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BORDERS DISPUTES

UNDERSTANDING TERRITORIAL DISPUTES IN AFRICA: CASE OF THE DRC



A Dissertation submitted to the Faculty of Humanities, University of the Witwatersrand (Johannesburg), in partial fulfilment of the requirements for the Degree of Master of Arts in the Field of International Relations

By Rebecca Mbaya

578769

Supervisor: Michelle Small

February 2018

DECLARATION

I, Rebecca Mbaya Mwenga, declare that this research report is my own unaided work. It is submitted in fulfilment of the requirements for the degree of Master of Arts in International Relations in the School of Social Sciences, at the University of the Witwatersrand. It has not been submitted before for any degree or examination at the University of the Witwatersrand or any other University.

……

Rebecca Mbaya Mwenga

November, 2017

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Last but not least, to the Lord almighty goes all the glory and gratitude for granting me with mental strength and physical wellness to start, complete and finish this work despite the hardship around it. Finally, whatever errors remain in this work, are solely mine and should not, in any case, be attributed to anyone acknowledged here.

Abstract

This research paper focuses on the territorial disputes which have occurred between the DRC and 7 out of its 9 neighbors. Being a security situation, understanding territorial dispute can assist in explaining the extremely long period of political instability and violent armed conflicts that have created havoc in most of the DRC's post-independence era. The aim here is to uncover the causes underscoring the variations in territorial disputes outcomes as not all of them resulted in violent conflicts. I use an analytical framework based on core tenets of the Third world security Dilemma to test how it answers my research question.

Abbreviations & Acronyms

ACCORD: The African Centre for the Constructive Resolution of Disputes

AFDL: The Alliance of Democratic Forces for the Liberation of Congo-Zaire

AU: African Union

CAR: Central African Republic

CLCS: Commission on the Limits of Continental Shelf

COMESA: Common Market for Eastern and Southern Africa

DRC: Democratic Republic of Congo

EEZ: Exclusive Economic Zone

FARDC: The Armed Forces of the Democratic Republic of the Congo

FAZ: Armed Forces of Zaire

FNLA: National Front for the Liberation of Angola

GDP: Gross Domestic Product

ICJ: International Court of Justice

ICOW: Issue Correlates of War

IMF: International Monetary Funds

JDA: Joint Development Agreement

LRA: Lord's Resistance Army

LOSC: United Nations Convention on the Law of the Sea

MOs: Military Operations

MPLA: Southern African Development Community

OAU: Organization of African Unity

SADC: Southern African Development Community

TDs: Territorial Disputes

UDPF: The Uganda People's Defense Forces

UNDP: United Nations Development Programme

UNECA: United Nations Economic Commission for Africa

UNITA: National Union for the Total Independence of Angola

UN: United Nations

USSR: Union of Soviet Socialist Republics.

US: United States

RCD: Congolese Rally for Democracy

RPF: Rwanda Patriotic Front

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Chapter I

1.1 Introduction

A territorial dispute (dispute about land, water, borders, identity, mineral resources) is an historical antecedent. According to Huth (2009), there were about 129 territorial disputes between 1945 and 1990 and 60 of them had not been resolved and were ongoing as of 1995. He indicates that 19 out of the 21 interstate wars occurred outside Europe, and in 14 cases territorial disputes were the direct causes of conflicts. About a half of the territorial disputes did not involve the threat or use of military force. Fifty-three cases (41 percent) were settled peacefully by the challenger through compromise or conciliation, while 57 cases (44 percent) stalemated and 19 (15 percent) were settled on terms favorable to the challenger—that is, occupation or capitulation of the target. A more recent set of data from ICOW Territorial Claims Data Set reveals that, the entire world has known 843 territorial claims between the years 1891 and 2001 of which 161 were found in Africa, 217 in Asia, 101 in the Middle East, 236 in Europe and 128 in the Western Hemisphere (Hensel et al. 2005, 279).

Examples of territorial disputes include Japan and Russia as they have been disputing the Kurils Islands which are a string of islands stretching from the north of Japan to the southern tip of Russia's Kamchatka Peninsula. Since 1940, Guatemala has claimed sovereignty over its neighbor Belize. Territorial disputes about land that seem entirely worthless includes the case of Britain, Iceland, and Denmark which all claimed ownership of Rock Island. Canada and Denmark both claim sovereignty over Hans Island, a barren rock measuring only half a square mile in size, located near the northern boundaries of Canada and Greenland (Mancini 2013, 3).

Africa, with its inherited territorial layout that ignores ethnic, identity, linguistic, religious and political realities of pre-colonial African societies is not spared that reality. The question of territorial disputes in Africa, have created much chaos and confusion and requires permanent vigilance. From the 'Scramble for Africa' to the gaining of independence, the demarcation of territory has been hotly disputed between explorers, colonial powers and amongst African leaders. Of all interstate disputes, territorial disputes remain a serious threat to the stability, unity, and security on the national and regional levels as they are more conflict prone. At the national level, the case for instance, of the Central African countries which embarked into an unprecedented cycle of post-independence violence driven by secessionist tendencies supports

this argument. The Katangese and Kasai secessions, the multiple rebellions in the Democratic Republic of the Congo, the beginning of the Tutsi exile, and the inter-ethnic violence in Rwanda and permanent tensions in Burundi have been explored by many scholars. More disagreements over specific pieces of territory on a regional level include: Libya-Chad conflict over the Aouzou Strip; the Biafra secession (1967-1970); the attempt to conquest the Ogaden by Somalia (1977-1978); the desire for independence of the island of Anjouan in the archipelago of the Comoros in 1997, the issue of the enclave of Cabinda, Ethiopia- Eritrea over Badme (1998-2000), Cameroon- Nigeria over Bakassi (1994-2006), Sudan- South Sudan over Abyei , Tanzania – Malawi over Lake Nyasa (1967 to present) (Khadiagala, 2008).

For many scholars, Colonialism is perceived as the origin and cause of the violent and almost unending interstates and transboundary conflicts on the continent. Scholars like Anyu (2007), Shah (2010) share the perspective that many of these disputes are as result of colonial legacy. Anyu (2007) argues that most of the ethnic and interstate conflicts in Africa are the result of artificial boundaries drawn by colonial powers during the scramble for Africa in the 1880s. Most post-colonial territorial disputes find their roots in the model of European spatial organization of politics (resulting from centuries of evolution) which was then transported as such on the African continent. At the time of this transposition, kingdoms and empires of Africa did not apply the concept of borders as formalized in de jure sense. Indeed, on the mainland, there were ethnic groups and nations for whom borders were vague, others for which the borders were established by natural elements such as mountains, rivers, lakes and so on. In other words, these borders were never exclusive as it was rather the notion of borders – area that prevailed as the vagueness and uncertainty about the limits and the configurations of precolonial territorial communities were mainly due to a lack of demographic pressure. *"Even when state formation did take place in precolonial Africa, the result was very different from defines a state today. Permanent, precisely delineated boundaries were rare. Power broadcast from the center of kingdom would dissipate the further a village was from a capital and would ebb and flow according to the fortunes of the central administration"* (Thomson 2000, 11). Borders have remained, for more than a century, almost immutable, with a few exceptions such as Somalia and Morocco that rejected the concept (Michalopoulos & Papaioannou 2015, 3).

Territorial and border maintenance result from the Pandora's Box of the territorial claims that would be unleashed, causing instability and insecurity in the continent, should Africa's borders be revisited. In order to avert the likelihood of chaos and anarchy resulting from boundary contestations, the Organization of African Unity adopted in 1964, the principle of intangible

borders. The principle of intangibility was accepted by almost all African countries when signing the Charter of the OAU (Michalopoulos & Papaioannou 2015, 7). Additionally, the Constitutive Act of the African Union establishes as its objective the *"defense of sovereignty, territorial integrity and independence" and affirms as a principle "respect for the sovereignty and territorial integrity of each State and of its inalienable right to an independent existence"*(Ikome 2012, 3).

However, even several decades after independence, the practice of inviolability of borders has not guaranteed political and territorial stability. The African continent still experiences territorial disputes at a high rate, most of which are resolved peacefully through arbitration and adjudication. Although, they do not always lead to armed conflicts, African TDs remain a threat as they have the tendencies to be kept unresolved and evolve into violent conflicts. The DRC, our case study, with a vast territory, that is poorly governed, managed and demarcated though endowed with immense natural resources, does not escape this reality. The situation becomes even more complex when realizing that the DRC is surrounded by nine neighbors. Since gaining independence the DRC has known TDs of different kinds and at different levels, with different outcomes.

The DRC has known territorial disputes with Uganda, Rwanda, Burundi, Angola, Zambia the Republic of Congo and South Sudan. These disputes are not restricted to border disputes only; it encapsulates maritime, mineral resources and even populations disputes. It should be noted that all of these countries fall under the failed state category discussed later on in this research(see pages 35-36). The theoretical explanation of this category is extensively covered by the theory of the third world security dilemma. Therefore, in order to have a better understanding of the dynamics of this case, this research looks at variables of the third world security dilemma to identify the drivers/variables which contribute to the outbreak of conflicts over disputed territory. This study aims to explore the process in which these dynamics determine the outcome of the DRC TDs. This research will focus on the timeframe from 1960, year of the DRC independence, to the year in which each dispute produced an outcome (war outbreak or treaty agreements). This would allow us to provide a substantial analysis of the cases without leaving considerable gaps. Our study therefore builds on and contributes to the work of territorial disputes dynamics in Africa.

1.2 Background to study:

Domestic conflicts dynamics

Understanding the evolution of TDs in the DRC and most importantly, how they have contributed to the outbreak of violent conflicts in the eastern Drc, requires taking a look at the DRC internal and external conflicts dynamics.

1.2. A. The post-independence Era: Secessions & resources

The DRC has known a wave of secessions attempts and internal territorial conflicts outbreaks soon after gaining independence in 1960. These secession's attempts, which have mainly been associated to resources, have been the topic of discussions by many scholars such as Nzongola-Ntalaja (2002), Nest, Grignon and Kisangani (2006). These authors actually suggest that the leaders of these secessions namely those of Kasai (1960-62), Katanga (1960-63), the eastern regions (1964-1966), Shaba war I (1977) and Shaba war II (1978), advocated secession to express their discontent over the mismanagement of resources by the central government. This discontent was about the fact that their regions were subsidizing the central government's expenditures with very little benefit in return (Newbury, 2012: 133). Ndikumana & Emizet (2003) argue that the DRC unequal distribution of resources across its region is a major leading factor in the DRC internal wars. Katanga for instance is believed to accounts for 70 percent of the country's copper and cobalt production, while the two Kasai are known as the diamond states with enormous reserves of industrial diamonds and gem-quality and the eastern provinces, like the Kivus, are endowed in large reserves of gold, coltan and tin. These authors emphasize on the link between mineral resources and civil wars which have been recurrent from the First Republic (1960-1965). The country's internal politics have since then, been dominated by instability.

1.2. B The politicization of ethnic schisms

It is necessary to note that ethnic tensions in this case, are not restricted to an internal level only but are also a result of cross-border migration due to reasons such as labor. Mutambo (1997) argues that these cross-border migrations were linked to reasons such as the search of green pastures for livestock, ethnic conflicts and so on. To this, it can be added that the nature of conflicts in neighboring states such as Rwanda and Burundi, where the main feature of civil wars was of ethnic order contributed to the displacement of some ethnic groups. William (1997) notes that it was the arrival, in 1994, of large numbers of Rwandan refugees that disturbed the balance of ethnic groups in some regions of the eastern DRC. Actually, the UNECA 2015 also reports that "an important trigger of the 1996-97 conflict was the influx of more than one million Hutu refugees in eastern Congo in June 1994 following the victory of the Rwandan Patriotic Front (RPF)". However, scholars such as Moulin (1975) argue that the ethnic balance

in the eastern DRC was disturbed when about 300,000 Rwandans arrived in the Masisi and Rutshuru regions between 1928–1956 to provide labor for European-owned farms and mines.

