

**GO GREEN OR STAY ON RED: CRITICAL TIME IN HUMANITARIAN ACTION**

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## **ABSTRACT OF THE DISSERTATION**

### **Go Green or Stay on Red: Critical time in Humanitarian Action**

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This dissertation focuses on humanitarian action and security in Sub-Saharan Africa, particularly in the DRC and the Central Africa region. Using the humanitarian-security-development paradigm, I tackle the problem of the ineffectiveness of the traditional approach to humanitarian intervention in Africa, and provide a critical path to a systemic shift towards long-term stability and security by developing innovative institutional and operational mechanisms for peace recovery.

On the security front, I argue that peace recovery through humanitarian action requires that the anchors of traditional security in indigenous Africa, based on sociological factors such as ethnicity and cultural dynamics, be integrated into the modern security framework. In addition to the security factor, I contend that addressing the issue of identity crises that are engendered and fueled by displacement during violent conflicts is equally important for long-term recovery. I argue that this could best be accomplished by applying an overarching ideology, such as Pan-Africanism, to aid in the victims' construction of a more inclusive identity.

Additionally, to further ensure effectiveness in humanitarian operations and delivery, I argue that the crisis of institutional deficits should be addressed through the empowerment and participation of local actors such as church leaders, organizations in civil society, traditional leaders, and other local authorities who are currently excluded or ignored in the design and implementation of humanitarian policies and strategies, despite their influential roles in local communities. I further emphasized that such an effort by itself would not be successful if sustainable solutions to the problem of post-conflict military integration are not provided. Hence, I suggest the use of transitional public security principles, focusing on rebuilding trust within the military ranks, professionalization of the defense forces, and the restoration of civilian-military relations as critical elements.

To the above systemic and structural efforts, I argue for the adoption of practical solutions that address the issue of refugees and IDPs who are living in the camps. These strategies should be people-centered, with the victims making any decision regarding their readiness to return or reintegrate into their old communities. This readiness must be followed by an assessment of factors such as the institutional viability and legitimacy of actors in the country or communities to which refugees or IDPs might return. I conclude that it is only when these factors are considered and implemented under one integrated humanitarian framework that security will be recovered and peace guaranteed, both in the DRC and in the broader region.

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They have shown each in their unique ways that we can still believe in humankind.

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## HUMANITARIAN AND SECURITY: AN INTRODUCTION

Just thirteen months after the fall of President Mobutu, who had ruled the Democratic Republic of the Congo (DRC)<sup>1</sup> for thirty-two years, the country had plummeted from the excitement of liberation to a generalized political and social chaos. The hope for nation-building and democratization after dictatorship was short-lived, due to the unprecedented outbreak of violence and insecurity engendered and maintained by a weak governance system, the competition of economic interests for control of natural resources, and the never-ending animosity between ethnic groups. The new conflicts, the fighting between former allies, and the status of fragility that followed led to severe humanitarian consequences that continue to be observed in the DRC and outside its borders even now. While this status of political and social fragility continues to affect the country and region in many ways, the most concerning issue remains the security impact and its greatest consequence: the crisis of refugees and internally displaced populations (IDPs)<sup>2</sup>.

This crisis is politically and socially destabilizing, with the potential to create or exacerbate intra- and inter-state conflicts or tensions. For instance, in the second half of 2018, the DRC and Angola experienced tense political relations as result of a forced expulsion of up to three hundred thousand Congolese refugees from Angola. These refugees were accused of living illegally in the country and blamed for their alleged contribution to local insecurity and criminality. These expulsions were characterized by massive human rights violations and conducted without prior consultations with the Congolese government that was presumably supposed to host them. While in Angola this

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<sup>1</sup> Formerly known as Zaire

<sup>2</sup> Loescher, Gil, and James Milner. *Protracted refugee situations: Domestic and international security implications*. Routledge, 2013.

decision and actions were justified based on national security, the DRC instead viewed it as a deliberate attempt by its neighbor to undermine the DRC's efforts to restore peace and stability, especially since this occurred during a pre-electoral season characterized by mounting tension and violence between political opponents in the Congo.

Angola's action could also be understood as a political response, expressing its frustration with the DRC's inability to ensure its territorial security and the safety of its citizens. In fact, toward the end of 2017 and in the early days of 2018, insecurity in the Kasai provinces in the central part of the DRC led hundreds of thousands of Congolese to flee to Angola for refuge. While their fleeing was a proven case of humanitarian crisis, their uncontrolled cross-border movement was also perceived by the government in Luanda, Angola's capital, as a destabilizing situation engendered by its neighbor, and therefore a security issue. Both the 2017 and late 2018 incidents continue to lead to regional fragility and a growing political tension that could degenerate at any time. Apart from the fact that these crises affected the lives of millions of civilians and destroyed local systems and structures, they also brought a destructive wind that engendered major regional spillover effects leading to generalized insecurity, social and economic destabilizations, and cyclic political tensions. All of these effects jeopardize the fragile peace in the region and fuel humanitarian crises.

Another example of such local and regional destabilization is the insecurity provoked by the persistent attacks of the Allied Democratic Forces (ADF), Ugandan rebels, who continue to massacre civilians in Beni in the northeastern region of the DRC. As a result of these attacks and violence, it is estimated that fifteen people are killed every week in this part of the country, and thousands continue to flee their homes to find refuge in

Uganda or other nearby towns within the DRC, thus worsening the already fragile humanitarian conditions. Both cases, though very recent, exemplify the nature of the fragility and conflicts that have been happening in the DRC since its independence, with the most recent examples being the regional consequences of humanitarian crisis that were engendered by the genocide in Rwanda in 1994, and the African World War that started and happened in the Congo between 1998 and 2003.

Many existing studies have analyzed security and humanitarian issues in the DRC and in Central Africa more broadly. I build upon this body of work by analyzing the factors of local, national, and regional fragility, and suggesting paths to humanitarian recovery by incorporating the parameters of security, social identity, the viability of institutions, the practice of transitional public security, and the integration of refugees and IDPs into one inclusive operational humanitarian framework following the humanitarian-security-development paradigm. To this end, I intend to answer the following questions: What are the impacts of the humanitarian crisis in the DRC and the broader Central African region? How is it that despite multiple humanitarian strategies and interventions, peacemaking and peacekeeping operations conducted in the country and the region over the years, and additional political agreements signed between local and regional actors, that local communities and nations continue to experience this state of fragility? And what humanitarian approaches could be suitable to address the crisis and promote national and regional recovery? While there is no single answer to these questions and situations, I direct and articulate the focus of my analysis around security and the refugees/IDPs crisis as the two major problems to be dealt with in the pursuit of stability, humanitarian recovery, and the promotion of peace.



On the security front, I advance the view that the restoration of stability and the path to national (DRC) and regional (Central African region) security depends on the integration of the dynamics of indigenous governance, leadership, and cultural practices into the overall security framework, which is still very state-centered. This would mean using a sociological and political lens in the development of security strategies and frameworks. Within this perspective, mainly rooted in post-colonial theory, I contend that the analysis of conflicts and insecurity, as well as the solutions to address them, must be informed by the dynamics of existing ethnic competition and political rivalries, which constitute root causes of the ongoing instability in the country and region. This approach opposes previous unsuccessful security mechanisms that followed a short-termed orientation aimed at stopping the fights, reaching political peace agreements between opposing parties, and creating governments of national unity. Over the years and across the globe, it has been repeatedly proven misleading and a little naïve to believe that humanitarian recovery and the restoration of security would be guaranteed merely by the silencing of guns or by the creation of a unified government. It is intriguing to see the existing expectation, even among international security experts within the UN Security Council, that the DRC would make an exception by applying the same security model. I therefore argue that peace, security, and humanitarian recovery in the DRC and the Central African region go beyond the realm of political realism centered on power-grabbing and power-sharing. Their dynamic comes as a complex package and must be embraced and addressed in its complexity.

The other issue resulting from conflicts in the DRC is the case of refugees and IDPs. In fact, beyond the traditional humanitarian practices of providing logistical support to

those in need and sheltering the victims of conflicts, I suggest that a long-term sustainable solution must integrate the existence of identity crises into the broader humanitarian recovery process. The unique advantage of this contribution to the study and the practice of humanitarian work is the development of new parameters of analysis based on what I call the effects of denationalization, de-patriotization, and hybrid identity, which are taken as critical factors in the creation of an identity crisis. From this perspective, I define denationalization as a voluntary or involuntary social and structural circumstance that forces people to gradually lose their national identity while forcing them to take on a new form of identity. While the process or concept of denationalization as defined can be expanded in many contexts, in this study I use it to denote the loss of one's nationality and the creation of a "refugee" identity. I state and view de-patriotization as the process of retreating into social structures, such as clan, tribe, or ethnicity due to the manifest lack of protection by one's national government. This has been the case for many victims of human rights violations committed by their own governments. Outside the context of humanitarian crises and IDPs, as reflected in this study, the effect of de-patriotization can also be somewhat broadened and applied to countries such as the United States and South Africa, where issues such as race, class, and religion are factors of social and political inclusion or exclusion. While for both countries this broader view of de-patriotization cannot be taken as a reflection of active humanitarian chaos due to armed conflicts, it could instead raise the possibility of future threats to their local and national security.

