative document analysis was done very carefully and provides results, which are context-sensitive. (Reading of the UNSC Resolutions was done by the authors so that the coding provided as accurate results as possible). The table provides an overview of the most relevant results (how many times did each expression/name appeared in respective Resolution), which we summarize in this section.

There are several trends that can be observed regarding NSAGs in the DRC. The first and most important objective of this research was to observe whether the UNSC Resolutions and thus the UN itself acknowledges the existence of non-state armed groups in the DRC. Although resolutions were not as reflective on the factor of armed groups in the beginnings of the MONUC mission we can observe a rapid increase in the mentions with the S/RES/1856 of 2008. It is also quite instrumental to mention that the category of *NSAGs* includes mentions from resolutions such as *armed groups, domestic armed groups* or *Congolese armed groups*. These expressions were categorized, based on the contextual meaning to the category of NSAGs even though not a single Resolution mentioned the NSAGs explicitly, we decided – based on the context - that we can include these expressions into the category of NSAGs. Throughout the years and Resolutions, this was the biggest, most often mentioned and continuously coherent category.

Secondly, we can perceive quite a few mentions of *militias* or *rebel groups*. It seems that the UNSC does not prefer to categorize the NSAGs in a more detailed way. Except for 67 mentions that *militia* had in 19 years of resolutions, *rebel groups* were the second most mentioned type of NSAGs and there also appeared one or two mentions of *ethnic or religious groups* but those were excluded from the final Table as such number is not very relevant. Here, we would like to point to the problem of typology and categorizing. It is highly relevant and efficient to distinguish between various categories that for example, **Schneckener** (2009) introduced. Doing so might help understand the

objectives of such groups and could, therefore, contribute to adopting the well-fitted approach on how to deal with them.

Apart from these already mentioned "general" expressions, we can also see category *parties to the conflict*. This is how the resolutions referred to the different states or NSAGs when they called upon them to cease the violence, give up on their guns, etc. Especially here, we think that Hofmann's and Schneckener's idea of naming and shaming would be working as it would put pressure on the groups and States concerned. They claim that "the aim [of naming and shaming strategy] is usually to persuade them [actors] to accept and respect certain agreements and norms, in particular, norm of humanitarian international law" (Hofmann, Schneckener, 2011, p. 612) so that they cease to commit crimes and harm civilians.

Additionally, another category we perceive to be rather vocal is the category of *foreign armed groups*. This category encompasses different mentions of foreign troops, foreign armies or namings of concrete troops. Resolutions were quite successful in identifying the countries and the groups they backed that perpetrated the conflict. From the early 2000s Resolutions called upon Rwanda and Uganda to withdraw their troops and alliances that they backed either as proxies or sponsored them by guns and related equipment. One of the main challenges to the conflict in the eastern provinces of the DRC – North and South Kivu as well as Ituri province; was the spread of the conflict from Rwanda. After the genocide in 1994, there were waves of both Hutus and Tutsis fleeing to the eastern provinces of the DRC. The conflict has thus spilt over the borders and was brought into DRC. UNSC has been able to track these movements and reflect on it in resolutions such as UNSC/RES/1304 (2000) and UNSC/RES/1341 (2001). Since the change in the conflict nature also, with the UNSC/RES/1906 (2009) the mentions of the foreign armed groups started to be limited to particularly the context of disarmament, demobilization, repatriation, resettlement and reintegration (DDRRR).

One of the last categories, we decided to include in the Table is category of *criminal networks*. Although it might not be clear how to define these networks, literature, as well as we in this article, adopt the already mentioned approach. Criminal networks are groups of criminals that are not legitimized within societies and whose primary aim is to profit from the exploitation of natural resources, illicit trade, drug and human trafficking. DRC is not only the second biggest African country, but it is one of the richest countries natural resources-wise. These natural resources were exploited by criminal networks and NSAGs

for years. According to Williams "the illicit diamond trade fuelled the protracted conflicts prevalent across the east of the country generating between $16 and $48 million per year." (Williams, 2016, p. 99) UN started reflecting on that in approximately 2009 with the UNSC Resolution 1952 (2010), which we consider a good sign in a still arising and changing phenomenon.