The later stages of these cross-border movement reveal that the issue of ethnicities was politicized during the different regimes and more particularly from 1965, under Mobutu's administration. The dynamics of the internal conflicts reveal disputes between ethnic groups about access to land and resistance to discriminatory policies about citizenship. The ambiguity of land reforms enticed the already existing land disputes between communities. Some scholars argue that the link that can be traced between these tensions and the Congo wars, finds its root in the political manipulation of these ethnic schisms, which favored the outbreak and continuation of war (Naidoo 2003, 4). Ndikumana and Emizet (2003) are among the scholars who argue that ethnic antagonisms, discriminatory national laws and disruptions in the ethnic balance have played substantial roles in the outbreak of the Congo wars. Nibishaka (2011) argues that Mobutu's intervention in dealing with the Rwandan refugees issue shows a bias pattern. Mamdani (2002), argues that eastern DRC conflicts sprung from ethnic tensions as the Banyamulenge (Congolese of Rwandan/Burundian origins) revolted against the government's efforts to deny them recognition as Zairean/Congolese citizens. Kisangani (2012) argues that the politicization of ethnicity has not only marginalized segments of the population and fueled antagonisms between them and the indigenous groups, but also undermined the relations between the DRC and its eastern neighbors. More support of this view includes Prunier (2009) who claims that Mobutu manipulated ethnic schisms as his government failed to resolve the rising tensions over citizenship and access to land.

Laurent Kabila could have addressed this situation more appropriately by bringing the perpetrators of the 1994 genocide to justice, as requested by the RPF. After all, his arrival to power was because of the backing of countries like Rwanda and Uganda (also Angola, Burundi, and others). However, he failed to address the security concerns of these countries. Kabila's recruitment of Rwandan Hutu forces believed to be the genocidaires, action which further infuriated Kigali, also accounts for the prolonged war that drew Angola, Zimbabwe, and Namibia on Congo's side, while Uganda and Burundi lined up alongside Rwanda. A new rebellion then ensured against Laurent Désiré Kabila on the 2nd of August 1998. Joseph Kabila launched quite a number of various peace agreements attempts with the stakeholders of conflicts. They however, have been very precarious as most of them were never really respected by the parties.

1.3 External conflicts dynamics

1.3. A. Political ideologies: The cold war era

These domestic crises have somewhat affected the image of the DRC on the international stage, exposing the state vulnerabilities and weaknesses to the external world. Wilson (2011) argues that added to the state vulnerabilities and incapacity to govern the country, the Congo geostrategic position exposed it as a privileged target in the Cold War era. He further argued that the United States with its allies on one side and the USSR with its allies on the other played their influence on the Congo in order to protect their strategic interests. Capitalism imposed itself in the country and communism retreated to Angola and Congo Brazzaville making of the Congo (then Zaire) the shield preventing the proliferation of communism in sub-Saharan Africa. Bayart (2000) believes that to achieve their objectives in the Congo, the capitalist block had to find a trustworthy "Western" man able to ensure and protect the western countries interests in the Congo and President Mobutu was the ideal man. Thus, the death of Prime Minister Patrice Lumumba was orchestrated by the Westerners because his nationalist political ideas displayed communist tendencies (Mueller 2003). A dictatorial regime was then born in the center of Africa, as President Mobutu played the role of the gendarme in the region and relations between Zaire and its neighbors were then characterized by the superiority of Zaire in the region (Bayart 2000, 8). Fast-forwarding to the 1990s, which represented an era of democratization in Africa, President Mobutu lost his privilege as the master of Central Africa and the end of this superiority is struck with the arrival of the AFDL (Maeresera 2012, 107). The reminding of the political history of the DRC allows us to understand the dynamics of its crises with its drifts to violence whose roots, are partly found in a political class that does not seem to master the issues at stake.

1.3. B. Resource war

While some believe the 2nd Congo war to be a continuation of the first one, others argue that it is an entire war on its own. The consensus from both sides however, seems to be that resources are often characterized as a main feature of the second Congo war (1998-2003). Looking at the link between natural resources and the more recent waves of conflicts, Fors and Olsson (2004), Turner (2007), Stearns (2011) and Gambino (2011) suggest that Congo's natural wealth in resources has often been identified as the main driver of violence, either as a way to finance warring parties or a warfare objective in itself. When valuable resources are discovered or when the demand for existing resources rises, people are motivated to exert control over, and benefit from the sale of these assets. When land and resource rights are clear and enforceable, this

motivation leads to exploration, use, and sale through ordinary market processes. However, when resources are located in areas with conflicting tenure regimes or when local people have insecure tenure over valuable assets, predatory actors (public and private sector) often struggle for control of these assets. This is the case in the East Kivu region of the DRC where conflicts over land and minerals are widespread.

Jackson (2001) and Montague (2002) argue that one of the main culprits of the Congo wars is Coltan because of its high mineral value used in the manufacturing of electronic devices. Coltan deposits for instance, are found almost everywhere in eastern DRC and can be used to produce the highly heat-resistant metal powder called tantalum (Moyroud & Katunga 2002, 172). It sells for $100 a pound, and it is becoming increasingly vital to modern life. Deitelhoff & Wolf (2010) analyze how for the high-tech industry, tantalum is magic dust, a key component in everything from mobile phones made by Nokia, Ericsson, Apple, computer chips, stereos and VCRs. Prunier (2009), Vlassenroot & Raeymaek- ers's (2004) work on the Congo wars particularly the Ituri conflict, offers a thorough analysis and a more nuanced picture. They establish and present a detailed account of the ambiguous complexities of the situation that sparked and sustained the violent conflicts in which resources have partly contributed.

The DRC geo-strategic importance and the abundance of its highly sought natural and mineral resources within its borders have contributed, not only to the outbreak of violent conflicts but have also sustained these conflicts. Natural resources are linked to these conflicts as they have predisposed the country to high risk of conflicts and have promoted violent secessionist movements. They have attracted the covetousness of the neighboring states and several other protagonists and have also financed warrying parties.

According to the UNEP-MONUSCO-OSESG report:

"*Illicit natural resources exploitation in eastern DRC is valued at over USD 1.25 billion per year (USD 722-862 million if excluding diamonds also sourced outside eastern DRC). Of these amounts, an estimated 10-30 per cent (range USD 72-426 million per annum) goes to transnational organized criminal groups"* (*UNEP-MONUSCO-OSESG. 2015).*

The report goes on to state that:

"The major minerals mined in the DRC are the 3Ts - cassiterite (tin), wolframite (tungsten), coltan (tantalum) - gold, diamonds, cobalt and copper. Minerals are smuggled across borders to Rwanda, Burundi and Uganda, as well as in other parts of DRC. Smuggling varies according

to the value, weight and volume of the goods. There are trading centers for artisanal miners, which are collected and channeled by the 'négociants' to the larger dealers and exporters" (UNEP-MONUSCO-OSESG. 2015).

Looking at the private sector involvement in the conflict, an earlier report by an independent panel of experts, who has number of time reported to the UN Security Council, states that:

"Among the companies involved in the illicit acquisition of natural resources in the Democratic Republic of Congo, Trinity and Victoria seem to be the most interesting given their modus operandi, activities and respective shareholders"(UN report 2001).

The DRC-Ugandan case of the conflict over the Lake Albert oil deposits portrays the similar characteristics. Litvinoff (2012) argues that, oil was associated with violence in Ituri as early as 2003. Kathman and Shanon (2011) note that the fact that oil deposits straddle the border between Uganda and the DRC has not only increased the value of their riparian boundary, but has also increased the already existing tensions and conflict between the Armed Forces of the DRC (FARDC) and Ugandan Peoples' Defense Forces (UPDF).

Natural resources have not only sustained the conflicts but they have also motivated and fueled the wars. However, it can be argued that natural resources alone are not a direct cause of conflicts because they can be found all over the African soil. Botswana, for instance is rich in natural resources, but it has had a long history of political stability and strong economic performance (Brook 2012, 17). A rather fair argument about the link between natural resources and conflicts would be to acknowledge, the undeniable potential they have in triggering conflicts without rendering them the sole reason for conflicts outbreak. It should be acknowledged that most wars triggered by the presence of natural resources are also fueled by many other factors, such as poor management and unequal distribution of the benefits from the exploitation of these natural resources. This poor management includes, but is not limited to the role of the state (government) and institutions failure, to establish effective regulatory frameworks to not only manage the natural resource sector but also protect and secure the territory.

1.4 Territorial disputes

It is only some of the DRC TDs which escalated into violent conflicts. As seen in the table below, the TDs that have escalated into violent or big scale conflicts are those with Rwanda, Burundi and Uganda. This means that the analysis of the Congo wars should also be done

through TDs lenses as it can be argued that, TDs have undeniably played a major part in the outbreak of the Congo wars. Explanations about why territorial issues are so conflict-prone vary. In the DRC case however, there is a recurrent pattern in all three cases where the TDs escalated. The following table provides a brief overview of each dispute.

Table 1 : Disputes actors, descriptions and locations

Actors	**Disputes descriptions & locations**
Non-states: Hunde, Nyanga, Nande, Banyamulenge, States: DRC-Rwanda/Burundi	Land disputes: unproductive competition over land between the local communities (ethnic groups) in the Kivu provinces and Kisangani (Montague 2002, Burnley 2011).
Non-states: Hema, Lendu, UFP, UPC States : Uganda	Border and resource disputes: Conflicts over the interpretation of documents defining a boundary or the way it is shown on the ground. Conflicts over the use of resource complicated by the boundary. Lake Albert oil deposits in the Ituri district where ethnic conflicts have been predominant **(**Litvinoff 2012).
Non-state: - States: Zambia	Border disputes: Conflicts over the interpretation of documents defining a boundary or the way it is shown on the ground. Kaputa area on the western end of the Mweru-Tanganyika section near Lake Mweru (Huth 1996, Bayiro 2010, Mingxin 2011).
Non-state:- State: Angola	Land disputes: Kahemba Maritime border disputes: Conflicts over the interpretation of documents defining a boundary or the way it is shown on the ground. Border between Congolese waters and those of Angola's Cabinda enclave to the south (Misser 2014).
Congo Brazzaville	Border disputes: boundary along the Congo River has not been officially established yet and this has caused tensions between the two countries (Huth 1996)
South Sudan	Territorial disputes: Conflicts between states or regions over the ownership of a given area. Informal settlements of south-Sudanese populations, the Ambororo in the territory of Aru (Ituri). (Lemeri 2016)

1.5. Research problem

The DRC's territorial disputes show variations in their outcomes. These outcomes can be categorized in three sections namely:

1. Militarized: Rwanda, Burundi, Uganda
2. Sporadic tensions: Angola, Zambia
3. Peaceful disputes: South Sudan, Republic of Congo

The problem is how to account in the variation in outcomes (conflict/no conflict).

1.6. Research question

The research question for this study is:

What drivers underscore the variation in territorial disputes outcomes across the DRC's borders?

The objective of this study is to identify and analyze the causes determining the variations of the DRC territorial disputes, in order to understand whether a common intervening variable that produces conflict can be identified. In other words, this research seeks to understand what is causing a change in the dependent variable (conflict/no-conflict), if the independent variable (Territorial dispute) remains the same. The findings can assist in formulating informed conflict prevention policy decisions at the national, regional and international levels.

To shed light on this case the study will carry out three functions:

1. The first is to add to empirical knowledge about territorial disputes in the DRC.
2. The second function is to contribute new insights to scholarly debates around territorial disputes within the discipline.
3. The third and last function is to be policy relevant through presenting to decision makers with the drivers determining the scale of the DRC territorial disputes with its neighbors.

1.7. Rationale

The DRC is a unique case because, situated at the center of the continent, its stability equals the stability of the central region and the rest of the continent. A simple examination of the map of the DRC suffices to demonstrate its geopolitical importance. The DRC offers the potential of a regional power and offers vast areas of strategic mineral deposits. The country has known

territorial disputes with 7 out of its 9 neighbors. It should also be emphasized that some of these territorial disputes have undeniably played a role in what has been termed 'Africa's First world war' (1998-2002), while other TDs with the potential of escalating into transnational conflicts have, to this day not escalated.