Apart from denationalization and de-patriotization, the third element is the effect of hybrid identity. This aspect raises a fundamental concern of belonging and accountability

within the pursuit of security and stability. While people in a state of denationalization and de-patriotization can still claim their institutional attachment, there is no doubt that people with a hybrid identity are especially vulnerable to recruitment by terrorist or armed groups. Not only do they present a high probability of security threats, but their existence also raises an important concern about the appropriate strategies to be implemented within humanitarian spaces. Therefore, focusing on identity crises as an integral part of humanitarian action strengthens the view that a sociological approach to the broader security and humanitarian crisis is needed. In this study, I bring this connection to light.

To further address these security and identity crises, and promote humanitarian recovery, it is important that the overall humanitarian framework and strategies be articulated and implemented in such a way as to overcome operational limitations and institutional deficits. These deficits have manifested in the lack of strong, legitimate, and functional local government entities, civil society organizations, and other community-based organizations capable of playing active roles in the assessment and delivery of humanitarian services. Moreover, this deficit has considerably increased over the years due to the absence or silencing of tribal and church leaders, who are regularly targeted during conflicts due to their positions of influence. Groups who control or attempt to control these leaders' communities often consider the leaders threats to their newly implemented system or order. To address this deficit and promote humanitarian recovery, I suggest the implementation of mechanisms that promote, invest in, and support initiatives of institutional (re)building, in addition to the existing relief operations which primarily focus on alleviating suffering. This would provide the DRC people the ability

to overcome the ineffectiveness of major humanitarian actions in the country and the region, and move the train of humanitarian aid onto the path of sustainable recovery, with local actors owning the process.

Despite the promise of such an approach, humanitarian sustainability cannot be fully guaranteed until the dilemma of military integration is addressed. I contend that the framework of Transitional Public Security (TPS) would be most appropriate for the DRC. The existence of multiple active armed groups in the country has, for many years, made it difficult to establish and coordinate integrated national and local security and humanitarian agendas around their conflicting interests. Relying on TPS' mechanisms, I establish that the first step towards military integration should be to invest in the unification of different armed groups' leadership and administrations. The second aspect, again using TPS, would be to work on strengthening positive civil-military relations. The focus would be on rebuilding trust between the military architecture and civil society, as well as on addressing the legacy of human rights violations through restorative justice. This approach departs from the one used in previous attempts, which saw military integration as a political strategy that was necessary to forge broader compromises in the establishing of a unified government. When taken as merely a part of political arrangements, military integration primarily, if not exclusively, served the interests of major political players rather than meeting the needs of devastated communities. While excluding politics from humanitarian issues would be frankly irrational, I argue that military integration, when taken in the context of TPS, should primarily be embraced as a security and social necessity whose purpose is to serve long-term humanitarian recovery and regional stability.

Building upon the ideal of strong and stable institutions, as well as on restructured and disciplined defense forces and security architecture, I stand by the view that a truly successful humanitarian recovery must include the effective recovery of refugees and IDPs. Far from being passive recipients of humanitarian assistance, I contend that the future of humanitarian action in the 21<sup>st</sup> century, and DRC in particular, will depend on the full and active participation of refugees and IDPs in the assessment of their urgent and future needs, co-development of strategies with major humanitarian providers, and participation in the implementation of such strategies. This would mean turning the machinery of humanitarian aid away from simple relief and towards operations that actively and purposely lead to the recovery of human agency. Such a recovery would help to progressively eliminate the tie of dependency that has trapped refugees and IDPs for years. I argue in this study that this inclusive approach to humanitarian efforts must be the future foundation for peacebuilding, humanitarian recovery, and sustainable security in the DRC and the Central African region.

### **Breakdown of Chapters**

Chapter 1, *Security Factors in Africa*, reconsiders the elements of security/insecurity in Africa and promotes the integration of a pre-colonial security framework and indigenous societal dynamics as critical factor in modern security dynamics. Specifically, I argue that to understand and address the complexity of insecurity and its humanitarian consequences in the DRC and the Central African region, it is imperative to consider and integrate the pillars of traditional security of African communities, as they existed prior to colonization, into the current security and humanitarian framework. This would mean to embrace the role and place of ethnic groups, their hierarchical structures, and indigenous

social and cultural dynamics as pivotal parts in the assessment, development, and implementation of security mechanisms in the DRC and the region. I argue that doing so will facilitate the design and implementation of relevant, context-specific strategies that meet and address the needs of communities that currently suffer from pervasive insecurity. To ignore these elements would be to reject any prospect of peace and security. In fact, over the years there have been many attempts to restore peace and security based on the assumption that both could be achieved and sustained through political and peace agreements between opponents in the conflicts. I show that these misleading views have proven ineffective and unreliable, since their implementations did not bring sustainable peace or security. I therefore argue and emphasize that the dynamics of security and stability in the DRC can no longer be sustained without an inclusive, multidimensional approach that combines the modern state-centric security model with indigenous systems.

Chapter 2, *The Crisis of Identity*, offers the view that long-term recovery and humanitarian solutions will be incomplete and unsuccessful if the identity issue among vulnerable populations, mainly displaced populations, is not central to the debate and practice of humanitarian action. I argue that identity issues should be addressed by tackling the problems of denationalization, de-patriotization, and hybrid identity. In fact, these three manifestations of the identity crisis continue to weaken the already challenged notion of national identity in Africa, which by its nature is so often undermined by the predominance of ethnicity. To address this crisis, I suggest the use of Pan-Africanism as an inclusive ideology and identity, as supported by outstanding Pan-Africanist figures such as Bantu Stephen Biko and Kwame Nkrumah. I argue that embracing Pan-

Africanism will have the merit of addressing the national and regional security crisis, while at the same time promoting an inclusive continental identity that would counteract the identity crisis engendered by humanitarian chaos. This chapter contributes to the field of humanitarian work and security studies in the DRC and Africa by providing innovative strategies that elevate identity factors and the Pan-Africanism ideology into the humanitarian space without undermining the quest for strong national identities.

Chapter 3, *Institutional Deficit*, takes us into an analysis of the role and place of institutions within the design and operationalization of humanitarian action. In this chapter I argue that the long-term effectiveness and sustainability of humanitarian operations in the DRC and the Central African region will depend on the role and humanitarian legitimacy accorded to formal and informal actors. Organizations of civil society, governmental entities, church figures, traditional leaders, and armed groups are all important actors in the ongoing crisis of the DRC, and all deserve equal consideration in the struggle to ensure the protection of civilians and to restore peace and security. In the field of international development, failure has arisen from the “three-C deficit” namely of coordination, complementarity and coherence<sup>3</sup>; I argue that in a humanitarian context, to overcome institutional deficits and guarantee humanitarian recovery, the notion of humanitarian legitimacy must be integrated into the recovery and security framework. This notion is built upon the actors’ actions, their territorial control, and/or their institutional legality. In addition to legitimacy, I also argue that true societal reconstruction will have to end humanitarian dependency by investing in critical

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<sup>3</sup> Ana Cristina Reis Coutinho. Coordination of the European Union’s Development Cooperation Policy: Analysis and Future Prospects, In Cosgrove-Sacks, Carol, and Carla Santos, eds. *Europe, Diplomacy, and Development: New Issues in EU Relations with Developing Countries* (Palgrave, 2001).

infrastructure, mainly human capital. This is true for both the displaced (refugees and IDPs) and for the victims who could not leave their communities during conflicts.

Chapter 4, *Rethinking Transitional Public Security in Humanitarian Recovery*, argues that rebuilding the army through military integration and structuration is a critical step to long-term security recovery and nation-building. I argue that military integration has the potential to overcome the effects of political and ideological manipulations that have fueled rebellions and revolts, leading to humanitarian chaos and insecurity in the region. However, military behavior post-integration is equally important. Individual and group behavior toward the newly established military hierarchy/structure, the psychological and mental well-being of fighters, and their perceived identity toward local communities must all be taken into consideration, since they help rebuild trust in the ability of the government to protect its citizens and work for their good. Since the practice of transitional public security and military integration generally occurs after a conflict, I argue that inclusivity and integration should not come at the expense of justice. Civilian-military interaction must be supported by fair mechanisms of transitional justice. Although this approach carries the risk of relapsing into conflict, I argue that applying justice is an unavoidable part of guaranteeing sustainable humanitarian recovery and peace.

Chapter 5, *Camp Settings and The Problematic Issues of the Return and Reintegration Process: When Home Does Not Exist* offers the view that the long-term existences of many conflicts and refugee/IDP camps should lead to a redefinition of the nature of camps and their purposes. While the philosophy underpinning the existence of camps is always short-term, due to the assumption that conflicts are temporary, some



camps in the DRC or Central African region have existed for decades. I argue that such camps should be progressively treated as new cities or towns in their host countries or communities. This would accelerate the social and economic integration of displaced people by helping them to rebuild their identity, recover their agency, and find places that they could consider home. It would be naïve to ignore the political and financial interests that some countries and humanitarian actors have in maintaining camps or returning people to their places of origin. However, in this chapter I advance the view that decisions to implement mechanisms of return and re/integration, or decisions pertaining to the transformation of the camps, should be based on the principles of home country governance analysis, the principle of midway intervention, the dynamics of security parameters, and the principle of agency recovery. I argue that these foundational principles would serve as security, institutional, and emotional determinants that would inform the meaning and future of the camps, while at the same time establishing the operational framework for a successful return or re/integration process of the displaced.