As the last category, we decided to analyse whether concrete groups were named within the Resolutions. Despite the fact that there are dozens of NSAGs active in the conflict, most of the times, as it might be also obvious from the table, the only groups that were predominantly named were groups such as March 23 Movement (M23), Lord's Resistance Army (LRA), Democratic Forces for Liberation of Rwanda (FDLR) and occasionally some others. Very disputable is the naming and pointing to the activities of the Armed Forces of the DRC (FARDC). It is the official state army, and therefore a state-actor that had to be excluded, but on numerous occasions, FARDC was used by DRC's political representatives (mainly the President) to perpetrate violations, clashes and unrests. In this respect, UN by its own language distinguishes between state and non-state armed groups. Another issue resulting from our document analysis is, that it is widely recognized by the UNSC that most of the NSAGs are primarily active in the Eastern provinces – North Kivu, South Kivu and Ituri. However, some of these groups that caused violence either regrouped or were dissolved (M23 being the most notable case of regrouping) and it is difficult to identify newly emerged NSAGs unless they caused large scale violence such as M23 did. The phenomenon of regrouping and new groups creating remains thus to be further analysed.

The question then is what is the reason behind the UN language used in the resolutions? The active presence and significant role played by the NSAGs cannot be ignored, thus the inexistence of such groups is not a reason behind such poor, yet, improving reference to NSAGs in the DRC conflict. Our understanding stems from the introductory part of the paper and so, the insufficient and out-dated provisions in International humanitarian law perceiving states, international organization and individuals being its subjects. Non-state actors in general are an unresolved issue and the treatment of non-state actors, NSAGs including is object of subjective perception and approach of actors dealing with them, in our case the UN.

Conclusion

This article brought attention to the phenomenon of NSAGs in the DRC. As a still quite new phenomenon it remains to be further studied in different contexts and different countries.

Since the term NSAGs itself varies from context to context and country to country, as proven by Cambanis et.al. (2019), Schneckener (2009), Hofmann (2006) and others, it is essential to pre-define the subject of the research. With this analysis we have proved that the concept itself is vaguely defined in international law and that also leads to terminological misconceptions within the UNSC Resolutions. For the purpose of this research, we defined NSAGs as actors in the conflict on a given territory (DRC in this case), seizing power by other means than dependence on contributions by state authorities (natural resources exploitation, local taxation, ethnicity, drug trafficking, simply being the opposition to a state and other means), and having either foreign (originated from insurgencies and conflict in neighbouring countries such as Rwanda, Uganda or Burundi) or domestic character (arouse directly from the Congolese conflict).

Our quantitative document analysis aimed to answer the question of to what extent are the UNSC Resolutions and therefore the UN missions able to reflect on this phenomenon of NSAGs. DRC is a great example and a very suitable country to study such case. It is home to the UN missions since the end of the 1990s and therefore offers a great deal of UNSC Resolutions to be analysed. Although the NSAGs pose the biggest threat to the human security and local population, we perceive that the UNSC and missions themselves are quite flexible in adapting to the nature of the conflict, which we consider being very fluid and ever-changing.

We have also identified the fact that from the very beginnings the UNSC has not greatly considered NSAGs as actors of the conflict – rather just a side product of it and thus they were not initially included in the peace negotiations.

Due to the fact that NSAGs are endangering the local population, we see this as a still great opportunity for the UNSC to be more preventive in identifying the threats and preventing the NSAGs from causing these insurgencies. Our research showed that UNSC went from saying "parties to the conflict" to identifying concrete groups as the perpetrators of the conflict. Therefore, we can claim that lessons have been learned from the MONUC mission and the mandate's capability has been improved in the second mission, MONUSCO. Even though, the UNSC has still the opportunity to advance the naming and shaming strategies and become more flexible in adapting to various situations ahead. This is also a

problem of the mandates assigned to the mission (MONUSCO), which will need to be adjusted in order to become more critical towards some of the groups.

Table 1: Quantitative Document Analysis of UN Security Council's Resolutions on the DRC.