1.8. Research methodology

This study is exploratory and makes use of a qualitative method, using a case study and applying deductive thematic analysis emerging from the literature review. Qualitative method consists of analyses of existing literature on the topic, and it relies on documents and texts to uncover patterns (Van Evera 1997). One of the benefits of a single case study according to Stephen van Evera, is that the case can be intensively examined (Evera, 1997, 54). It enables the researcher to concentrate on a single case thus identifying the causes, outcomes and various other explanations on the phenomenon to be analyzed (Bennett and George, 2005, 106). It leads to the construction of a chronological narrative that helps both the researcher and other readers understand the nature of the case and variables included (Baxter and Jack 2008, 550). Such a case study would enable us to test the phenomena under study. More specifically, the case study as a method of research is appropriate for description, explanation, prediction and the control of the processes inherent in various phenomena (Flyvbjerg 2004, 428).

External validity however is problematic. A case study can hardly be reproduced by another researcher and there are significant gaps as for the generalization of results. The data of my case study will be collected from available archives and records from organizations such as the Human Rights Watch Reports, African Centre for the Constructive Resolution of Disputes (ACCORD) and some United Nations and United States reports. Books, journals, articles and scholarly writings will also be used as they contribute to the understanding of the investigated issues.

1.9. Research limitations

The main limitation of the study is the difficulty in acquiring primary sources as , most of the documents regarding these disputes have not been archived and not accessible due to financial and geographical constraints. Given these difficulties, desktop research on the DRC issues was undertaken.

1.10. Organization of the research

Chapter II provides the literature review of the study. It is an overview on the previous studies done in understanding the DRC TDs and also looks at the notion of statehood. Chapter III takes

a look at few of the most prominent theories of conflicts before establishing an analytical framework based on the Third World Security Dilemma theory. This is then followed by Chapter IV, which analyzes the factors that led to the outbreak of war over TDs, using our analytical framework as the tool to understand this process. Finally, our conclusion will be provided as the last section of our paper.

Chapter II Review of the Literature

This section gives a review of the literature and the main debates around territorial disputes. However, it can be argued that every part of the planet is assigned to, or affiliated with, a state. Therefore, understanding TDs requires understanding the concept of statehood. The notion of territory cannot be dissociated from the notion of statehood. For an entity to be a state, it must have a territory (obviously inhabited to some extent) to rule over. It is only after such task is achieved that the discussions around TDs can be done accurately. It is in this context that this chapter provides a review that establishes the principles or tenets, of the main debates around the notion of statehood and territory.

2.1. Defining statehood

Understanding statehood is a crucial component to the analysis of territorial disputes in general, but more particularly in Africa where statehood has proven to be a blurred concept. On the one hand, there is the Weberian definition of state which implies that the state is an empirical phenomenon which has an effective monopole of force over the territory under its jurisdiction, thus placing more emphasis on the domestic aspect. He therefore argues that a country ceases to be a state in the empirical sense, once it cannot claim complete monopoly throughout its territorial jurisdiction (Weber 1978). Looking at it from this perspective, it can be argued that many Third world countries do not qualify as state, especially in Africa where it is a difficult task for the governments to have full control over the territory within their borders. Using examples of Katanga in Zaire (now DRC), Biafra in Nigeria or again those of Chad and Uganda illustrates how this definition, which gives priority to the empirical attributes of statehood, helps uncover the actual condition of most African states. This condition implies that most African states should actually not be considered as states as most of them display a lack of effective monopole of force over their territorial jurisdiction (Jackson & Rosberg 1982a). According to this perspective, an intact territorial integrity is thereof the foundation of the state itself and a lack of this attribute means that the state should be considered as a failed state and should simply cease to exist. Other indicators of this de facto definition include financial self-

sufficiency, performance of basic services or leadership of national political communities. However, these indicators are often overlooked when the state lacks the ability to exercise full control over its territory (Kabemba, 2011: 23). More literature supporting the internal legitimacy of state, as the most relevant attribute of statehood include scholars such as, Chazan et. al (1999), Clapham (2000), Hyden (2006), Cone (2007).

However, critics of this view include scholars such as Moe (2009) whose study questions the notion of statehood on empirical grounds. Moe (2009) uses the case of Somaliland to demonstrate that the definition of statehood in Africa cannot solely rely on the state capacity of ruling over its territory. She emphasizes on the role played by non-states in this case and argues that though the Somaliland state struggles to fully control its peripheral areas, it has proven to secure rule of law and good governance within its territory while working together with non-state actors (Moe 2009, 35). Mathews (1997) and Rosenau (1990, 1997, 1998) also address this power shift phenomenon in which total power is shifted away from the state – up, down, and sideways – to supra-state, sub-state, and non-state actors.

On the other hand, the juridical definition of state, supported by scholars such as Brownie (1979) brings about a rather nuanced emphasis on the legal attributes of the notion of state with characteristics like a defined territory, a permanent population, effective government and independence (Jackson & Rosberg 1982a, 3). Brownie argues that as long as an entity's performance displays these characteristics, it has what it takes to be a state. In fact, this definition implies that as long as the state is legally recognized internationally, empirical attributes are of very little importance. De jure statehood is then the main attribute that convey an entity with the rights to be a state. The Montevideo convention (1933) claims that *"a state is an entity that has a defined territory and a permanent population, under the control of its own government, and that engages in, or has the capacity to engage in, formal relations with other such entities"*. More scholars supporting de jure perspective of statehood include Henkin (1989), Lorimer (1883), and Crawford (1979), argue that international recognition is the key element for statehood as it grants the entity with the ability to interact with the actors in the international sphere. This perspective implies that legally, the main criterion of the state is that of the exercise of sovereignty, which is an unconditioned power from which all other powers derive. When this sovereignty is exercised by a single institutional unit, the state is unitary. When it is shared between several states, themselves grouped together in the same state, we speak of a federal state. The emphasis is however placed on the vital role the state plays in the international arena, since it has to defend its population and its territory. To this end, the state

can conclude conventions binding it to other states, at the same time that it possesses armed force: it therefore acts both as a subject of international law and as a power.

In conclusion, what can be understood from this literature on the definition of state is that the obvious distinction between empirical and juridical statehood resides in the fact that statehood is a variable in De Facto sense, but a constant in De Jure sense (Engelhardt 2015, 28).

2.1. A. Understanding Fragile/failed/weak state

The word fragile is defined as *"something that breaks easily, something that is precarious"* (Collins English Dictionary 2016). Though, the term in itself is used to designate certain countries, it is quite challenging to accurately define the term *"fragile state"*. However, looking closely at what can be considered a stable or non-fragile state can assist in getting more clarity on the subject. The notion of a fragile state or a "failed state" appeared in the early 1990s by Madeleine Albright to designate a state incapable of fulfilling its essential mission of development, guaranteeing security and maintaining security and peace within its borders (Gross, 1996). According to the United Nations, fragility is the erosion of a state's ability to provide its citizens with social services. The fragility of a state would also result from the absence of an effective government or the absence of viable economic prospects in a state (Gross, 1996).

According to the OECD, "A state is fragile when the government and the state authorities do not have the means and / or the political will to ensure the security and protection of citizens, to effectively manage public affairs and to fight against poverty in the population". Such a failure has become a new international strategic issue, and carries aggravating factors for international security since it naturally carries many risks, including those of massive violations of human rights and even genocide, bankruptcy of the State that could give rise to an inter-religious civil war, generating genocides. Krasner and Pascual (2003), Clemens and Moss (2005), François and Sud (2006), Malek (2006) argue that the absence of state control can favor illicit trafficking, regional and international terrorism. A weak government can be overthrown by political actors whose motives are the confiscation of power or the division of territory, the establishment of a totalitarian or autocratic regime and isolate the country from the international community.

Table 2: Failed States indicators

Failed states indicators

Questionable legitimacy
Leaders who destroy the economic and political fabric of the country
Weak institutions
Civil war
Rise of criminal and political violence
Rising ethnic, religious, linguistic, and cultural hostilities
A loss of control over borders

Source: Solomon and Cone (2004: 58)

Strong and stable states are those that are founded on voluntary submission where the leader seeks the legitimacy, that is to say, the conviction, among bureaucrats and citizens, that they are obliged to obey this and occupy certain positions of authority. Patrick (2006) considers that "state strength is a relative concept and can be measured by the state's ability and willingness to provide the fundamental political goods associated with statehood: physical security, legitimate political institutions, economic management, and social welfare". Yet, there are few governments that are coming to obtain an indisputable moral basis for their authority. If legitimacy is weak, voluntary submission must be provoked by pragmatic considerations. People obey because they believe that this kind of government or policy defends their interests. The stability of a country therefore, generally refers to the absence of armed conflict on its soil, a calm, peaceful and inclusive political situation. Economically, a stable state is characterized by sustainable and inclusive growth. It is also a state with strong institutions that practice good governance, a state where democratic rules are respected, where there is freedom of the press, where minorities are represented at all levels of society. Given these criteria, a fragile state can be considered as a state that does not have the characteristics of a non-fragile state(Solomon and Cone 2004, 43).

2.2. Establishing territorial dispute

2.2. A. Maritime disputes

A secure maritime domain is a vital part of a country's overall sense of security and economic consideration. On land, a fence or markers will give a physical indication of a boundary, but such demarcation is hardly possible at sea. Prescott & Schofield (2005) argue that disputes over

maritime boundaries and competing claims to resources have not only the potential to escalate, but can also seriously hinder efforts to construct regional maritime security communities, such as combined economic zones and joint anti-crime operations. It is seen as increasingly indispensable in the context of heightened tensions over the exploration and discovery of oil in Africa.

Treaties regarding the resolutions of maritime disputes include, the 1982 Law of the Sea Convention (LOSC) resulting from the United Nations (UN) first Conference on the Law of the Sea (UNCLOS I) in 1956. This later resulted in the 1958 Convention and again in the final conference, held in Montego Bay, Jamaica, in 1982 (Lamothe 2016). The LOSC came into force in 1994 upon receiving the necessary number of UN signatories. The Convention establishes a comprehensive legal framework to regulate all ocean space, its uses and resources. It contains, among other things, provisions relating to the territorial sea, the contiguous zone, the continental shelf, the exclusive economic zone and the high seas. It also provides for the protection and preservation of the marine environment, for marine scientific research and for the development and transfer of marine technology. One of the most important parts of the Convention concerns the exploration and exploitation of the resources of the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction (the Area). The Convention declares the Area and its resources to be "the common heritage of mankind". The International Seabed Authority, established by the Convention, administers the resources of the Area (Adede 1979, 214).

2.2. B. Border disputes

There is enough empirical documentation about the link between TDs and war as scholars such as Hensel (1996, 2000), Huth (1996a, 1996b, 2000), Senese (1996, 2002), Vasquez (1993), Vasquez & Henehan (2001), Senese & Vasquez (2003), all argue that territorial disputes typically have a higher probability of escalating to war in comparison to other types of disputes, such as disputes over general foreign policy or regime questions. One of the problems of the African continent is that the founding acts of the border are recent and they have surmounted a largely different historical grid, both in terms of peoples and languages, markets and economic networks. Anyu (2007) and Shah (2010) argue that the impacts of colonialism, specifically the creation of Africa's state borders, have created prolonged border disputes. Vasquez (1993) hypothesizes that the nature of the border between two states affects the probability that states will go to war. He claims that borders that coincide with natural frontiers

or traverse uninhabited regions are seen as having little value, and much less likely to provoke wars.

2.2. C. Land disputes

Land tenure is the set of rules regulating people's relationship to land. The rules of tenure define "how property [and other] rights to land are to be allocated within society. Communities can therefore readily mobilize around land issues, making land a central object of conflict. Tensions over land may be closely related to, or manipulated by, political interests. Land related disputes can turn increasingly violent and may result in some population displacement. Land grievances may be linked to broader security, livelihood, political and identity issues. Fonmanu, Ting & Williamson (2003) argue that land is an important economic asset and source of livelihoods. It is also closely linked to community identity, history and culture. They discuss how land disputes can be located between customary owners and the government, or between customary owners and foreign or local investors. At this stage, leadership, land institutions and the quality of land governance will have a significant impact on whether disputes are transformed into violent conflict. Sofield (2006: 185) used the case of the migration of Malaitans to Guadalcanal in Solomon Islands where land disputes triggered civil violence in that country to argue that land-related conflict can become increasingly common where population increases rapidly, through birth rates or migration. Clarke (2006, 133) uses the example of Bougainville to show that land disputes can lead to violence and a complete destabilization of the country.