Finally, in the concluding chapter I resume the intellectual contribution of this work to the practice and study of humanitarian and security interventions in the Democratic Republic of the Congo and the Central African region.

## **CHAPTER 1: SECURITY FACTORS IN AFRICA**

It is no longer considered breaking news when one learns that, murder, rapes, ethnic conflicts, or some extended political coup have occurred in a certain part of the African continent. For decades, insecurity and political instability have unfortunately become both the norm and the popular definition of Africa's political scene. Some observers even characterize the continent as "cursed" or "dark." While the "cursed" argument is built on the assumption that the continent's natural resources have been the reason for its misery rather than its happiest and prosperous days, the "dark" argument has nothing to do with the color of the skin of the African people. Rather, the word "dark" speaks to the smothering desperation and stubborn hope of hard times and somber days. A constant state of desolation and doubtful expectation, punctuated by the regular sound of gunshots and violent conflicts, seems to have become permanent. Africa leads the world in catastrophic humanitarian crises. There have been many attempts to restore security, promote peace, and end the humanitarian catastrophes that have destabilized many African communities and nations, although they are far too often unsuccessful.

As of December 2017, the United Nations was overseeing a total of fifteen peacekeeping operations around the world, including eight in Africa alone. It follows that such operations could only be deployed in regions where instability remains a constant issue. Unfortunately, the conflicts for which these missions were deployed have not ceased, and peace has yet to be recovered. Africa in particular seems to be experiencing systemic and persistent violent conflicts that continue to destabilize its political institutions and systems. Additionally, devastating humanitarian crises continue to destroy the lives and welfare of millions of Africans, due to persistent patterns of

insecurity in their communities. In the face of such security degradation and systemic destabilization, global, regional and local actors have tried for decades to address these vulnerabilities and insecurities. So far, these efforts have yet to prove successful. The persistent level of insecurity invites leaders and policymakers to ask why these multidimensional, multi-million-dollar security strategies and peacekeeping/peacebuilding efforts keep failing to deliver sustainable peace. To answer this conundrum, in this chapter I intend to highlight the “why” of the failure, as well as to suggest practical paths that could lead to security recovery and stability.

I argue that the promotion of security and stability in the DRC, as well as in the Central Africa region, failed over the years because the intervention mechanisms that were developed to address conflicts and security concerns were exclusively political and military-oriented. Policymakers and peacebuilding advocates seemed to assume that military deployment and political solutions were the best and only approaches to stability and security in the region. While these approaches should be integral to the overall struggle for lasting peace and security, it is also vital to revisit and reexamine the underlying pillars that helped sustain stability and security during Africa’s old days. Doing so would mean performing an analysis of Africa’s historic societal structure, understanding the nature of the societal destabilization that occurred during colonization, and ultimately reflecting on how this destabilization continues to affect today’s parameters of national and regional security. In addition to the view of structural societal destabilization, any sustainable security solution in the current African context would be incomplete if it did not consider the role and place of ethnicity and its impact on the past and current humanitarian chaos in Africa.

While these internal parameters of security and stability are already developed, maintaining stability, security, and humanitarian recovery depends chiefly on the contextualization and implementation of a humanitarian operational framework focused on the particularity of each conflict, and most importantly by incorporating such frameworks into a broader regional security and humanitarian mechanism. For decades, the failure to consider these historic societal structures and dynamics as part of the security framework has helped to seal the fate of many unsuccessful attempts to restore peace, promote stability, and end humanitarian crises in the DRC and the Central Africa region. While these elements cannot fully restore security by themselves, this chapter reveals how they must not be dissociated or ignored during the debating and construction of security strategies in the region.

### **Societal destabilization**

Security and stability in Africa were maintained and promoted for centuries through traditional agreements between kingdoms, as well as by cultural values and practices among people. The systemic shift in the Europe-Africa relationship occurred as the result of the Berlin Africa Conference in 1884-1885. In Europe, the resolution of the Berlin Conference launched the long-lasting era of European political expansion in Africa and the pursuit of the continent's natural resources, while in Africa this expansion started the long journey of societal destabilization<sup>4</sup>. The concept of societal destabilization often goes hand in hand with the idea of political and structural governance, meaning the way in which public services are managed, organized, and

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<sup>4</sup> Enwezor, Okwui, ed. *The short century: independence and liberation movements in Africa, 1945-1994* (Munich: Prestel, 2001).

regulated through existing institutions. In today's world, governance is viewed through the lens of policies and political machinery; sociologically, governance is seen as a mode of managing and organizing societies, emerging from internal social practices which become accepted norms. These norms do not have to be legalized to become applicable and binding. In an African context, their binding power was anchored in the reverence given to ethnic practices and tribal beliefs, whose customs were placed above any foreign codified norms. These traditional norms, combined with the reverence given to them and to the institutions upholding them, became the main engines that maintained social stability in culturally centered communities.

Based on this understanding of governance, in this writing, the concept of societal destabilization refers to any practice or effort that aimed to change, remove, or abolish the primary customs and institutions that existed prior to colonization and replace them with an imported, foreign mode of governance. This notion of societal destabilization should not be confused with the theory of social change, which is characterized by people making a deliberate and consensual effort to adapt their lifestyle and develop their social and institutional practices by embracing new realities that they consider beneficial for their society and their future. While those embracing social change in a developmental perspective consensually let go of their former social values or practices, societal destabilization is characterized by a lack of consent among indigenous people. They become victims of colonizers who considered indigenous traditions to be unworthy, archaic, and socially irrelevant in the advanced global society. Unfortunately, that same argument was even used by the Bush administration, which justified the war in Iraq by labeling Iraq as an uncivilized country or a rogue state. This definition went beyond mere

politics. In fact, this labeling also referred to the irrelevance of traditions which were not in line with Western social values, such as the highly praised concept of human rights.

Against every doubt, the Western push for social change leading to societal destabilization was simply a manifestation of an imperialistic agenda that aimed to advance Western economic interests at the expense of anything that could exist as a local tradition. The expansion of the European political system in Africa and the division of the continent into colonies, as per the Berlin Conference, constituted the beginning of the societal and cultural destabilization of the continent. Unfortunately, in most cases, these geographic boundaries did not take into consideration Africa's existing, traditional borders based on ethnicity, languages, lands and rivers.

This societal destabilization manifested in the complete ignorance and destruction of local systems, including ethnicity-based decision-making processes as well as decision-making entities, which were the prerogative of kings and traditional authorities. These systems were replaced by contextually unfit political and administrative systems that even today are partially responsible for the state of vulnerability in many socially, culturally, geographically, and politically un-integrated African nation states<sup>5</sup>. For instance, before the Berlin Conference, the center of the Kingdom of Kongo was the current province of Bas-Congo in the DRC; the kingdom reached as far south as, Cameroon, Gabon, and Northern Angola, which included the capital<sup>6</sup>. The Kingdom, with one dominant ethnic group known as the Bakongo, was economically strong with a

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<sup>5</sup> Note: Unintegrated nation states refer to nation-states which were formed through geographic expansion but have little in common between communities. These communities are forced to live together as result of administrative organization, but practically, their values and belief systems differ.

<sup>6</sup> Mouflet, Véronique. "Le Bas-Congo, aux marges de l'agenda international." *Afrique contemporaine* 4 (2009): 57-74.

developed commerce and currency. Despite Kongo's large size, the unity of institutions, cultural values, and a common vision between local entities helped promote peace, economic growth, and security. Unfortunately, the kingdom was dismantled following the Berlin Conference, with its people and territories divided among present-day Gabon, the DRC, Angola, and Cameroon. The creation of nation-states through colonization dismantled the pre-existing cultural and indigenous heritage in the region, including societal norms and practices dating to the seventh century<sup>7</sup>.

This destabilization also took place in other parts of the continent, including the Sab and the Saho (Soho) in the Horn of Africa. The Sab tribe had previously followed a traditional patrilineal genealogical structure.<sup>8</sup> This cultural structure implied that the organizational leadership and social norms would emanate from the holders of power, who were selected based on an ancestral organizational ideology that determined succession on the throne and social leadership via established lineal structures. However, long before colonization, this society was already experiencing some societal restructuring, which later became worse with the creation of a nation-state. In fact, one scholar argued the following:

*Among the primarily sedentary cultivating Sab, the basic social unit tends to become the mixed-village, which has heterogeneous clan composition and consists of men of various origins and provenance aggregated to a central agnatic descent-group which gives the assemblage its structure. The tribe here has a dominant clan structure; it is identified with a particular clan, whose name it takes, but may contain a majority of men of foreign clans. The clan is no longer a territorial group and, where political relations are expressed genealogically, they are identified with the dispersed dominant clan. In many cases, however, the dominant clan no longer represents the territorial distribution of the tribal sections, and political relations in this sense are regulated otherwise than*

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<sup>7</sup> Idem.

<sup>8</sup> Lewis, Ioan Myrddin. *Peoples of the Horn of Africa (Somali, Afar and Saho): North Eastern Africa Part I* (Abington-New York: Routledge, 2017).