Resolution	ADF	APCLS	Bosco Naganda	CNDP	Criminal Networks	FDLR	FNL	Forces (general)	Foreign armed groups	Interahamwe	Laurent Nkunda	LRA	M23	Mai Mai	Militia/s	NSAGs	Parties to the Conflict	RCD	Rebel Movements	SPLM	Totals
S/RES/1258	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8	1	1	0	10
S/RES/1279	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	4	0	0	5
S/RES/1291	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	4	22	0	0	0	31
S/RES/1304	0	0	0	0	0	0	0	3	16	0	0	0	0	0	0	3	14	0	0	0	36
S/RES/1316	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2
S/RES/1332	1	0	0	0	0	0	0	3	5	1	0	0	0	0	0	0	5	9	0	0	24
S/RES/1341	0	0	0	0	0	0	0	6	10	1	0	0	0	0	0	0	5	23	0	0	45
S/RES/1355	0	0	0	0	0	0	0	6	7	1	0	0	0	0	0	11	35	2	0	0	62
S/RES/1376	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	5	10	2	1	22
S/RES/1399	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	6	0	12
S/RES/1417	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	3	9	5	0	19
S/RES/1445	0	0	0	0	0	1	0	1	4	0	0	0	0	0	0	0	7	17	0	0	30
S/RES/1457	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	1	0	0	0	3
S/RES/1484	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	3	0	0	0	5
S/RES/1493	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	8	13	1	0	0	24
S/RES/1522	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	5
S/RES/1533	0	0	0	0	0	0	0	0	1	0	0	0	0	0	2	5	1	0	0	0	9
S/RES/1552	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	3
S/RES/1565	0	0	0	0	0	0	0	0	5	0	0	0	0	0	0	5	6	0	0	0	16
S/RES/1592	0	0	0	0	0	0	0	0	1	2	0	0	0	0	3	5	5	0	0	0	16
S/RES/1596	0	0	0	0	0	0	0	0	1	0	0	0	0	0	2	4	2	0	0	0	9
S/RES/1616	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	3
S/RES/1621	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	3
S/RES/1635	0	0	0	0	0	0	0	0	3	0	0	0	0	0	2	0	0	0	0	0	5
S/RES/1649	0	0	0	0	0	2	1	0	14	0	0	1	0	0	5	5	1	0	0	0	29
S/RES/1653	0	0	0	0	0	1	1	0	1	0	0	2	0	0	3	7	0	0	0	0	15
S/RES/1654	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
S/RES/1669	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
S/RES/1671	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
S/RES/1693	0	0	0	0	0	0	0	1	1	0	0	0	0	0	1	0	0	0	0	0	3
S/RES/1698	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	4	3	0	0	0	10
S/RES/1711	0	0	0	0	0	0	0	1	2	0	0	0	0	0	2	0	0	0	0	0	5
S/RES/1736	0	0	0	0	0	0	0	0	2	0	0	0	0	0	2	0	0	0	0	0	4
S/RES/1742	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
S/RES/1751	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
S/RES/1756	0	0	0	0	0	0	0	1	8	0	0	0	0	0	3	12	5	0	0	0	29
S/RES/1768	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	2
S/RES/1771	0	0	0	0	0	0	0	0	2	0	0	0	0	0	1	3	2	0	0	0	8
S/RES/1794	0	0	0	0	0	5	0	1	2	4	6	2	0	0	6	12	4	0	0	0	42
S/RES/1797	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
S/RES/1799	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	3	0	0	0	0	5
S/RES/1804	0	0	0	0	0	9	0	0	10	9	0	0	0	0	2	6	0	0	0	2	38
S/RES/1807	0	0	0	0	0	5	0	0	5	0	0	0	0	0	2	3	0	0	0	0	10
S/RES/1820	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	7	0	0	0	9
S/RES/1843	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	3
S/RES/1856	0	0	0	1	0	3	0	2	6	0	1	2	0	0	1	22	6	0	0	0	44
S/RES/1857	0	0	0	0	0	0	0	0	3	0	0	0	0	0	2	7	3	0	0	0	15