2.2. D. Ethnic groups' disputes

Often linked to issues around access or control over land, ethnic tensions can also stand as one type of TDS. Although nothing close to a consensus has emerged about ethnicity, we ought to acknowledge that it falls under the category of perceptual factors. Ethnicity in itself is an abstract concept which includes an implicit reference to both collective and individual aspects of the phenomenon (Smith, 2000). According to Banton (1983) individuals may choose to be regarded as members of an ethnic group if they find it to their advantage. Others see ethnicity as a social construct or a choice to be made (Anderson, 1991; Barth, 1969; Royce, 1982).

Ethnic irredentism has been on the front row of most ethnic issues leading to conflicts in Africa. It can be argued that territorial claims founded on ethnicity begins with the idea that claims are made to unify groups partitioned by the status quo border and thereby split into multiple states. Stelios Michalopoulos & Elias Papaioannou (2011) identify partitioned groups using George Peter Murdock's Ethnolinguistic Atlas (1959) that portrays the spatial distribution of ethnicities

before colonization. Basing their analysis on detailed regional data spanning 834 ethnic areas across Africa; they discovered that out of a total of 834 ethnicities, for 231 ethnic groups at least 10% of their historical homeland falls into more than one contemporary state. Their analysis led to the conclusion that partitioned ethnicities compared to tribes that have not been directly affected by improper border design, have experienced more incidents that lasted longer and were more devastating in terms of casualties. It is clear that partition lays the foundation for potential outbreak of disputes and conflicts between the affected ethnic groups. However, ethnic partition in itself is not necessarily a catalyzer for conflict.

Goemans & Schultz (2013) argue that about 70 percent of Africa's borders, by length, partition a group, but only 18 percent are contested. In other words although the issue of ethnic partition is more likely to escalate TD into violent conflicts, it can be argued that the nationalistic sentiment developed by the population, and this includes immigrants and refugees, towards the territory at stake also plays part in escalating the dispute. This explains the fact that part of the TD caused by ethnicity issues in the eastern DRC are not the results of partition but rather one's attachment to the territory at stake. This argument is supported by Salehyan (2007, 2008) as he noted the importance that neighboring states can have in indirectly harboring refugees from internal disputes across borders, suggesting one method by which intrastate ethnic schisms can become internationalized. Gleditsch & Cunningham (2011) and Saideman (2007) also disregarding the partition theory, establish the other links between ethnic issues and conflicts. They take note of the processes by which states internationalize intrastate ethnic tensions to further their own ends by providing direct military support to rebellious co-ethnics within neighboring states

2.2. E. Mineral resources disputes

Looking at why territory may lead to war, scholars have argued that territorial conflict is more likely to occur because of tangible factors or physical contents of the territory. Goertz & Diehl, (1992), Hensel (1996b) and Newman (1999) argue that the tangible factors of territories include valuable commodities or resources, such as strategic minerals, oil, fresh water, or fertile agricultural land. This perspective enlightens us on the role resources play in escalating link TDs into war. Cases like that of Cameroon- Nigeria over Bakassi (1994-2006) or the Biafra war (1967-1970) have proven to be good example of this perspective. Beers (1994) suggests that one of the major reasons the Hausa-Fulani opposed the Biafran secession was the vast supply of oil reserves in the southern Niger delta. In other words, the importance given to natural resources enables or exacerbates conflict.

More works on this connection such as that of Bannon and Collier (2003) show that, the discovery of natural resources increase the risk of conflict, especially in oil resource rich and low income countries. They argue that TDs turn into full-fledged conflicts as a result of discovery of natural resources like oil and gas. They further claim that violent secessionist movements are more likely to take place if there are valuable natural resources like oil (Bannon and Collier, 2003: 4). Hensel (2013) demonstrates that natural resources have a significant influence on the likelihood of armed conflict over territory. He found that the militarization of disputes is more likely to occur, when the disputed territory contains any resource or when the territory has at least one non-renewable resource.

Works focusing entirely on the link between territorial disputes escalation due to the presence of a specific natural resource such as oil or diamonds includes scholars like Colgan (2010), Lujala, Gleditsch, & Gilmore (2005), Le Billon (2001). Colgan (2010) argues that nonrenewable resources like coal or oil have more conflictual propensities than most renewable resources. Lujala, Gleditsch and Gilmore (2005) argue that primary diamonds which are more labor and capital intensive more than secondary diamonds and hence more difficult to extract make conflict less likely. The case of Botswana with primary diamonds demonstrate better this conclusion as Botswana has not been involved into conflicts over its diamonds, while Sierra Leonne has known more conflicts about its diamond; as it is rich in secondary diamonds which are easier to extract. As a matter of fact Botswana is believed to be a good model in this case because of many factors among which a stable homogeneous population, strong political institutions reflected by the important and exemplary role played by its government in regulating the exploitation of its resources (UNDP 2009).

Critics however, can be found in the literature to suggest that salient territory may produce qualitatively distinct behavior. For example, based on Deutsch's social communication model of integration– most likely contributed to the area moving from high levels of conflict to high levels of cooperation, relations between states with highly permeable and salient borders have shown a tendency toward interdependence/integration, making military conflict less likely and agreement more likely (Starr & Thomas 2005, 3).

It can therefore be argued that the discovery of mineral resources does not always lead to conflicts. Many instances have demonstrated that in the contrary, resources can be used for trade purposes and to boost the economic development of the trading partners. The case of

Zambia and the DRC itself is a good one as the two countries are one of the best trading partners in Africa.

Within this relatively sparse literature on territorial disputes and conflicts, is found an understanding that territorial disputes are inherently more prone to war than other forms of interstate dispute when some factors are involved. These writers attempt to look, at territory as an undeniable source of conflict is laudable as they provide an interesting perspective on patterns of territorial conflict. However, it can be noted that the aspect of the manipulation of the dispute seems to be overlooked and shadowy discussed, while it is also an important factor. Territorial disputes that are handled in an exploitative way are more likely to favor the outbreak of war. Understanding the TDs escalation, especially when it comes to cases like the DRC requires a deeper analysis of the situation. It is in this regard that we provide in the next chapter a review of the works done on the DRC case, in order to establish where and how the DRC fits within the literature.

Chapter III Analytical Framework

Although the historical trajectory of the African continent has given them a special translation that geography has complicated, security issues in Africa, as everywhere in the world, draw most of their roots in socio-economic and ethno-political spheres. However, most conventional IR theories do not help us understand the dynamics of conflicts in Africa. Contiguity theorists, for instance argue that conflict is more likely to occur between contiguous states, because of enhanced military reach and greater opportunities for interaction. Starr and Most (1978), argued that bordering states face greater uncertainty in their relations than more distant states, which can exacerbate the well-known security dilemma of world politics and lead to the outbreak of conflict. Diehl (1985, 1991) supports this perspective in suggesting that proximity affects states' willingness for conflict, as well as their opportunity. Vasquez (1993: 134) notes, neighbors are more apt to have concerns about each other's territorial ambitions than are other pairs of states, so a clustering of conflict between neighbors would not be inconsistent with a territorial explanation. There seems to be a consensus in this literature about the fact that the occurrence of conflict between contiguous states does not necessarily indicate the presence of a territorial dispute, however conflicts between neighbors are generally consistent with a territorial explanation for war.

Fearon (1995) uses the *effectively indivisible issues* concept to illustrate how domestic political consequences resulting from the rise of nationalism do not leave much space for 19th and 20th century leaders to divide up or even trade territory in international negotiations. This argument provides more in-depth on the understanding that territorial disputes have become more and more difficult to resolve because of the deep sense of attachment that one's country citizens developed towards territory. Therefore, a contestation of that territory is easily perceived as a challenge of pride and honor, thus resulting more rapidly into intensive conflicts than any other type of disputes (Vasquez, 1993). Murphy (1990) argues that the intangible factors of territory are about the fact that territory lies at the heart of national identity and national cohesion with the very existence and autonomy of a state being rooted in its territory. Bowman (1946) emphasizes on the "profound psychological difference" between the transfer of territory and other types of interstate interactions or treaties, because of the strong personal feelings and group sentiments evoked by territory. A good example to illustrate the perceptual value argument is that of some Israelis as they have the tendency to refer to the West Bank as "Judea and Samaria" (names that date back to Jewish rule over the area in biblical times).

Democratic peace theory claims that liberal democracies have never been in war with one another and their conflict among them are few. Instead of anarchy, there are more opportunities for states cooperation and broader view of power like cultural capital. This seem to conflict with realism and has become one of the hottest dispute in political science (Nincic 1992). It has been claimed that democracies carry diplomacy in general unlike non-democracies. This is refuted by realists often giving structural reasons for peace as opposed to nation's government. An example of this criticism is on America's action towards left-leaning democracies during Cold War in Latin America. One believes is that economic interdependence makes conflict between trading nation unlikely. But realists believe that economic interdependence accelerate rather than reduce the likelihood of war (Keohane et al 1977).

Realism which was developed by Greek historian Thucydides (460 BC - 395 BC) through his book *The History of the Peloponnesian War,* written in 431 BC, became more prominent through the writings of Niccolo Machiavelli (1469-1527) and Thomas Hobbes (1588-1679) in the mid-seventeenth century. Machiavelli examined issues regarding foreign policy, the nature of international relations and the role of military force (Shultz 1993: 47). This school of thoughts argues that the nature of the existing international system forces states to strive for universal domination as conquest is perceived to be necessary to fend off threats to their own security and preemptive strikes are adopted by prudent states. Today, there exist many variant

of the theory such as structuralism realism, offensive realism and defensive realism (Snyder 2002, 149). Sean M. Lynn-Jones and Steven Miller (1995) claim that realism is not a single theory but a general approach to international politics. Although realism and its variant have different features they share the same basic tenets which are states: are rational actors and goal oriented, they goals are persistent, are assumed to devise appropriate strategies to achieve their goals (Grieco 1997, 165). They also argue that the international system is anarchic so the most basic motive among states is survival as they think strategically about how to survive in the international system (Mearsheimer 2001, 337).

The theoretical explanations about the reasons behind territorial issues being conflict-prone vary. Though most of these theories acknowledge the basic components of conflicts, they still lack adequate precision regarding the dynamics of African conflicts, as they do not provide enough room for us to understand some of the important factors in this case. Some IR scholars have advocated that the dominant paradigms in IR studies do not adequately fit the security problems of third world states (Azar and Moon 1988; Ayoob 1995, 2002; Acharya 2011).

Looking at the background of the DRC disputes discussed above, it is clear that there are recurring themes across each conflict case. These themes seem to be the main causal factors determining the TDs outcomes. There is a pattern of failed states reflected by historical grievances between the states involved, political manipulation of the TDs where pre-existing ethnic fissures are displayed which favors a proliferation of actors. These factors seem to make disputes resolution almost impossible to achieve. There exists other analytical frameworks that could be tested or applied to our case study, however the focus in this paper is put on the Third World Security Dilemma theory as it is most useful in encapsulating the context of Africa's security dilemma.

3.1. Theory of Third World Security Dilemma

Most conventional theories have used the state as the primary unit of analysis and define the concept of security in external or outwardly directed terms. However, most third world states security threats are also internal as they originate from within their boundaries before they reach external dimensions. Therefore, understanding the dynamics of conflicts requires an analysis of the threats that come from within the state. It is in this regard that scholars such as Ayoob (1995, 2002) have developed a relatively broader theory of security that addresses the internal and external conflicts dynamics of third world states. This theory argues that most African states are considered as Third World for the simple fact that they are latecomers into

the international system hence the different spheres of their statehood would be more flawed than those of the First world.

Lipmann (1943), from whom Ayoop derived its definition of national security argues that a nation is secured secure when it is able to protect its vital national interests and core national values. In this context however, the threats to national values do not only come from outside the borders of the state meaning that vital national values do not have to be limited to traditional security concerns. Security must then take into account internal and external vulnerabilities that have the potential to seriously weaken state structures and governing regimes. Thus in contrast to externally oriented definitions of security, vulnerabilities are determined not only by the capabilities of a particular state but also by the legitimacy of its internal structures, including the legitimacy of the governing regime (and by extension) its individual representatives. This fits better with the realities of Third World states, where domestic instability poses a much greater threat to vital national interest and values than threats originating from abroad. Supporters of this theory argue that these countries share several common denominators that warrant the retention of "third world" as a fruitful category for analysis. These similarities are: lack of internal cohesion due to large economic and social disparities and major ethnic, religious and regional fissures; lack of unconditional legitimacy among the population for state boundaries, state institutions and governing elites; easy susceptibility to internal and interstate conflict; distorted and dependent economic development; marginalization in the international system of states; and easy permeability by external actors.