*genealogically. The agnati political structure has often completely disintegrated.*<sup>9</sup>

This shift in tribal structure could be perceived as a precursor of the change that brought the Western imperialist agenda to the developing world. Surprisingly, the Sab clan's push toward heterogeneity in its social composition led to a more stable political system, rather than one characterized by insecurity and internal fragmentation. I argue that this stability was due to the fact that this merging and cohabitation process was voluntary and not forced by a foreign power. Also, the merging helped promote mutual economic, security, and social interests rather than exploitation, which was often the case with Western colonies. Social change within the Sab did not negatively destabilize their communities; rather, the change helped create a new social structure and a more stable political structure. The experience of the Saho (Soho) was slightly different.

The imported concept of the nation-state in the Horn of Africa put the sustainability of the Soho tribe at risk when the tribe was dispersed among newly formed political entities called nations: Ethiopia, Sudan, Eritrea, and Djibouti. Historically, the Soho had claimed to be family-centered and very conservative regarding their culture and heritage, following a system of lineal leadership. Structurally, they were divided into tribes, sub-tribes, and clans. These subdivisions were used to identify the closeness that families could have within society, not to divide people structurally. In fact, despite their being scattered into four distinct countries, Soho people are still very attached to their tradition and tribal identity. Their cultural consciousness did not disappear with the creation of nation-states in the region; instead, their culture actually developed and became stronger as the tribe's members determined to protect their heritage against the

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<sup>9</sup> Idem



imported norms and social practices brought by colonizers. While intending to protect their identity and tribe, the Soho or any other tribe scattered across the region could be morally obligated to protect their heritage by coming to the defense of their fellow tribe members in another country. These cross-border conflicts and attacks were deemed important to save the Soho's cultural heritage, which, at this stage, constituted little more than the belief system about how a community should behave.

While they tried their best to maintain their affinity and traditional kinship, I argue that similar to the Kongolese, the Soho people were victims of societal and structural destabilization as result of the Western imperial agenda. In addition to the geographic division of these lands, colonizers did not consider cultural unity and existing social cohesion to be important with regards to the strength and stability of the to-be-established political and administrative structures. It is no secret that, in many cases, the importation and establishment of nation-states proceeded through cultural and societal division and dislocation. The fragility of these new nations is also anchored in the fact that many distinct communities were forced to live under one overarching political and administrative entity. While the new states' regulatory and normative frameworks were the same for every citizen, their lack of societal cohesion due to ethnic and social differences hurt their long-term stability. African nations continue to struggle with this lack of social cohesion as one of the unfortunate legacies of colonialism.

Seen through this lens, some of the security and political challenges facing African nation-states exist because firstly, the notion of state structure is a Western concept that was imported to a continent with social and cultural practices different from those of the West. This imported foreign structure called a "state" did not respond

structurally and ideologically to the expectations and needs of its communities. Hence, the effectiveness and sustainability of the Western state structure, even years after most African nations gained their political independence, are often shaky at best. Due primarily to the lack of alternative political frameworks, many suffer from the unfitness of a state structure and governance model from which they cannot easily separate.

Secondly, the imported concept of a nation-state failed due to the fact that colonizers did not intend to establish strong structures that would be administered by indigenous people. At first, to access these communities, Western powers relied on existing local “comprador bourgeoisie” to negotiate their agenda. In fact, long before colonization, during the slave trade in Western Africa, strong men and tribal leaders were socially positioned to trade their own African people to Western traders in exchange for gold, guns, gunpowder, or other much-needed resources<sup>10</sup>. The logic of this trade, as performed by some of those comprador bourgeoisie – which we now term *middlemen* – was to use their resources to securitize their empire while at the same time establishing a footprint into international trade. Unfortunately, their practices further destabilized their own communities, which then became unable to self-sustain economically. This class, mainly composed of tribal chiefs, nevertheless remained untouchable; the chiefs continued to benefit from ancestral legitimacy even when their actions were unappreciated by their people. This ancestral idea of blind loyalty to the idea of the kingdom persisted even while those in position of power took advantage of their position to exploit their people and their resources.<sup>11</sup>

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<sup>10</sup> George Metcalf. A Microcosm of why Africans Sold Slaves: Akan Consumption patterns in the 1770s. *The Journal of African History*, Vol. 28, No. 3 (1987): 377-394

<sup>11</sup> Ranger, Terence. "The invention of tradition in colonial Africa." *Perspectives on Africa: A reader in culture, history, and representation* (1997): 597-612.

Trade practices gave Europeans access to this African system, which they quickly usurped by either establishing their governance system in complicity with corrupt leaders, or, in the case of local resistance, by killing the strong men who could resist their agenda. On the list of assassinated leaders was M'siri, who founded the Yeke kingdom in the southeastern province of the Congo. At the beginning, he opposed dealing with the West, as King Leopold and Cecil Rhodes wished to exploit minerals in the rich province of Katanga where his kingdom had been established. Understanding the imperial agenda, he knew he would eventually lose control of the land, which motivated his opposition. On the other hand, he was dealing with the Arabs and found the terms of engagement with them more profitable.<sup>12</sup> After long negotiations with the West, he finally agreed to allow Belgium access to exploit the mines. Unfortunately, only a few years after this agreement, he was killed because he did not approve of the placement of a Western flag on his territory. According to his point of view, the raising of this flag would signify a transfer of ownership of the land and its resources to its colonial master. Some argued that he had been betrayed by his collaborators, who believed that in the absence of a comprador bourgeoisie or strong men in the land, the Belgians would implement their imported governance system by training and equipping indigenous communities so that they became influential and moved into the ruling class. Before or during their colonization, Western powers had to rely on a selected number of influential indigenous people to advance their agenda in Africa, and they did not mind excluding as many autochthones as possible from leadership positions, since their presence could constitute a

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<sup>12</sup> Kalenga Ngoy, Pierre Célestine. "*Bunkeya et ses chefs: évolution sociale d'une ville précoloniale (1870-1992)*." (PhD diss., Leiden Institute for History, Faculty of Humanities, Leiden University, 2014).

threat to the Western imperialist agenda. The practice of comprador bourgeoisie fast transformed into the ideology of elitism that blossomed in the first hours of post-colonization. While the Western countries were losing political, administrative, and economic control over their former colonies, they intended to maintain their strategic manipulation by supporting leaders who would protect and defend their interests. This push could not last because indigenous consciousness was on the rise; people became more and more aware of foreign manipulations, and therefore developed mechanisms of accountability.

During colonization, the sovereign delegated his power and authority to lieutenants who would assume full leadership and responsibilities in their territories. Instead of empowering the locals to administer and manage their territories, Western powers brought in administrators from Europe. The rationale of such practices during the early days of colonization was based on the establishment of these colonies primarily for economic purposes rather than political reasons. In this context, it makes sense that the colonial masters would bring in people whose purpose was primarily to supervise economic activities rather than to establish sustainable governance systems. The resulting political and structural weakness has followed African nations through to this century. While it is true that Western political structures have not served the continent well, finding an alternative political structure continues to be a difficult task. Suggesting that Africans should eradicate the structures of their current states would be irrational. However, restructuring local political and administrative entities based on ethnicity could serve as a way forward. This overhaul, which should be a process of political and administrative decentralization, would not be new in many African countries. In many

cases, such informal local authorities and structures already exist in some form. However, this restructuring could empower and strengthen these existing local institutions to serve the national agenda by maintaining their administrative autonomy, although the risk does exist that a decentralized entity might go rogue or become a vassal of another state. To prevent the ramifications of these possible situations, the rest of the entities would have the right to mobilize and defend their national sovereignty and territorial integrity. This moral and political obligation to the national cause could promote the logic of national pride and integration even as provinces or states administratively operate as decentralized entities.

For instance, in Nigeria the demands for political autonomy advanced by the Biafran secessionist movement show how volatile this situation can be if unaddressed. Since the independence of Nigeria, the Biafrans have felt more attached to their region, ethnicity, and culture than they do to the federal state of Nigeria. Consequently, the Nigerian Civil War of 1967-70<sup>13</sup> became a quest for political and administrative independence based on ethnicity and religion. This war speaks once again to the forced coexistence and lack of social and cultural integration that many African nations have inherited from colonization and from which they cannot seem to extricate themselves. While many African nations would prefer to keep their sovereignty by ensuring the integrity of the territory they inherited from the colonial era<sup>14</sup>, including cultural and structural aspects of local communities into their governance system and their definition of statehood would be beneficial.

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<sup>13</sup> Saideman, Stephen M. "Explaining the international relations of secessionist conflicts: Vulnerability versus ethnic ties." *International Organization* 51, no. 4 (1997): 721-753.

<sup>14</sup> Idem

Another example of the lack of social and cultural integration involves the conflict between the Hema and Lendu that took place in the DRC's Ituri province during 1999-2007. Their antagonism is explained as follows: "Hema leaders portray Lendu as 'wild and untameable,' 'genocidaires,' and incapable of governance'; Lendu leaders portray Hema as driven by an innate desire for political and economic control, self-appointed elites whose legitimacy must be questioned."<sup>15</sup> Despite their inability to coexist and cooperate, and their consequent never-ending antagonism, both ethnic groups were forced to live under and obey the same administrative and political local authority. This forced coexistence did not help to promote peace; instead, the involuntary conformity perpetuated the two sides' status of vulnerability and conflict. Like the Hema and Lendu and the Biafrans, many other communities in Africa are fragile because of societal destabilization that occurred during colonization and because of the unfit state structure that was imported into Africa.