																					Total
S/RES/1896	0	0	0	0	0	1	0	1	1	0	0	1	0	0	1	8	2	0	0	0	15
S/RES/1906	0	0	0	0	0	5	0	0	7	0	0	6	0	0	1	19	6	0	0	0	44
S/RES/1925	0	0	0	0	0	6	0	3	3	0	0	5	0	0	0	11	4	0	0	0	32
S/RES/1952	0	0	0	0	5	2	0	0	1	0	0	1	0	0	1	16	2	0	0	0	26
S/RES/1991	0	0	0	1	0	2	0	4	2	0	0	5	0	0	0	11	4	0	0	0	29
S/RES/2021	1	0	0	1	2	1	1	1	1	0	0	1	0	1	0	13	2	0	0	0	27
S/RES/2053	1	0	2	4	0	2	0	5	3	0	0	10	3	0	0	15	4	0	0	0	49
S/RES/2076	0	0	0	0	0	0	0	0	0	0	0	0	23	0	0	1	6	0	0	0	30
S/RES/2078	1	0	0	0	2	1	1	0	3	0	0	1	12	1	1	8	3	0	0	0	34
S/RES/2098	2	2	2	0	0	3	1	5	5	0	0	7	9	3	0	16	12	0	0	0	67
S/RES/2136	3	0	0	0	2	5	0	2	4	0	0	2	5	2	1	13	4	0	0	0	43
S/RES/2147	2	0	0	0	0	9	0	5	5	0	0	7	10	2	0	14	10	0	0	0	64
S/RES/2198	3	0	0	0	3	7	1	6	4	0	0	2	5	0	1	26	5	0	0	0	63
S/RES/2211	4	0	0	0	0	11	1	6	5	0	0	5	3	0	0	24	13	0	0	0	72
S/RES/2277	4	0	0	0	1	8	0	5	4	0	0	5	3	0	0	33	14	0	0	0	77
S/RES/2293	3	0	0	0	6	6	0	5	4	0	0	2	2	1	1	32	6	0	0	0	68
S/RES/2348	0	0	0	0	1	1	0	5	2	0	0	0	4	0	6	31	14	0	0	1	65
S/RES/2360	3	0	0	0	4	3	0	7	2	0	0	2	2	0	1	28	7	0	0	0	59
S/RES/2389	1	0	0	0	0	3	0	1	2	0	0	1	4	0	0	12	0	0	0	1	25
S/RES/2409	0	0	0	0	1	2	0	7	1	0	0	0	1	0	4	30	13	0	0	0	59
Totals	29	2	4	7	27	99	7	105	178	18	7	70	86	10	67	521	359	17	4	2	1619

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List of UNSC Resolutions Analysed

UNSC Resolution *1258*(1999)	UNSC Resolution *1649*(2005)
UNSC Resolution *1279*(1999)	UNSC Resolution *1654*(2006)
UNSC Resolution *1291*(2000)	UNSC Resolution *1669*(2006)
UNSC Resolution 1304(2000)	UNSC Resolution *1671*(2006)
UNSC Resolution 1316(2000)	UNSC Resolution *1693*(2006)
UNSC Resolution 1332(2000)	UNSC Resolution *1698*(2006)
UNSC Resolution 1341(2001)	UNSC Resolution *1711*(2006)
UNSC Resolution 1355(2001)	UNSC Resolution *1736*(2006)
UNSC Resolution 1376(2001)	UNSC Resolution *1742*(2007)
UNSC Resolution 1399(2002)	UNSC Resolution *1751*(2007)
UNSC Resolution 1417(2002)	UNSC Resolution *1756*(2007)
UNSC Resolution *1445*(2002)	UNSC Resolution *1768*(2007)
UNSC Resolution *1457*(2003)	UNSC Resolution *1771*(2007)
UNSC Resolution *1468*(2003)	UNSC Resolution *1794*(2007)
UNSC Resolution *1484*(2003)	UNSC Resolution *1797*(2008)
UNSC Resolution *1493*(2003)	UNSC Resolution *1799*(2008)
UNSC Resolution 1522(2004)	UNSC Resolution *1807*(2008)
UNSC Resolution *1533*(2004)	UNSC Resolution *1843*(2008)
UNSC Resolution *1552*(2004)	UNSC Resolution *1856*(2008)
UNSC Resolution *1565*(2004)	UNSC Resolution *1857*(2008)
UNSC Resolution *1592*(2005)	UNSC Resolution *1896*(2009)
UNSC Resolution *1596*(2005)	UNSC Resolution *1906*(2009)
UNSC Resolution *1616*(2005)	UNSC Resolution *1925*(2010)
UNSC Resolution *1621*(2005)	UNSC Resolution *1952*(2010)
UNSC Resolution *1635*(2005)	UNSC Resolution *1991*(2011)

UNSC Resolution *2021*(2011)   UNSC Resolution *2211*(2015)
UNSC Resolution *2053*(2012)   UNSC Resolution 2277(2016)
UNSC Resolution *2076*(2012)   UNSC Resolution *2293*(2016)
UNSC Resolution *2078*(2012)   UNSC Resolution *2348*(2017)
UNSC Resolution *2098*(2013)   UNSC Resolution *2360*(2017)
UNSC Resolution *2136*(2014)   UNSC Resolution *2389*(2017)
UNSC Resolution *2147*(2014)   UNSC Resolution *2409*(2018)
UNSC Resolution *2198*(2015)