It is based on these characteristics that this theory suggests that third world states are in their infancy as states and have just embarked on the process of state and nation building and this is a long and violent process that requires states to eliminate all internal claimants to authority and to build a common sense of identity and loyalty among their populations. This process took centuries to complete in the West and third world states find themselves under pressure to complete this same process in a matter of decades. Furthermore, these countries have only (relatively) recently been accepted as full members to the international system of judicially sovereign states (most of them have joined the system of states as a result of their gaining independence in the post-WWII period). These two factors define the fundamental driving forces of the "security predicament" they face. As latecomers to the process of state building they are weak, ineffective states, and vulnerable sates. But as newcomers to the state system they are under tremendous outside pressure to demonstrate their juridical sovereignty and at

least some minimal level of state capacity. The conflict case also displays an ethnic component in the TDs and though it would be tempting to assume that the presence of ethnic fissures is a cause of conflict, we see that it is quite different in the DRC case. Ethnic disputes are not the cause of the escalation of disputes per se but it is rather their exploitation and manipulation that favor the outbreak of war.

Critics of this theory, argues that the terminology itself "Third World" is problematic as it was mainly used during the cold war era referring to the countries that did not align with any of the competing blocs. Also not all third world countries share the same realities as some have managed to acquire more international status quo and have therefore upgraded Third world to developing countries. Additionally, this theory does also not help understand the fact that if all sub Saharan states, as advocated by the Third World Security Dilemma are in their infancy, then what can possibly explain why some TDs do not result in war. In addition, it seems that the theory also fails to address the role played by the "elite" in manipulating pre-existing ethnic schisms which is, as proven in previous chapters, a variable present in some instances of our study. Although he did not state it openly, Mobutu antagonized the pre-existing Hutu-Tutsis ethnic tensions and tribal hatred between the communities residing in eastern DRC. Adding to the fact that his regime systematically excluded most Tutsi from citizenship, and denied the opportunities that accrue from citizenship such as local power, economic security, he also provided shelter and protection to the Hutu Rwandan elements that directed the 1994 genocide (Muyara & Ahere 2014, 13).

By actively enticing ethnic incidents leaderships construct an image of overwhelming threat to the group from the outside and of themselves as saviors of the ethnic nation. As Gagnon points out, such an image of overwhelming threat to the 'ethnic collective' is particularly helpful in silencing dissent, especially if dissenters can be portrayed as selfish and uninterested in the well-being of the group, and can, therefore, be branded as traitors (Gagnon 1997: 138). The strategic orchestration of violent incidents with the aim to divide identity groups has long been part of the repertoire of 'divide and rule' deployed by colonial powers.

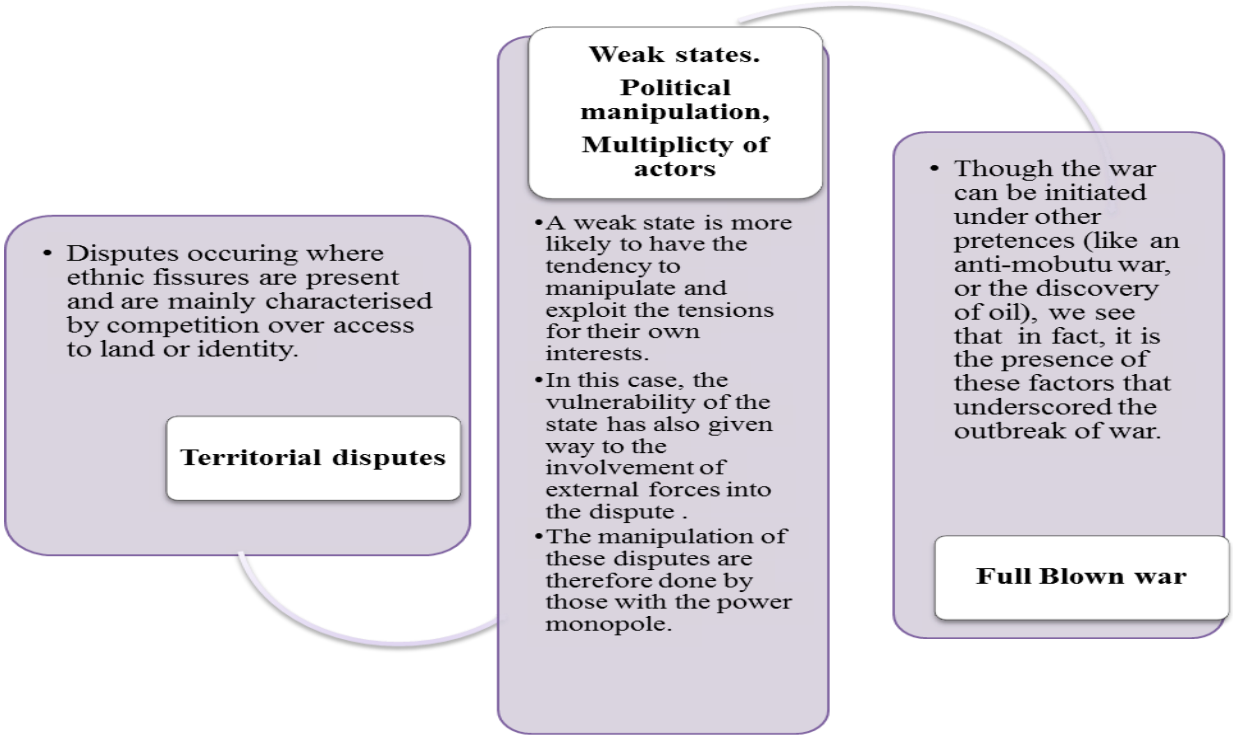
Fearon and Laitin suggest that *'Elites foment ethnic violence to build support; this process has the effect of constructing more antagonistic identities, which favors more violence'* (2000: 853). The elite theories of violence addresses the ways in which leaders who fear losing power, or new leaders trying to create their own constituency, may gamble for resurrection or rise to power by antagonizing pre-existing ethnic schisms. Therefore, it can be suggested that ethnic

disputes are not the cause of disputes escalation per se, but it is rather their manipulation that favors the outbreak of war.

3.2. Linking variables

The core assumption of the theory of the third world security dilemma suggests that third world countries are still in their infancy of the state building process and therefore considered as weak states. It is in this context that these states would be more likely to resort to political manipulation as a way of managing territorial disputes with ethnic components for different reasons. The basic tenets of this theory provide a useful conceptual framework for the analysis of our case study analysis. It should therefore be established that territorial disputes with ethnic dimensions, (dimensions that do not necessarily have to be ethnic fragmentation), are more likely to result into violent armed conflicts. This is due to the fact that these disputes take place occurring in an environment (weak state) where they are more likely to be mismanaged (political manipulation). Chapter 1 of this paper has illustrated how, our case study displays all of these factors, if not more, however focusing on these ones will help us understand the territorial dynamics of the DRC's wars, from a perspective different than most of those presented in previous researches. This being said the causing factors of war outbreak in the DRC case can be represented as followed:

Figure 1: Theoretical framework illustration



Note: see literature review

3.4. Establishing commonalities

The DRC, as per the Fund for Peace Index, has secured its spot in the top 10 fragile states category in the world (The Fund for Peace 2017). In fact, it can also be shown that the other disputant states such as Rwanda, Burundi, Angola are also qualified either as weak/failed or fragile states as they display indicators such as demographic pressure, uneven economic development, security apparatus and so on (Foreign Policy 2016). This being said, it can be argued that the "*failed/fragile state"* factor is an established common denominator between the states concerned. Applying our analytical framework to the case study will consist of establishing the causality, from the weak status of the state to the escalation of TDs into violent conflicts. The following table displays each case as well as the commonalities between them.

Table 3: Table of Commonalities

Countries	Ethnic schisms associated with TDS	Manipulation of (pre-existing ethnic/identity schisms)TDS	Multiple actors	Full-fledged war

Rwanda	√	√	√	√
Burundi	√	√	√	√
Uganda	√	√	√	√
Zambia	×	×	√	×
Angola	×	×	√	×
Rep. of Congo	×	×	√	×
South Sudan	×	×	√	×

All these countries are categorized as failed, weak or fragile state. Therefore, it would not be inaccurate to expect that they would share the same outcome. However, the conflict cases, notably Rwanda, Burundi and Uganda display the same pattern as it can be seen that they share the same variables and outcome. The same is applicable to the non-conflict cases as they all share the common variables. The bone of contention however, remains in the fact that while the weak nature of the DRC state and its neighbors is a key factor in understanding the war outcome, the other variables such as the politicization of ethnic schisms or the proliferation of actors unravel more of the not so explored dynamics of the TDs outcomes.

Chapter IV Analysis

Analyzing the causes of conflicts in the eastern DRC can be a very difficult task due to the complexity of the origins and dynamics of the conflicts as seen in chapter II. What is clear however is that there is not a single level conflict, instead the conflict is multidimensional and occurring in local context where internal issues are already complex. These dimensions overlap and reinforce each other, but none of them can be reduced to one another. This chapter seeks to explore the factors that underscored the conflicts as it highlights their significance as they led on to outbreaks of conflicts. The first section of this chapter presents a categorization and analysis of the intervening variables identified. The second section offers a discussion and application of the Third World Security Dilemma theory.

Junne (2007) divides the causes of conflicts as followed:

- **The systemic causes**: *are seen as pre-conditions for the conflict.*
- **The proximate causes**: *are specific situational circumstances that can exacerbate a situation.*
- **The immediate catalysts**: *are the factors that trigger the conflict as motivations for people to go into conflict.*

The territory of the DRC is the one where all territorial disputes and conflicts have occurred; hence the focus of our analysis is deeply centered on the DRC's territories only. This analysis however, does not guarantee that DRC case will fit into our theoretical framework but I argue that this framework provides an appropriate platform to analysis the DRC case. I take a thematic approach in which I have placed, under causal categories, each theme that represents a factor.

4.1. Rwanda/Burundi

Before going any further into this discussion, it would be necessary to inform our readers that the case of Rwanda and Burundi will be discussed simultaneously because the two countries share similar social groups as they are traditionally distinguished into Hutu (85%), the Tutsi (14%) and 1% for the Twa (Nzongola 1996). The information gathered suggests that Burundi's involvement in the first Congo war was not only as a way of supporting Rwanda as they both share political, security and social dynamics which can be traced back before independence (Simbi 2012, 41). More insights suggest that, Burundi's involvement was caused by its ambition to maintain its hold over the border town of Gatumba, the Kiliba sector in the DRC and to support Congolese of Burundian origin to establish their power in the Luberizi-Mutarule Congolese chieftaincy community (African Arguments 2014). The DRC's territorial disputes involving these two countries display land and identity patterns.

4.1. A. Systemic causes:

Weak state: As seen from the literature review and data gathered, the state in Congo has been characterized by political crises from the gaining of independence. The Congo fell into a constitutional and institutional crisis and the state has been so badly managed that its institutions and public mandates were seen as instruments of personal enrichment. The crisis of legitimacy resulted in the total absence of instruments for a state to impose the rule of law. From the Zaire of Mobutu to the Congo of Kasavubu, and that of the two Kabilas, the absence of political consolidation of the national territory has been a typical characterization of the chaotic post-independence. The dynamics of the TDs in eastern Congo however, were more complex with regional characteristics that demanded more strategic tactics from the state. However, under such circumstances the state could only fail to manage the cross-border disputes efficiently. Territory issues became even harder to control as the state lost bureaucratic rationality and badly managed public policies. The result of this lack of proper management was felt strongly felt by the population in the affected areas.