In addition to structural change and the lack of societal integration, another substantial challenge for the local communities was the shift from traditional models of tribal and ethnic hierarchy and governance systems toward an unfamiliar and uncertain political and administrative leadership. Colonization changed the processes of choosing leaders in communities where, for centuries, the governance system followed dynastic processes. Democratic processes have now taken over traditional practices. In fact, for many indigenous communities, intergenerational dynastic leadership was the only known legitimate mechanism for the transfer of political leadership and succession of the sovereign. While no clear evidence exists today that communities want to return to pre-

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<sup>15</sup> Pottier, Johan. "Representations of ethnicity in the search for peace: Ituri, Democratic Republic of Congo." *African Affairs* 109, no. 434 (2009): 23-50.

colonial practices as their exclusive mode of governance and leadership, many communities have promoted a secessionist agenda as a means of maintaining power within their ethnic groups, even though they would still be using the Western political system as their mode of governance. Across Africa and the Middle East, the only current exceptions to this rule have been radical groups such as Boko Haram in Nigeria, and Al-Shabaab in Somalia. As opposed to other ethnic groups seeking political secessions, these radical groups have their fights rooted in religion.<sup>16</sup> They intend to reestablish an Islamic caliphate and its norms in regions that Westerners conquered centuries ago. The example of these extremist movements highlights the complexity of the societal destabilization that occurred during colonization and how vital cultural, religious, and ethnic issues are in the overall effort of promoting peace and stability in Africa.

Africa needs a new state governance system that incorporates African social and cultural practices into the Western governance model. Culturally and politically speaking, the instauration of Western-centered jurisprudence in very complex and culturally sensitive African societies would not by itself promote peace and security. The same holds true for the exclusive use of traditional and cultural African modes of governance without taking into consideration the strength of the Western governance system. Societal reconstruction and the promotion of peace and security require an integrated approach of governance that remains culturally sensitive and politically realist and relevant in the twenty-first century.

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<sup>16</sup> Fawaz A. Gerges. The three manifestos that paved the way for Islamic State. *Los Angeles Times* April 15, 2016. Accessed December 18, 2017. <http://www.latimes.com/opinion/op-ed/la-oe-0417-gerges-islamic-state-theorists-20160417-story.html>

## **Ethnicity and Humanitarian Chaos**

The end of World War II, which was characterized by the collapse of the European political and economic system, also marked the beginning of the fight for freedom and political independence among African states.<sup>17</sup> Ideologically, African nations stood against European imperialism and political domination. The goal of this fight was primarily to regain political and economic control of their countries, and ultimately to have African nations administered by Africans for Africans. This ideological and political approach, which had nothing to do with race, religion, or ethnicity, emerged within the scope of politics and decision-making processes in which several competing political movements formed a coalition against the Western imperial ideology. This mobilization of African confederations became known as the politics of citizenship.<sup>18</sup> Acknowledging the existence of several distinguished leaders and political figures, people gathered, mobilized, and fought imperialism based primarily on the relevance of a common cause, which happened to be the quest for freedom and self-determination.

This move transcended national borders. For instance, in West Africa the francophone communities created a regional front that would fight against French domination and formed a coalition that would speak as one voice on the international stage. Unfortunately, as was the case for many African national revolutions, a few elites usurped power after independence was won and co-opted the cause to suit themselves.

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<sup>17</sup> Springhall, John. *Decolonization since 1945: the collapse of European overseas empires*. (Macmillan International Higher Education, 2001).

<sup>18</sup> Cooper, Frederick. "Possibility and constraint: African independence in historical perspective." *The Journal of African History* 49, no. 2 (2008): 167-196.



Most of the time, they ended up compromising on the common interests of their countrymen to the benefit of their former imperial masters. Over the years, to sustain their power and advance their agendas within the national space, many of these so-called nationalists adopted a populist narrative, which unfortunately was promoted under the guise of national interest. Extremist right-wing actors in the 21<sup>st</sup> century use similar narratives to push their radical ideology into the realm of political governance. The use of the term National Front in Europe, which is little more than a thin disguise for racism in politics, has done more harm than good to the world. For instance, France's Jean-Marie Le Pen, one of the dominant figures of the Front National, has for years defended a racism-based ideology. He argues that France should be a white nation, and that non-white French residents should return to their countries of origin. His most controversial argument was the so-called "la France aux Français" in 1998, when he argued that the French national soccer team was not French because of its many Africans and the limited number of white players,<sup>19</sup> even though that team won the World Cup. He later advocated for anti-immigrant policies targeting non-white immigrants.

While the case of France cannot be compared to the case of the Nazis in Germany, the ideology underpinning their politics is the same: "to exclude those who are not like us." In the United States of America, the same ideology was reimagined and revitalized during the 2016 presidential election. The far-right movement supported the Republican candidate, Donald Trump, who was unwilling to publicly condemn far-right

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<sup>19</sup> "Jean-Marie Le Pen in his own words". *The Telegraph*, April 28, 2002. Accessed December 19, 2017. <https://www.telegraph.co.uk/news/worldnews/europe/france/1392487/Jean-Marie-Le-Pen-in-his-own-words.html>

extremist groups. In both the USA and Europe, right-wing political parties currently tend to be anti-immigration and conservative on matters of race.

While these political and social movements intend to exclude non-Western and non-white people from their geographic and political spaces, the anti-imperialist ideology in Africa had a different stance. African states needed political and economic freedom. It did not matter whether or not Western citizens were allowed to be part of the new African nations. What mattered the most was that Africans should be in charge of their own destiny.

In order to effectively fight and reclaim their political freedom, African had to make use of the strong social structures of their ethnic groups in order to easily facilitate the perception of the new agenda of independence. Some could argue that the mobilization of ethnic groups to fight Western colonial masters was equivalent to the strategy used by the National Front in Europe. There are superficial structural similarities, since the African anti-imperialist movement intended to homogenize and create one identity against the West. However, the difference between the two movements lies in their aim, messages, and agenda. The African approach aimed to regain political and economic control. Its message centered on equality and freedom from oppression and domination. And the agenda involved creating nation-states where everyone was treated with dignity, regardless of their race, religion or social status, and where resources were shared equally.

These fights for independence aligned themselves with the anti-imperialism rhetoric of Lenin in 1915:

*For example, if tomorrow, Morocco were to declare war on France, or India on Britain, or Persia or China on Russia, and so on, these would be "just," and*

*“defensive” wars, irrespective of who would be the first to attack; any socialist would wish the oppressed, dependent and unequal states victory over the oppressor, slave-holding and predatory “Great” Powers.<sup>20</sup>*

Ideologically, based on this statement, the battles for independence should be considered as legitimate and just. Building on the legitimacy of the cause, to win their fights for independence and against colonialism, African leaders relied on ethnic identity to rally people to their banner.

In the DRC, beyond the national motivation to gain independence, ethnic groups were also fighting internally for national political control. Politicians such as Patrice Émery Lumumba, Moïse Tshombe, and Joseph Kasa-Vubu were among the leading figures who benefited from the backing of their respective ethnic groups and regions. In 1960, Lumumba became the first Prime Minister of the newly independent Congo. While he was actively advocating for the independence and unity of the Congo, he was also a native of the Central Kasai province, and was largely supported by people from there. As with many other African leaders who fought for independence, Lumumba was assassinated as a result of his extremist stand against the West. His assassination in 1961 was seen as politically sponsored by Western powers, due to his Pan-Africanist ideology and his radical view of what African independence should look like.<sup>21</sup> During that same time period, Tshombe pursued a secessionist agenda in the province of Katanga from 1960-1963.<sup>22</sup> His presidency in Katanga ended in 1963, due to a lack of political legitimacy on the international stage, as well as the military defeat that his troops suffered at the hands of the United Nations. During his reign and political career, he was also

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<sup>20</sup> Green, Joseph. Lenin’s Anti-Imperialism. *The North Star*, January 13<sup>th</sup>, 2013.

<sup>21</sup> Mazrui, Ali A. "Thoughts on assassination in Africa." *Political Science Quarterly* 83, no. 1 (1968): 40-58.

<sup>22</sup> Idem.

mainly supported by his ethnic group, the Lunda, who resided in the southeastern part of the DRC.<sup>23</sup> Kasa-Vubu served as the first president of the Congo from its independence until 1965, when he was removed from office by Joseph Mobutu in a military coup. Though portrayed as a unifier, he was also mainly supported by his ethnic group, the Bakongo, who lived in the western part of the Congo.

Clearly, from the early days of its independence, the DRC suffered from internal divisions due to ethnic differences. The failure to create strong social cohesion and political unity among these leaders during the first days after the declaration of independence led to internal battles of regionalism and secessions.<sup>24</sup> This manifestation of regionalism reveals that the administrative divisions of the Congo, to say nothing of the entire newly created nation-state, were not a reflection of the aspirations of its diverse people and ethnic groups.<sup>25</sup> The early push for secession spread its tentacles into surrounding countries such as Angola where the Lunda people, Tshombe's ethnic group, were also living. From this standpoint, a Congolese conflict anchored in local and ethnic aspirations became a regional conflict with cross-border impacts. This status has yet to change today.