It can be argued that the characteristics of a failed state were displayed immediately after independence and controlling the entire territory was a challenge from the go. The state failed to find the necessary means to efficiently resolve the internal tensions. As a matter of fact, we have seen in chapter two of this paper that the state enticed some TDs through the implementation of what can be qualified as "*discriminatory*" reforms about land and citizenship (see appendix). These reforms displayed bias tendencies as they deprived the Banyamulenge of their "rights" as members of the Congolese nation. This ambiguity enticed the already existing land disputes between communities. The diverse political crises, the dysfunction and absence of a well-founded, structured and defined political system and the unpreparedness and political immaturity of the Congolese (Zairean) leaders resulted in nothing else than a gradual destruction of the national territory integrity.

> ***Political manipulation:*** As stated in the 2015 UNECA report on the causes of conflicts in the Region: *"In the specific case of the conflicts in Eastern Congo, one important factor is the set of nationality laws that have explicitly aimed at not only excluding people of Rwandan descent from the political process, but also denying them the right to a permanent homeland. (Kisangani, 2012; Lemarchand, 1997, 2009; Nzongola-Ntalaja, 2002)" (UNECA 2015, 33).* The identity and land-based conflict displays a political manipulation along ethnic configuration as political representation is directly tied to identity. It should be noted that under Belgian administration's, the Banyamulenge won 80% of local council seats in 1958. However, added to the new post-independence government's decision to decentralize power in 1962, the Zairean nationality reforms and local elections of 1965 completely prevented the Banyamulenge from political representation leading to more marginalization of those communities and outbreak of conflicts such as the Kanyarwanda war (Mararo 1997, 253). It can be argued that the issue of nationality and access to land has been one of the most painful and complex problems and is at the origin of the Congo wars insofar as nationality confers the right to be elected, to be elected, to participate in the active life of its country, right to land.

Mobutu's support of the Hutu militias can also be interpreted as a sign of being anti-Tutsi. This manipulation of the situation is however associated with the fact that his regime had little control in the eastern region. Orth (1999) notes that the Zairian army strength in these provinces amounted nothing more than a few thousand troops, while Hutu militants were heavily present and estimated at about 40,000 to 100,000 (Orth, 1999). It would therefore be logical to argue

that, Mobutu and his army could possibly not control about one million refugees in these regions. In fact, even containing the tens of thousands of armed militants without reaching some sort of arrangements would be a very Spartan task to accomplish. "*The conflict has to do with the consequences for Zaire of the Hutu-Tutsi conflict in both Rwanda and Burundi. In either case, the actions and decisions of the Mobutu regime since 1972 have helped to exacerbate tensions and to bring about the present crisis"* (Nzongola 1996).

By defecting on the Banyamulenge and cooperating with the Interahamwe, it appears as if Mobutu's regime played a "wise" card since his control in the eastern provinces, was thereof absent. It seems however, that this action had a two side effect that Mobutu's administration failed to understand. Although the card played gave Mobutu some sort of control over the eastern regions, it also fueled Kigali's drive in their determination to protect the power they wielded which included pursuing Hutus genocidaires, many who found refuge in the eastern Congo.

4.1.B. Proximate causes:

End of the Cold war era: After the fall of the Berlin Wall and the end of the Cold War, many African states lost their relevance to the West, and Western countries put their African allies under pressure to democratize and respect fundamental human rights. Countries like Rwanda, Burundi and the Congo faced a situation where the acceleration of the democratization process led to the implosion of the state and conflicts that were different from those that existed before. Tensions in these countries became polarized and begun to overlap, culminating in many ad hoc alliances, often very irrational and mostly based on the adage that "my enemy's enemy should be my friend ", even if it turns out sometimes that the enemies of today will be the friends of tomorrow. The result is a network of unstable coalitions between armed groups and political actors that geographically tangled most African countries. President Mobutu on his side, failed to understand the shift in the balance of power within world politics brought by the end of the Cold War. The capitalist hemisphere did no longer benefit from protecting his regime, so the West ended supporting Mobutu's regime because the enemy (communism) no longer existed. The 1990s era that struck Central Africa had to be given a new configuration thus the need to find a replacement of President Mobutu. All antagonisms, conflicts and alliances crystallized around the Congo, which became the battlefield of what was called the first African world war.

4.1. C. Immediate catalysts:

The 1994 genocide (Ethnic tensions/Refugees): 1994 brought a new dimension to the disputes. This actually redirects us to the argument made by Salehyan (2007, 2008) who noted the issues that neighboring states can have in indirectly harboring refugees from internal disputes across borders, suggesting one method by which intrastate ethnic conflict can become internationalized. Moreover, Gleditsch and Cunningham (2011) and Saideman (2007) have also emphasis on the processes by which states intentionally internationalize intrastate ethnic conflict to further their own ends by providing direct military support to rebellious co-ethnics within neighboring states. The elite instrumentalized antagonism to create a certain division of public opinion so that their adherence and the acquisition of alliances are tied according to the separation of the ethnic groups.

With the arrival and settlement of about 1.2 million Rwanda Hutu refugees were 15.000 ex Rwandan soldiers (ex-Far) and thousands other of Interahamwe members of the genocidaires militia. The arrival of Hutus refugees in these areas increased the intensity of the pre-existing ethnic schisms broadening the disputes to more complex and ambiguous levels. A report from the U.S Interagency Security Classification Appeals Panel, about Rwandan Refugee Camps in Zaire stated that:

"The camps pose a security threat for the Government of Rwanda and for the countries in which they are located. Most of the camps in Zaire and Tanzania are near the border, and ex-FAR and Interahamwe use the camps in Zaire as bases of operation from which to launch attacks into western Rwanda. In fact, the political/military structures in the camps appear to be forming a nascent ethnic parastate, mobilizing the Rwandan Hutu population through an ethnic nationalist creed. The risks to U.S. objectives are many: increasing attacks into Rwanda from the camps as the ex-FAR strengthen their position, retaliation by the Government of Rwanda in .the form of attacks on the camps, increasing collaboration between ex-FAR and Hutu extremists in Burundi, and neighboring states being drawn into increased conflict" (Clinton Presidential Library 1996).

The outbreak of war brought along more state and non-state actors, here are few of the identified actors:

- The Nande, Twa, Hunde, Nyanga, Kuymu, Tembo, Kano, Mbuti (Indigenous).
- The Banyamulenge (Tutsis residing for more than 200 years)
- Hutus refugees (arrived in 1994 after Tutsi regime took power)
- Hutus militants (Interahamwe)
- FAZ
- Local politicians
- External forces (Notably Kigali in support of the Tutsis/Banyamulenge);

This TD involved panoply of actors each pursuing their personal goals and it is more likely that this multiplicity of actors could only result in making the situation even more complex.

4.2. Uganda

4. 2. A. Systemic cause:

Poor border demarcation/poor management of border

- According to Ugandan Information Minister Ali Kirunda Kivejinja, the root causes for the confrontations are of territorial order rather than the discovery, presence or exploitation of oil. He stated:

"In any case, the issues have been pushed to higher-level talks. The factor of oil is not there. The reasons for the clashes are territorial claims, and in this the Congo is wrong. The map is clear and we have the island [Rukwanzi] on our side" (Wasswa 2007, Global Policy Forum). The fact that the demarcation of the border between the DRC and Uganda was poorly done is often attributed to the colonial regime. The Agreement addressing the international boundary in the area between Lakes Edward and Albert is the 1894 Anglo-Belgian agreement. This agreement did not display much challenges theoretically, however when it came to its implementation, the colonial administrators in the Congo and Uganda could not easily trace the meridian on land (Okumu 2010, 282).

As much as the fault of the border demarcation can be attributed to the colonizers, it should be acknowledged that the post-independence management of the border did not display any better performance. Starting from the OAU principle of inviolability to the responsibility of the governments/states involved to fix the ill-defined border, we see that the probabilities for border conflict in this region were inevitable (see page 13). Fixing the demarcation of this border could have not only prevented territorial disputes, but also wars over the discovery or presence of resources in this precinct. Although it can be tempting to argue that mineral resources are the roots causes for this conflict, it would be fairer to acknowledge that a good border demarcation would have possibly brought forth better outcomes regardless of the presence of mineral resources. In this case we note that the presence of mineral wealth in these border territories only intensifies the already existing instability.

4.2. B. Proximate causes

Ituri district (political manipulation): We cannot do an analysis of this case without acknowledging the fact that circumstances such as the consistent presence of Ugandan troops in Ituri since 1996/7, for reasons that have not yet been claimed openly, could only favor the outbreak of war. Ugandan's troops have been active within the DRC from the end of the summer of 1996. Though the reason for their presence on the Congolese soil was attributed to the problem of Rwandan armed refugees who threatened the stability of the RPF, Ugandan troops had their own reasons, besides their desire to support the regime of Kagame. At a press conference in Germany 1995, President Mobutu declared that relations between the two countries (Uganda and Zaire) were tense because of lack of trust between them (Ntalaja 2004). It is believed that there were rumors of a jointly plan for the assassination of president Museveni prepared by Kinshasa, Nairobi and Khartoum. It was a plan whose execution was to be entrusted to elements of Unita.

It is in this context that Ugandan troops are believed to have allegedly exarcabated the Hema-Lendu tensions. In fact, because the Congolese government failed to prevent these tensions, they served as proxy-platform for different actors to fulfill agendas of their own interests. These ethnic groups are skilled at changing sides as dictated by their interests, especially if control over resources and political power are at stakes (Human Rights Watch 2003, 14). The communities (ethnicities) in the region, feeling abandoned sought alternatives to "fix" their problems with ways which were often violent. It is therefore easier for local and external elites to antagonize these disputes for their own

interests. However, the blame cannot be entirely placed on the Ugandan exploitation of the divisions between the local groups. It can be argued that the DRC government poorly performed its duties as well,

4.2. C. Immediate cause:

Oil: As stated in the very beginning of this chapter we have established that the immediate catalysts for conflict outbreaks can be defined as the factors that eventually trigger the conflict as the immediate motivations for people to go into conflict. The previous paragraphs have addressed some causes which according to us should be considered as causal factors of conflicts in this case. However, what we believe has triggered the Lake Albert dispute is oil discovery. It can be assumed that even if oil deposits were not situated on the border itself, there still would be an outbreak of war due to its discovery in other places and this is added to the fact that Uganda and the DRC share historical grievances.

4.3. Discussion and theory testing

To this end, the analysis of the conflict reveals that there is no single cause to conflicts, however, the causes are intertwined one into the other culminating at the outbreak of war and perpetuated the conflict. We note that chronic insecurity and instability within the DRC itself make conflicts more likely to occur and really hard to resolve unless the roots are addressed properly.

The similar pattern recurring in the three full blown war cases is:

- ***Manipulation*** of the TDs (by the DRC state itself and external forces: ***multiplicity of actors***) which seems to be a result of ***the weakness and failure of the state in the DRC*** from the post-independence era. The ethnic/militia groups supported either by internal or external forces seems to be an underscoring factor for the outbreak of conflicts. We see that the incapacity of the DRC governments to have full control over its territory, and the lack of adequate mechanisms, institutions and legal frameworks throughout the years are factors that cannot be missed while analyzing the escalation of TDs. Additionally, we see that ***historical grievance*** is also a theme across this case.

The analytical framework formed from the core tenets of the theory of the third world looks at the external dimension of the issue, with an internal dimension perspective.

4.3. A. The Theory of Third World Security Dilemma

The basic tenets of this theory suggest that:

- Third world states are in their infancy as states and have just embarked on the process of state and nation building.
- The security threats (causes of war) of Third World states comes from within rather than outside their borders, so domestic instability poses a much greater threat to vital national interest and values than threats originating from abroad.
- These states are still undergoing the process of internal political and economic development and thus face more acute challenges to domestic legitimacy and sovereignty in the DRC case, it is noted that:

  "*The Democratic Republic of Congo's economic freedom score is 52.1, making its economy the 147th freest in the 2018 Index. Its overall score has decreased by 4.3 points, reflecting steep declines in scores for judicial effectiveness, monetary freedom, and property rights. The Democratic Republic of Congo is ranked 30th among 47 countries in the Sub-Saharan Africa region, and its overall score is well below the regional and world averages"* (Index of Economic Freedom 2018).