In addition to the local instabilities caused by differing ethnic and tribal motivations, and beyond the unfitness of the Western political model in the DRC, today's insecurity and humanitarian crises are also rooted in the political fragilities created by the

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<sup>23</sup> The Editors of Encyclopaedia Britannica. Moise Tshombe; African Politician. Accessed February 02, 2018. <https://www.britannica.com/biography/Moise-Tshombe>.

<sup>24</sup> Englebert, Pierre, and Rebecca Hummel. "Let's stick together: understanding Africa's secessionist deficit." *African Affairs* 104, no. 416 (2005): 399-427.

<sup>25</sup> Hughes, Matthew. "Fighting for White Rule in Africa: The Central African Federation, Katanga, and the Congo Crisis, 1958–1965." *The International History Review* 25, no. 3 (2003): 592-615.

end of the Cold War and the many waves of democratization. During the Cold War, the DRC, then known as Zaire, was used by the United States and its Western allies as a geographic barrier to the expansion of communism.<sup>26</sup> Zaire received assistance in the form of military support, economic aid, and diplomatic guidance. Throughout this period, Zaire played a critical regional role as a main power in Central Africa. The collapse of the Soviet Union marked the beginning of dark days in the Congo and the Central Africa region. During the early '90s, which were characterized by waves of democratizations, many African leaders lost their international support. To create change in the Congo, many politicians therefore decided to use the same strategies as those used in the '60s, i.e., promoting tribalism and regionalism. The Congo became a field of violent tribal conflicts, primarily between the people of Katanga and those from the Kasai province. This was the very first internal tribal conflict in the DRC after the Cold War, and it led to a humanitarian crisis on a huge scale.

This conflict directly contradicted the general expectation that the Congolese people had when thinking about democracy. Opening the country to the idea of democracy and democratic processes was expected to minimize the risk of internal conflicts and abuses of power. However, in reality, democracy chiefly brought new forms of conflict and instability. Perhaps the resulting turmoil is the price that states must pay when transitioning from non-democratic governance toward the ideal of democracy. Or perhaps people had unrealistic expectations about democracy and its impacts. In any case, this internal ethnic conflict was characterized by massive human rights violations and a

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<sup>26</sup>. McNulty, Mel. "The collapse of Zaire: implosion, revolution or external sabotage?." *The Journal of Modern African Studies* 37, no. 1 (1999): 53-82.

devastating humanitarian crisis, but both the government and the international community downplayed the human suffering engendered by the conflict. Instead of labeling this struggle as an ethnicity-based conflict with considerable humanitarian needs, the conflict was instead seen as a confrontation between opposing political members. This downplaying of the conflict's magnitude led to the lack of a proper humanitarian response, which could have been more effective had the conflict been viewed primarily as a humanitarian crisis. One of the reasons for this downplaying could have been that the West wanted to avoid the perception of its failure to promote a smooth democratic transition in a country that appeared stable under a dictatorship. They wanted to avoid the appearance of the devil of democracy destroying the DRC's gains in the areas of security and stability. Another reason could have been that the conflict failed to produce major regional impacts, such as a massive cross-border migration and/or a threat to other states' national security.

Meanwhile, as the DRC was becoming more and more internally unstable, the 1994 genocide in Rwanda took place. This marked the beginning of a long period of a regional humanitarian crisis that was worse than anything else the Great Lakes region of Africa has ever known. Although the scale of violence and its consequences within the DRC in the early '90s could not compare to that of the 1994 genocide, it should be noted that both cases of violence were sustained by ethnic animosity. Beyond the killings and massive human rights violations that occurred in both conflicts, their biggest dramatic impact came in the form of their associated humanitarian crises. In the DRC, people from the Kasai province had to be forcibly displaced from Katanga and returned to the Kasai province. This internal displacement was carried out without putting the appropriate

infrastructure and logistics in place. According to Minority Rights Group International,<sup>27</sup> an estimated 6,000 people were killed and up to 400,000 were forced to flee to Kasai. Many others died from famine, sickness, and the resulting depression. It is also worth noting that most of these internally displaced people (IDPs) did not have any form of social or cultural attachment to their province of origin. The only place they knew was the province of Katanga. Forcing them to go to a place to which they had no attachment, and to build a new identity and culture in the process, was an impossible task for many. Even though some IDPs tried to socially and culturally integrate into their new communities, they were socially excluded by the autochthones who considered them strangers and foreigners, even in what was supposed to be their homeland. Therefore, social integration became impossible for many IDPs, and as a consequence many lived and died without a place that they could call home, and basically without an identity.

Therefore, the very first humanitarian crisis that the DRC faced in the post-Cold War era was of people being internally displaced due to ethnicity-based violence. The humanitarian equation became even more complicated with the hundreds of thousands of Rwandan refugees, who fled the genocide taking place in their country and sought refuge in the DRC. In addition to its internal humanitarian crisis, the DRC now had to deal with a regional humanitarian crisis. While the government was primarily focusing on social integration as a strategy for the IDPs, the DRC's leadership had to develop new strategies for the Rwandan refugees. The government's efforts were directed toward establishing

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<sup>27</sup> Minority Rights group International. Democratic Republic of the Congo-Kasaïans of Luba origin. (Accessed December 18, 2017) [Minorityrights.org/minorities/kasaïans-of-luba-origin/](http://minorityrights.org/minorities/kasaïans-of-luba-origin/)

refugee camps for these displaced people instead of promoting community and social integration.

The mix of these local and regional humanitarian crises created new forms of security threats to the DRC and the region. For the DRC, new concerns developed in the following areas:

- How to best make sure that the refugees from Rwanda remained safe in their camps
- How to make sure that no fighters were present among the people, since such fighters could be used as internal assets to destabilize the country
- How to reduce the probability of refugees becoming security threats to their country of origin
- How to ensure that the host communities' local crime rate did not rise to such an extent as to destabilize those communities
- How to mitigate future ethnic-based conflicts and their health-related consequences

These questions were already difficult to answer in the early- to mid-1990s, and they have become even more complex and hard to tackle since 1998. After the 1997 coup d'état perpetrated against President Mobutu by the military coalition led by Laurent-Désiré Kabila, which was fully supported by Rwanda and Uganda with the blessing of the United States and other Western powers, the DRC experienced a new form of violent conflict between 1998 and 2003 that left millions of people dead. This humanitarian disaster continues to manifest itself in several ways today, and its regional implications can be seen across the nine countries that surround the DRC. Since that time, humanitarian agencies have been working non-stop to try to fix this never-ending crisis, which has massive security and social implications.



## **Humanitarian Operational Framework**

Throughout its many decades of conflicts and humanitarian crises, the African continent has never been alone. From political instabilities to social and humanitarian disasters, Africa has always been a place where Western entities play major roles in crisis response—both positive and negative. Even taking into account the negative aspects, without foreign humanitarian assistance, many African countries would remain in a chaotic state today. The most common and significant forms of assistance come in the form of health services, shelter, and food supplies. Health-related interventions occur in response to the risk of a widespread epidemic outbreak or to contain existing health issues. This was the case during the 2014 Ebola outbreak in West Africa, as well as in the DRC. The expeditious response to this deadly disease proved to be one of the most effective forms of humanitarian assistance so far in the twenty-first century. Agencies and countries both within and outside Africa quickly mobilized and coordinated their resources. While this fast and effective response contained the disease, the long-term sustainability of proper health services and conditions in the region still remains unaddressed. Refugees and IDPs living in camps bear a particularly different and complex burden. Many camps lack proper sanitation systems, health infrastructure, enough qualified health practitioners, and sufficient medical supplies. Children in the camps are exposed to severe illness and malnutrition. And even their desperate situation is better than that of people living in conflict-affected zones, who are far from both governmental and non-governmental assistance.

The lack of a sustainable solution to these situations has regional implications due to the geographic positioning of the DRC and the locations of the camps, which are often

just inside the DRC's borders. This remains evident in the refugee camps in the DRC's eastern province that accommodate refugees coming from Burundi, the camps in the northern part of the country hosting refugees from the Central Africa Republic, and the camps in the northeastern part of the DRC that host refugees from South Sudan and Uganda. This same condition applies to the IDPs within the DRC. In fact, due to the recent internal fight in the Kasai region between governmental forces and militias called Kamuina Sampu, the United Nations High Commissioner for Refugees (UNHCR) has reported that more than one million Congolese have been displaced.<sup>28</sup> An estimated 33,000 of them have crossed the border to Angola,<sup>29</sup> while the majority still remain in the DRC. A similar situation has occurred during the conflict between governmental forces and the local "Mai Mai" militia group in Pueto. Due to the proximity of Pueto to Zambia, many IDPs live in camps and communities near Zambia, while some have managed to cross the border and find refuge in Zambia. Because these conflicts have local and regional implications, analysts must critically examine operational approaches in order to understand why existing humanitarian assistance seems to have a limited and insufficiently sustainable impact. The effectiveness of humanitarian assistance in Africa centers around the nature of the stakeholders and the context of conflict or fragility in which the operational structure is established.

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<sup>28</sup> Andreas Kirchhof. Displaced children tell of suffering in the DRC's Kasai. *UNHCR*, September 08, 2017. (Accessed December 20, 2017) <http://www.unhcr.org/en-us/news/latest/2017/9/59b28e7a4/displaced-children-tell-suffering-drcs-kasai.html>

<sup>29</sup> Note from People in Need. Over 33,000 refugees fled violence in DR Congo to Angola. People in Need helps with water, sanitation and hygiene. September 04th, 2017. [Accessed on December 19, 2017] <https://www.clovektisni.cz/en/what-we-do/humanitarian-aid-and-development/angola/over-33-000-refugees-fled-violence-in-dr-kongo-to-angola-people-in-need-helps-with-water-sanitation-and-hygiene-4514gp>.

The primary operational framework in current humanitarian practice is implemented through intergovernmental cooperation. For many years, the DRC has benefited from and praised this type of intervention, which is based on political agreements and respect for state sovereignty. The strength of humanitarian assistance under this framework is that the stakeholders are governmental entities. As such, the channels of cooperation are clear, and stakeholders tend to respect the same international norms while promoting mutual respect. Logistically, this framework is also highly effective at deploying aid in affected regions that are controlled by the host government. The case of West Africa during the 2014 Ebola outbreak provides an outstanding example. In cooperation with Liberia and Sierra Leone, the U.S. government managed to mobilize appropriate resources, in the form of its military capabilities, to deliver equipment, food, and medical personnel to work in the affected countries. In the DRC, the European Union conducted humanitarian assistance and military intervention in the Ituri region, especially French forces during the operation called “Artemis,” to end ethnic conflicts between the Hema and the Lendu and to provide aid relief. Both of these interventions, in West Africa and the DRC, proved to be effective in the areas of coordination, the harmonization of priorities, and the definition of the targeted cause or region.

While in principle, governmental organizations involved in this type of cooperation should trust each other, challenges in the implementation of this approach invariably arise. One difficulty of this operational framework is that foreign humanitarian assistance are subject to host government approval, due to the principles of sovereignty and noninterference. A major exception to this norm occurs in the context of

Responsibility to Protect (R2P), which theoretically empowers a specific country to intervene in another sovereign nation without the host nation's consent. The most commonly used argument to justify such an intervention is that the host country is either perpetrating mass human rights violations or is unable to collaborate effectively with others even while the lives of civilians are at risk. It should be noted that R2P is not a guarantee for stability. Little has been achieved in the most recent cases in which R2P was utilized, and in many of them, the host country's stability is still only hypothetical. For example, examining the case of Libya in the context of the R2P principle and the governmental humanitarian assistance framework demonstrates the complexity of humanitarian intervention, and speaks to the need for an inclusive and context-specific approach to humanitarian assistance in Africa.

The second operational framework emphasizes international non-governmental organizations (NGOs). As opposed to intergovernmental cooperation, assistance provided by international NGOs is mostly neutral and is dispensed in multiple geographic areas, including those controlled by groups fighting against the government. These international NGOs include the Red Cross and Action Against Hunger, among many other organizations that work on the principles of impartiality and neutrality. In the DRC, these organizations have worked to address the shortfall of the government in protecting civilians<sup>30</sup> and providing relief assistance. In fact, international humanitarian organizations are at the center of all humanitarian assistance that takes place in the country and the region. Their strength rests also on the fact that they work as specialized

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<sup>30</sup> Cahill, Kevin M., ed. *Basics of international humanitarian missions*. (New York: Fordham Univ Press, 2003).

agencies, focusing on complex issues such as food security, health provision, human rights protection, education, and so forth. Their specialized focus has helped the DRC to cope with many humanitarian crises throughout years of conflicts and instability. Without their support and assistance, refugees in the camps and IDPs could not have survived. However, despite their good work, many international humanitarian agencies import their humanitarian assistance strategies without local consultation. Neither do these agencies take into consideration the culture and priorities of refugees and IDPs. Some critics argue that, in many cases, humanitarian agendas are defined outside the camps or outside the social, cultural, and political context of the conflicted zone. Local participation in agenda-setting, defining priorities, and elaborating on strategies for humanitarian assistance is seriously lacking. In fact, according to Gizelis and Kosek,

*the failure to consult or actively integrate local parties in target countries during the peace-building process can create problems of cognitive dissonance in humanitarian interventions: a population that is largely uninvolved in a humanitarian intervention is less likely to cooperate with the intervening parties or expend efforts to make the intervention successful.*<sup>31</sup>

These interventions could also be considered a form of neo-imperialism, promoted through international agencies rather than states. A counterargument to the critics could be the logistical impossibility of conducting consultations during a period of conflict. However, this argument does not hold up for communities that have settled in refugee or IDP camps and who continue to receive regular humanitarian assistance without being consulted. This continuous lack of consultation could be viewed as a *humanitarian net*. In fact, refugees and IDPs running away from the oppression and violence in their home

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<sup>31</sup> Gizelis, Theodora-Ismene, and Kristin E. Kosek. "Why humanitarian interventions succeed or fail: The role of local participation." *Cooperation and Conflict* 40, no. 4 (2005): 363-383.

communities find themselves constrained and imprisoned in camps without many choices. The camps simultaneously become both a place of refuge and safety and a place of restriction and limited freedom. This duality underscores the social contrast of humanitarian assistance in the camps. The lack of consultation, limited freedom, and obvious lack of interest in ending the existence of these camps or the state of vulnerability that necessitates them is what some authors have termed the essence of humanitarian business,<sup>32</sup> which itself undermines the morality of humanitarian assistance.

Both operational frameworks have their strengths and weaknesses when applied to humanitarian assistance in the DRC and the broader region. One of the common criticisms for both is that they are organized and structured at the macro level, and their work is generally conditioned by political priorities and decisions. This approach neglects the local dimension of assistance and constitutes an obstacle to finding sustainable solutions. An effective humanitarian operational framework should combine both macro dimensions, characterized by the design of national policies and strategies, and micro dimensions that consider local voices in the design and implementation of programs.

### **Regional Implications**

Based on the multicultural and ethnic composition of African nations, the concept of African states should not be understood at the same level as the states in the West. The imported nation-state model and its organizational structures have proven to be far from meeting the societal, cultural, and political expectations of African states and those of their populations. While Western nations and states were mainly formed based on homogenous groups and common languages established either through conquest or the

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<sup>32</sup> Weiss, Thomas G. *Humanitarian Business*. (New Jersey: John Wiley & Sons, 2013).

institutionalization of local existing structures,<sup>33</sup> most African nations are the direct result of the amalgamation of diverse and heterogeneous groups. This difference is borne out in the nature of conflicts that have destabilized both regions over the years. In the West, most conflicts have occurred between nation-states, and very few crises have led to significant cross-border migrations. However, in Sub-Saharan Africa, conflicts tend to be anchored in issues of identity, ethnicity, and natural resources. In very limited circumstances, religion and class have created major humanitarian crises. While this has not been a pattern in past conflicts, religious antagonism fueled the Sudan conflict that led to the split between the North and South,<sup>34</sup> as well as and the ongoing political instabilities in the Central African Republic. It is important to highlight that in certain cases, political and economic exploitations of the lower class by either political elites or multinational companies have also generated social frustrations, leading to massive participation in violent movements by the oppressed. Hence, the humanitarian crises resulting from these conflicts have had incredibly devastating impacts on the local communities and an unimaginable spillover effect in the surrounding region. To further understand the overall regional implications of humanitarian crises in the region, it is extremely important to consider their impacts on the political security of various countries, as well as their social and economic implications.

### *Political tensions*

Crises in the DRC, Rwanda, South Sudan, Burundi, the Central Africa Republic and Angola have created regional political tensions which, in certain cases, have

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<sup>33</sup> Rokkan, Stein. *State formation, nation-building, and mass politics in Europe: the theory of Stein Rokkan: based on his collected works* (Oxford: Clarendon Press, 1999).

<sup>34</sup> Cobham, Alex. "Causes of conflict in Sudan: Testing the black book." *The European Journal of Development Research* 17, no. 3 (2005): 462-480.

escalated to interstate conflicts. For instance, in the late 1990s, the Rwandese government justified its invasion of the DRC by arguing that the presence of Hutu refugees inside the country constituted a security threat to Rwanda. In fact, they argued that the group of refugees of Hutu descent who were living in the eastern part of the DRC were regrouping, training, and arming a force to rebel against the Rwandese regime, hence the necessity of taking preventive action to stop any future attacks. The stated rationale of this argument was that the perpetrators of several instances of mass genocide had taken refuge in the DRC as well, and the uncontrolled flow of refugees into the DRC during the Rwandan genocide of 1994, combined with the failure of the Congolese government to monitor the movement and actions of these refugees, were instrumental in helping those perpetrators recruit refugees into their own forces. Building upon this argument, the Rwandese government found it crucial to intervene directly or indirectly by providing logistical or military support to any movement or organization that would help eliminate this security threat. This political argument created tension between the DRC (then Zaire) and Rwanda, which escalated after Rwanda supported the rebellion that unseated President Mobutu in 1997.