This being said the themes that seem to be recurring are:

1. Failed state (DRC)
2. Manipulation of the TDs
3. Multiplicity of actors/interests

The DRC displays most of Ayoob's characteristics defining third world countries.

According to the DFID:

"*Decline and mismanagement under Mobutu during the 1970s and 1980s led to a decade of violence and conflict that devastated DRC's economy, social fabric, government capacity and infrastructure. This has left DRC off track against all of the MDGs and one of the poorest countries in the world. In 2006 GDP per capita was US$120 and over 75% of the population is believed to live on less than $1 a day. DRC has rich natural resources but these have in the past proved a curse more than a blessing for ordinary people*" (DFID 2008, 7).

The Third World Security Dilemma characteristics displayed by the DRC include:

- Lack of internal cohesion due to large economic and social disparities and major ethnic, and regional fissures
- Lack of unconditional legitimacy among the population for state boundaries, state institutions and governing elites
- Easy susceptibility to internal and interstate conflict:
- Easy permeability to external actors

From its independence the Congo fell into a constitutional and institutional crisis. We see that Mobutu in the process of strengthening his dictatorship initiated actions like the *Zaireanisation* in 1973, which nationalized everything in the hands of non-Zairians and placed them under the control of the State. The state has been so badly managed that the state institutions and public mandates were seen as instruments of personal enrichment (Ntalaja 2004, 7). The preconditions of the conflict are found in state challenges which, along with manipulation of the disputes have favored the outbreak of conflict. Circumstances, such as the fall of the Berlin Wall have shifted the dynamics of the disputes, increasing the probabilities of an outbreak of armed conflicts. The case of president Mobutu not being protected by his western allies anymore resulted in Mobutu's regime becoming even more vulnerable to any kind of attacks. "*His dictatorship was backed up by military force and a party-state system from which he recruited his cronies and retainers internally, and by the United States, France and Belgium, externally. When they were needed, the three external powers intervened militarily to save the dictator from armed insurgents seeking to overthrow him. In 1996–97, when that support did not materialise, Mobutu could no longer hang on to power. He was forced to flee the country. And he died in exile less than four months later, in September 1997"* (Ntalaja 2004, 8).

More insights on the ethnic dynamics in Rwanda and Burundi reveal that the systematization of Hutu-Tutsi antagonisms in Rwanda and Burundi, and their progressive regionalization in the form of ethno-nationalisms on a regional scale refer to the intensification of agrarian struggles in these countries (Stearns, Verweijen and Baaz, 2013). Uvin (1999) argues that "*in both countries there is an important link between political power-control of the state as an instrument of accumulation and reproduction of a social class-and ethnicity"* (Uvin 1999, 265). The history of Burundi is marked by ethnic violence complicated by a fierce struggle for power since the first years of its independence in 1962 (Hatungimana 2011, 5). So, when one

of these entities is threatened, in the territories of the three countries its "congeners" feel the duty of solidarity to intervene. Rwanda/Burundi's involvement in Zaire's was driven by their ambition that neutralizing the threat *'Mobutu'* could not only normalize their relations with Zaire but could most importantly guarantee the safety, security and stability of their ethnic groups and consequently their own states. However, this initiative has proven to be fatal as that desire to tone down ethnic warfare later evolved into a conflict of regional dimensions involving more state and non-state actors all with different goals and interests.

Uganda has also shown the similar characteristics from its independence in 1962, under presidents Obote and Idi Amin (ACCS 2013, 16). The characteristics and similarities displayed by these countries explain the reason for the security predicament which eventually produces conflict. The ethnic divisions and cleansing which happened in these countries are characteristics of the weakness of these states, as the killings were most times encouraged by the governments in place (Ntalaja 2004, 8). It is not unknown that territorial issues bring about war when they are handled in a certain way, thereby setting off a trend of events that ultimately culminate in war (Vasquez and Henehan 2001, 123). It is therefore, more likely that issues such as land and identity disputes that started locally, though with a regional dimension for some, can only escalate when met with states that are still in the early stage of the state building process. This early stage (infancy) is characterized by the state's inability to be efficient at managing its internal issues. A state that has already passed the infancy stage would be more apt to resolve the issues provoking territorial disputes in order to prevent an escalation of those disputes. In this case however, the state approach was one that did not promote peace and unity, but rather enticed more violence. This is however, without ignoring the domestic factors, the question of multiplicity of actors and the complexity of interests challenging the application of an efficient approach to the real problem. If the state fails to assume its role, it is more likely that internal disputes will be resolved according to the balance of power and not necessarily according to the law. If the strongest reason has often been the best, the balances of force are not always durable and can be causes of instabilities. As long as there is not an impartial body symbolized by the institutions of the state to establish and uphold the rights of everyone, society is necessarily delivered to anarchy.

The Ituri case (1999-2004) also illustrates how ethnic tensions can be manipulated for political and economic purposes. The secular conflict between the two ethnic groups reached its climax with the arrival of the Congolese Rally for Democracy (RCD) rebellion and dramatically worsened since the occupation of the region by the elements of the Ugandan army, the UPDF

(Uganda People Defense Force). "*Based on information gathered by its researchers and on other reports, Human Rights Watch estimates that at least 5,000 civilians died from direct violence in Ituri between July 2002 and March 2003. These victims are in addition to the 50,000 civilians that the United Nations estimates died there since 1999. These losses are just part of an estimated total of 3.3 million civilians dead throughout the Congo, a toll that makes this war more deadly to civilians than any other since World War II"* (Human Rights Watch 2003).

The conflict in Ituri is a conflict already evident since the beginning of the 1990s, constituted on the basis of a complex of superiority and inferiority between the Hema and Lendu. This complex is reinforced by various cultural elements (production mode, traditional values, etc.) and by external actors (Ugandan and Rwandan occupation). The economic aspect of the conflict is found in the demographic pressure in the territories of Irumu, Djugu and Mahag and is exacerbated by the different modes of production and the diversity of the riches of the soil and subsoil of Ituri (African Security Analysis Programme 2003). This in return, fuels internal and external covetousness. Looking at this factor, it can be suggested that the discovery of oil deposits in Lake Albert could only bring about war as its environmental location has been a sanctuary to violent armed conflict between different actors. "*During its four years occupying the north-eastern DRC, the Ugandan army--the Ugandan Peoples Defense Force (UPDF)--claimed to be a "peacemaker" in a region torn by ethnic strife. In reality the Ugandan army provoked political confusion and created insecurity in areas under its control. From its initial involvement in a land dispute between the Hema and Lendu ethnic groups in 1999 through its joint operation with Lendu and Ngiti militias to dislodge Hema from Bunia in March 2003, the Ugandan Army more often aggravated than calmed ethnic and political hostilities"* (Human Rights Watch 2003). What can be seen here is that ethnicity as discussed in chapter I, plays an undeniable part in escalating the dispute because the nationalistic sentiment developed by the population, and this includes immigrants and refugees, towards the territory makes it easier for them (ethnic groups) to be vulnerable to manipulation (Goemans & Schultz 2013).

This explains the fact that part of the TD caused by ethnicity issues in the eastern DRC are not the results of partition but rather one's attachment to the territory at stake. We therefore note that this region, in which porous borders are left porous, ethnic groups are fighting for territorial control, supply of small arms and light weapons is regular within communities, militias are created on a daily basis through the recruitment of young people from the communities to defend the community, the generalization of the conflict has gone beyond the framework of the inter-ethnic conflict to take on political, economic and other aspects. The discovery of

mineral resources (oil) could only exacerbate the conflict. Additionally only time can tell if all this can also lead to secessionist trends in the DRC, in a context of failed decentralization and persistent ethnic disputes. This being said, the DRC case of war over TDs can fit in this conceptual framework which provide us with a possible causal mechanism of the war outbreak.

Chapter V Conclusion

The work done in this paper is in no way, a final conclusion to the reading of the conflicts situation in the DRC. It is rather a contribution to the many other researches about the dynamics of the DRC territorial disputes. This paper has set out to identify and analyze the causes determining the variations of the DRC territorial disputes, in order to understand whether a common IV that produces conflict can be identified. The analysis of this case study reveals that the causes of conflicts are intertwined. It was noted that chronic insecurity and instability within the DRC itself made disputes over territory very prone to wars that are really hard to resolve unless the roots causes are addressed properly.

The analysis section of this research revealed that the conflict/war outcome was achieved step by step and over the long term. The variables that have come across the three full blown war cases, are ***the presence of ethnic schisms(associated to the TDs) and the manipulation of these schisms*** by different forces which seems to be a result of ***the weakness and failure of the state in the DRC***. The ethnic/militia groups supported either by internal or external forces seems to be an underscoring factor for the outbreak of conflicts. In addition to series of historical grievances with its neighbor states, it was noted that the incapacity of the DRC governments to have full control over its territory, and the lack of adequate mechanisms, institutions and legal frameworks throughout the years stood out as major factors in the TDs escalation. This task was done through policy and documents analysis and the followings were my main findings:

- The DRC is a multi-ethnic country with some ethnic groups that draw origins from neighboring countries and others that extend to the borders of neighboring countries. What is seen in this case, is that the presence of ethnic schisms in area where territories are disputed has contributed to the outbreak of war in those areas. Ethnic tensions over land access in the eastern regions of the DRC have been manipulated as these groups where pit against each other, mostly for

political connivance. The instance of president Mobutu playing on ethnic antagonisms and taking advantage to withdraw citizenship and its rights from the Banyamulenge (Congolese of Rwandan origins) is only one among many examples that reflect on the manipulation of these ethnic schisms. This eventually provoked even greater revolts which later on served as a pretext for the use of militias (created along ethnic lines) and other external interventions, causing the First Congo war which then led to the second one. The chains of these events have one after the other encouraged an atmosphere of mistrust suspicion within the states of the region. Therefore, resolving ethnic schisms is an essential factor for the pacification of conflict zones.

- Added to this ethnic aspect is the discourse of personal power, which remains at the root of the political instability that leads to crises up to the 1996 and 1998 episodes of war. The main institutional factor inherited from the colonial era, at the origin of this instability is the establishment of a centralized state in the DRC, neglecting traditional local authorities whose contribution could have been beneficial. This is coupled with a lack of clarity about the powers of local authorities in land ownership and a weak centralized state. The people who have been running the country seem to lost sight of the general interest to defend only their personal interests. The consequence is therefore a power vacuum at the local level, conducive to political instability and resource grabbing by various non-state actors. The country's weak governance is then reflected in its state's inability to assume full control of its territories.
- In sum, what was only a matter of litigation on citizenship and access to land then, took a regional scale that culminated into two wars that could only be achieved step by step and over the long term.

Looking at the non-conflict cases, it can be assumed that the absence of variables found in the conflicts cases, can possibly be the reason for the absence of the TDs escalations. What was established on the conflicts cases was that, an outbreak of war is more likely to occur where the state is weak and pre-existing ethnic schisms that are associated with the TDs are politicized and manipulated. Although there is a lack of some of these factors in the non-conflicts cases, the truth is that the factor *"weak/fragile state"* still remains.

The DRC and Zambia case only involved the two states and their dispute was later brought to the ICJ for arbitration and though an agreement was signed it was not implemented. Zambia

and the DRC share strong economic interdependence, their ties continued to grow though the presence of disagreements. According to the OECD (2015), the TODs and TIOs of the Democratic Republic of the Congo are:

Table 4: TODs and TIOs of the DRC

Countries	Exports in $	Imports in $
China	$2.61B	$1.41B
South Africa	■	$896M
Zambia	$933M	$521M
Saudi Arabia	$595M	■
South Korea	$292M	■
Belgium/Luxembourg	$249M	$482M
India	■	$322M

Source: http://atlas.media.mit.edu/en/profile/country/cod/

Zambia comes in second place with $933M as a TED, and in the 3rd place with $521M as a TIO. Informal trade between the two countries also accounts for much as the Congo has remained among its top two partners, coming after or before Tanzania between 2004 and 2007 (WPF 2007). This being said, it can be argued that though the treaty about the border issue was not implemented, it is less likely that the border dispute could have escalated into war because of the economic interdependence factor between the two countries. What can be seen is that although there is a presence of warring factors, there are also interdependence factors that seemingly outweigh the warring factors as they provide all parties with benefits, though not equal, rather than casualties.

However, relying on economic trade only to explain the non-conflicts outcome can also not fully explain the absence of a war outbreak between these countries. It can be argued that TDs between them started occurring in a time when their economic ties were not as strong as they currently are. So, arguing that economic ties are the only interdependence factor in this case would be an incomplete argument. Noting that the time period of the dispute evolution was from the 1970s to 1989, when the 1989 agreement was signed, it is necessary to point out the absence of a key factor among many, in the TDs. The TDs between Zambia and the DRC do not have an ethnic feature. In parts of his book: *Kenneth Kaunda, the United States and Southern Africa,* DeRoche (2016) accounts about a meeting between presidents Kaunda and

Ford in Washington 1975, reveal that peace in Angola was primordial for him as the two countries shared a border that represents opportunities for Zambia. "The Zambian government needed to make sure that the independence struggle was not impeded by problems in Angola" (DeRoche 2016, 16). He adds that "economics added to diplomatic and humanitarian for stability, because 55 percent of Zambian's exports in 1974 traversed the Benguala railroads through Angola" (DeRoche 2016, 16). Kaunda later stated that Angola was a source of issue for the region and that him, Joseph Mobutu and Julius Nyerere sharing the same political ideologies about Angola were working together to sort this issue out (DeRoche 2016, 22). Talking about his support to Jonas Savimbi and UNITA, Kaunda's opinion showed that supporting him was the best option as they saw Savimbi as the one who would help improve Angola's situation (DeRoche 2016, 23). It can be argued that added the absence of the politicization of the identity variable, the presence of similar political ideologies and security concern about Angola has played an interdependence factor leading the two countries to opt for diplomatic resolutions of the disputes.

Regarding the case of Angola and the DRC, different observations are often structured around the fact that the establishment of genuine cooperation between the two countries is doomed. This logic actually stems from the fact that relations between these two countries are based on geopolitical and geostrategic data related to the national, regional and international contexts during and after the Cold War (DeRoche 2016, 23). However, the 25 years of the Angolan civil war against UNITA rebels led by Savimbi and based in Angola and some parts of the southern Congo, was the motivation behind the participation of Angola in the first Congo War to oust Mobutu from power. In the midst of the arrival of President Laurent-Desire Kabila, resulting from the insecurity of the eastern parts of the DRC in August 1998, the fragility of alliances of convenience was immediately expressed. Coalitions begin to slip and Angola once an adversary became Congo’s official ally. It is argued that the Angolan government feared that instability in Congo would benefit UNITA(see previous paragraph). Though, the nature of relationship between the DRC and Angola has remained complex and the territories disputes have deteriorated their relationship even more, letting these TDs escalate into a full blown war between is more likely to be detrimental can only for both countries as this will put them in vulnerable position and at least he mercy of rebel groups. The presence of similar political ideologies and common security concerns can be seen as the interdependence factors that have led the two countries to opt for diplomatic resolutions of their territorial disputes.

The case of South Sudan is one that portrays an ethnic dynamic similar to that of Rwanda and Burundi. Thus a conflict outcome should be expected since the interdependence factor in this case is extremely volatile. The presence of the LRA in the region and the ongoing tensions created by the Ambororo's ethic group from Darfur, whose informal settlements are found in the DRC, are perceived as a threat by the indigenous populations (IKV PAX CHRISTI 2008, 16). This case can easily encourage a proliferation of even more actors, noting that the disputed territory is situated in Ituri, where there already is a multiplicity of actors. So finding new allies should not be a hard task for either state. Looking at all these factors, it would not be inaccurate to assume that this dispute has the potential to escalate into war in years to come if it gets politicized or manipulated. However, it is too early to tell, since this dispute is still in its early stages, it must therefore be kept under observation and analyzed as it evolves throughout the years.

The TDs between two Congos seem very volatile because they are still ongoing as nothing concrete has been done about them. Though there has been no war outcome for now, there are still factors that, along or if associated with the TDs, can lead to the outbreak of war. According to Amnesty International: "*Operation Mbata ya Bakolo: mass expulsions of foreign nationals in the Republic of Congo documents a range of human rights violations and crimes under international law committed by Congolese security forces and others from April to September last year. During this period, at least 179,000 DRC nationals, including many refugees and asylum seekers, were rounded up, arbitrarily arrested, and forced to leave Republic of Congo"* (Amnesty International 2015). The causes for these deportations are attributed to the rise of criminal activities allegedly committed by members *of "kuluna" (criminal gangs) from neighboring DRC. Officially, the operations focused on "illegal migrants", but in practice DRC nationals were quickly targeted irrespective of their migration status"* (Amnesty International 2015).

Although not related to the territorial disputes, as nothing is yet to prove it, this issue could also easily escalate if not resolved and especially if the authorities come to use this strategy as leverage to push the agenda about border disputes. However, nothing concrete about this case can be said yet. Its evolution will provide more room to have a deeper discussion about it in days to come.

Looking forward there continues to be conflicts in the DRC and this is mainly the result of failed agreements. Peace agreements and treaties have been signed between the conflicting

parties (see appendix). However, they were all not or at least fully implemented. Putnam Two Levels Game Theory argues that agreements fail when not all parties are satisfied with the agreements as a whole or some of their provisions.

Among the many failed agreements we cite the Lusaka peace accord. In its preamble it states that: "*All parties to the agreement RECALLING the Pretoria Summit Communique dated 23rd August, 1998 re-affirming that all ethnic groups and nationalities whose people and territory constituted what became Congo (now DRC) at independence must enjoy equal rights and protection under the law as citizens*" (Lusaka Ceasefire Agreement 1999, 1). This provision implies that the nationality would be given even to those who were considered as enemy as what was on the agenda was to distinguish between loyal Tutsi and Tutsis who acted in the service of Kigali who was now seen as the enemy. It can be assumed that this could be one of the reasons behind Laurent Kabila's obstruction to the implementation of the agreement.

The Ngurdoto agreement although widely hailed as a great success for international diplomacy, and seemed to mark not only a reduction in current tensions, but also a more general thawing in DRC-Ugandan relations shows the same pattern. The problem seemed to revolve around the fact that the agreement would be able to reboot negotiations with Kampala on the outstanding reparations bill from the 2005 ICJ case. "*THE COURT, (1)*

By sixteen votes to one, finds that the Republic of Uganda, by engaging in military activities against the Democratic Republic of the Congo on the latter's territory, by occupying Ituri and by actively extending military, logistic, economic and financial support to irregular forces having operated on the territory of the DRC, violated the principle of non-use of force in international relations and the principle of non-intervention" (I.C.J. Reports 2005, p. 280). Kinshasa, on its side welcomed this ruling and sought $6-$10bn (£3.4-£5.6bn) in compensation for Ugandan's occupation, compensation which is still yet to be paid.

The Ugandan government has since steadfastly refused to make any concessions on this matter, instead insisting that this debt is outside the terms of Ngurdoto. Once again we see the impact of the Ituri situation in this phenomenon. The situation in Ituri did not just favor conflict outbreak over the discovery of oil but it also favored a continuation of conflict and prevented a peaceful resolution. The actors interest remain a determinant component as the actors would prioritize their welfare over everyone else's and this remains a factor preventing the implementation of peaceful resolutions. The bone of contention here is that if the treaties contained provisions that go against one actor's requirement, it is more likely that this actor

might defect. This theory can therefore be useful in explaining not only the conflict cases but also the non-conflicts cases of failed negotiations as they have failed to be implemented. The inability of the various ceasefires and peace agreements to end wars reveals deep-seated problems that perpetuate conflicts between groups and the conflicting relations between the DRC and its neighboring countries.

As for neighboring countries, whatever the demands of each of these countries, there is the appropriate diplomatic framework for resolving potential conflicts. Congolese wealth and territory are the elements of national sovereignty. Other neighboring countries can benefit from this through regional cooperation.

One other effective mean to prevent disputes escalation and discouraging the continuation of war includes reducing the impact of risk factors. Some of the main sources of tension can be countered. With a view to preventing and outbreak of full-scale war with the non-conflicts cases, and ensure that violence is not the easiest option to choose, it would therefore be necessary to have a just and sufficient knowledge of their causes and to know how to act on them. The dynamics of material, economic, political, ethnic and cultural interdependencies among these states, the weight of colonial history and mentalities, the political and ideological orientation of states, the play of the great powers in the sub region, globalization of international relations, etc., are all elements that relativize any explanation from a single paradigm.

Furthermore, the vulnerability of the Congolese army depicts a wider weakening of the state which has resulted in the communities using whimsical solutions, taking control of the instruments of violence. Maintaining order and unity of the territory however requires a restructured and strong army but the current army is not organized and united enough to restore and sustain order as soldiers are barely paid and hardly motivated. In order to appease ethnic tensions, a nationalist army is indispensable, but also a representative government. A centralized administration, rather than a system based on devolution, would offer a national rather than an ethnic perspective within the DRC. Fixing the DRC problem therefore resides in a mix of short term and long-term processes and ground-breaking tasks that must be undertaken by the Congolese state. The DRC has the potential of a strong state but must become aware of it to assert itself and be respected on the national, regional and the international spheres.

Appendix

Zairean Nationality laws

Years	Laws	Provisions
1892	*Decree of 27 December 1892*	➢ *Signed by King Leopold II, stipulates that "an individual acquires the Congolese nationality by birth on the territory of the state of Congolese parents, by naturalization, by presumption of the law, and by option"; and "is Congolese, a child born on the Congolese soil of the state of legally unknown parents or without known nationality" (RDC, 2004, p. 11, Articles 13-16).*
1960	*Resolution No 11 of the Round Table*	➢ *Stated that Rwandans and Burundians present in the Congo for more than ten years would have the right to vote.*
1964	*Constitution of Luluabourg*	*Article 6:* ➢ *'There is only one Congolese citizenship attributed, on 30 June 1960, to any person with one ancestor who was or is a member of a tribe or part of a tribe established on the territory of the Congo before 15 November 1908, unless they made a special request within 12 months to change their nationality".*
1971	*26 March 1971*	➢ *The state gave citizenship to all people originally from Rwanda and Burundi who had come to the Congo by 30 June 1960.*
1972	*Law no 72-002 of 5 January 1972*	➢ *Conferred Congolese nationality on all immigrants from Rwanda and Burundi who had been in Congo before January 1950 and had continued to reside in Congo (Kisangani, 2012). According to Article 15 of that Law, "The people from Ruanda-Urundi who were established in the*

		Kivu province before 1 January 1950 and who had continued to reside since then in the Republic of Zaire until the promulgation of the present law had acquired the Zairian nationality on 30 June 1960."
1981	*Law no. 81-002 of 29 June 1981*	*Article 11 stated that a person:* ➢ *"is Zairian in terms of Article 11 of the Constitution, on 30 June 1960, any person whose ancestor is or has been member of one of the tribes established on the territory of the Republic of Zaire within the limits set on 1 August 1885, and as modified by subsequent conventions."*
1995		➢ *Parliament passed a Resolution to expel all Rwandan migrants back to Rwanda, in purported implementation of the 1981 nationality law (Kisangani, 2012).*

Zairean Land Reforms

Years	**Laws**	**Provisions**
1966	*The Bakajika Law*	➢ *The Congolese state retakes the full and free disposition of all land, forest and mining rights conceded or granted prior to June 30, 1960 (Salacuse, 1985).*
1971	*Law no. 71-009 of December 31*	➢ *The Republic of Zaire retook the full and free disposition of all rights in the land, the subsoil, and natural resources granted or signed before January 1, 1972 to physical or legal persons who had not assured their development (Salacuse, 1985).*
1973	*General Property Law*	➢ *The law de facto nationalized the Congolese land and ended the colonial distinction between modern land tenure*

		based on written laws and unwritten traditional land tenure (Salacuse, 1985).

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Corrections

1. Clarification of what is being traced in the introduction. Page:12
2. Headings were placed on the tables and figures. Pages: 18,24,35,36,51
3. Looked at the role of Angola in the first Congo war. Page:52
4. Looked at the presence of Uganda in the DRC since 1996/. Page: 43
5. Highlighted which variables lead to conflict and which ones lead to non-conflict. Page: 49
6. Spellchecked the entire document.