Another very recent case is the 2016-2017 humanitarian crisis in the DRC, which has again engendered political tension between Angola and the DRC. This tension has been fueled by the recent violent conflicts in the DRC's province of Kasai, which have displaced millions of people, some of whom found refuge in Angola. This status of conflict, fragility, and insecurity in the DRC has continued to create an unpleasant situation in Angola, where on top of its struggle to provide social services to its own citizens, Angola is now obliged to deploy efforts and resources to assist Congolese



refugees fleeing the most recent violence. This assistance is in addition to the support given to the other hundreds of thousands of Congolese refugees who have been living in Angola for many years. As a result of this crisis, the Angolan government criticized the Congolese government for its inability to restore long-lasting peace in its territories. Angola claimed that bad governance and a lack of political will in the DRC are at the center of these multiple humanitarian crises, which would create major security threats to Angola if unaddressed.<sup>35</sup> Humanitarian crises create uncontrolled flows of migration within a given region, which in turn create a space for political conflicts and tensions between states.

The Congolese government has also blamed Uganda and Rwanda for training and supplying munitions to the Congolese refugees living in refugee camps in both countries. The Congolese argue that these two countries are supporting actions that tend to destabilize the Congo and undermine all of the government's efforts to restore peace. This rising tension evidences the critical need for a regional political framework to address humanitarian crises. This regional humanitarian framework could best fit under the authority and leadership of the International Conference of the Great Lakes (ICGL). However, since the ICGL has shown its organizational and logistical limits, an alternate approach could be to incorporate this regional humanitarian framework in the African Union (AU) peace operational framework. In fact, over the past decade, the AU has become a vital actor in political mediation on the continent. Empowering the AU to address humanitarian issues from a regional standpoint could add value to the

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<sup>35</sup> Crisp, Jeff. "Forced displacement in Africa: Dimensions, difficulties, and policy directions." *Refugee Survey Quarterly* 29, no. 3 (2010): 1-27.

organization and mitigate the risk of regional political conflicts that are caused by or lead to more humanitarian crises. From a policy perspective, the AU could create emergency response teams that operate regionally and serve as catalysts for the de-escalation of any political tension between member states that occurs due to the uncontrolled cross-border population flow.

The danger of empowering the AU to operate as a federal structure would be the possibility of nation-states progressively losing their relevancy and seeing their sovereignty being taken away. The most suitable approach could be similar to the operational framework negotiated by the AU as part of the recent creation of the African Continental Free Trade Area<sup>36</sup>. Under this continental approach, countries will discontinue their economic barriers to allow free movement of goods throughout the continent to expand intra-continental trade. The regulatory framework would be established as a continental body, which of course depends on the member states' consent and commitment. This same approach could be used within humanitarian spaces, with a continental body that would mobilize resources, define the continental humanitarian agenda along with any affected member states, and develop inclusive, strategic regional interventions, while also promoting national accountability.

#### *Security concerns*

One of the unspoken dimensions of the humanitarian crisis in the DRC is increasing cross-border insecurity, with the most disturbing elements being the free flow of ammunitions and arms trading among uncontrolled militias and other armed groups. In

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<sup>36</sup> Moore, Jina. Most of Africa's Leaders Sign on to Continent-Wide Free Trade Pact. *The New York Times*. March 21, 2018. (Accessed March 22, 2018)  
<https://www.nytimes.com/2018/03/21/world/africa/trade-nigeria-south-africa.html>

fact, while the international and national priorities of governments and international organizations during these humanitarian crises are to save lives and provide necessary support to victims, in the context of the DRC, many small groups have emerged both within and outside the refugee camps. These groups have later been transformed into militia-type organizations or other armed groups, which are characterized by their ability to operate across national borders with impunity. Some of these armed groups are connected to political elites in the DRC, as well as in other countries within the region. Beyond this rhetoric, the lack of effective governmental and territorial control within the region, especially in its border zones, has facilitated the illicit trade and transportation of munitions and arms in the region. This supports the argument that cross-border humanitarian crises in the region fuel insecurity. Countries such as Rwanda, Uganda, and Burundi have already declared these groups threats to their national security and will do whatever it takes to stop their activities.

Groups such as the Allied Democratic Forces (ADF), Democratic Forces for the Liberation of Rwanda (FDLR), and SELEKA, all of which found refuge in the DRC during conflicts and humanitarian crises in their respective countries, have tended to organize militarily with the goal of unseating their national governments in Uganda, Rwanda, and the Central African Republic. The controversy of their actions is that although these people are legally and internationally protected based on their refugee status, their political and social vulnerabilities have transformed them into security threats to their countries of origin, their host countries, and the entire region. Their activities raise the question of whether they should receive legal protection. Based on the United Nations Convention and Protocol relating to the Status of Refugees, these groups can no

longer benefit from international protection, as per the disposition stipulating that a person who “...*has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes*”<sup>37</sup>. No one can deny the fact that the afore-mentioned groups have committed one or more of these crimes. As such, they should not benefit from any international protection in line with the refugee convention. However, even with the denial of international protection, the issue of security would still remain unaddressed. The ongoing mobilization efforts carried out by these groups, both within and outside refugee camps, also succeed because their host countries - in this case the DRC and its neighbors - lack effective means of coercion within their territories and along their borders. To address these security threats and to mitigate the consequences of humanitarian crises, I suggest several approaches.

One of these approaches could be elevating a humanitarian crisis to the level of a maximum threat to national and regional security.<sup>38</sup> Elevating humanitarian crises to this stage would help to speed up humanitarian responses and spur the relevant actors to develop effective and timely strategies for security recovery. This approach was tested during the Rwandan genocide; unfortunately, it was without success due to the nature of the mandate given to the United Nations peacekeepers deployed in the country, which was a mandate of observation rather than intervention. Between 1998 and 2003, the

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<sup>37</sup> United Nations. United Nations Convention and Protocol relating to the Status of Refugees. Text of the 1951 Convention Relating to the Status of Refugees; Text of the 1967 Protocol Relating to the Status of Refugees; Resolution 2198 (XXI) adopted by the United Nations General Assembly; *United Nations High Commissioner for Refugees*

<sup>38</sup> Watson, Scott D. *The securitization of humanitarian migration: Digging moats and sinking boats* (Routledge, 2009).

humanitarian crisis in the DRC was also seen as an issue of global concern, as per the UN terms, but not as an issue of national or regional security. The failure to categorize a humanitarian crisis as a security threat has unfortunately led to the perpetuation of conflict and the cycle of violence in the country. The case of the DRC shows the necessity of elevating a humanitarian crisis to the level of a maximum threat to national and regional security. In fact, even with the estimated six million people who were killed in the DRC as a direct result of the 1998-2003 conflicts, the international community has yet to reframe its approach to what constitutes a humanitarian crisis in the country. Since the UN mission in the DRC has been operational for the past eighteen years, with a core mandate of protecting civilians, it is rather easy to argue that the mission has failed. The UN has been unable to provide stability and safety for millions of Congolese who have fled their homes to find refuge in foreign lands or become IDPs in their own country. And yet, the multiple humanitarian crises in the region still do not constitute a maximum threat to national and regional security, at least by internationally established standards. Not only has the UN failed to carry out its mandate in the DRC, but there have been instances when peacekeepers and UN workers were themselves accused of rape,<sup>39</sup> human rights violations, and supplying arms and logistical support to militias and other armed groups. From this standpoint, the argument could be offered that not much could be expected from the UN mission to address a humanitarian crisis.

The failure of the UN-administered international framework to provide peace and restore security has led regional actors to take matters into their own hands. For instance, Rwanda and Burundi, who have consistently blamed the DRC government for its inaction

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<sup>39</sup> DR Congo: UN peacekeepers face fresh sexual abuse claims. BBC, April 28, 2017.

and inability to deal with armed groups and militias operating in the eastern part of the country, have deliberately invaded the DRC on multiple occasions to track these armed groups, which they consider to be threats to their respective national security.<sup>40</sup> Though the rationale of such an approach seems logical in the context of national security, these unilateral operations have been characterized by massive human rights violations and abuses. In other words, these rational, unilateral decisions to address security threats arising from a humanitarian crisis created even more crises rather than addressing the problem. While it is true that a humanitarian crisis creates regional security concerns that need to be addressed, history has shown that neither the UN-based international nor the unilateral approaches taken by countries in the region have helped to restore security and mitigate the consequences of humanitarian crises. The complexity of African conflicts and their tendency to spill from country to country means that local as well as national humanitarian crises must be considered regional threats. I argue that the DRC needs a regional security framework that specifically addresses the issue of regional humanitarian crises. Such a regional humanitarian framework, if taken seriously would facilitate the coordination, mobilization, evaluation, and monitoring of humanitarian activities in the region.

### *Socioeconomic fragilities*

In addition to the regional political and security implications of a humanitarian crisis, socioeconomic fragilities are also central to the impact of a humanitarian crisis in

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<sup>40</sup> Prunier, Gérard. *Africa's world war: Congo, the Rwandan genocide, and the making of a continental catastrophe* (Oxford University Press, 2008).

the region.<sup>41</sup> Conflicts and war expose people to poverty, trauma, economic deprivation, and the lack of proper health services and basic human needs. For those who have migrated to refugee camps, the lack of adequate health services and sanitation exposes them to the risk of contracting diseases such as cholera, malaria, and sexually transmitted infections. Economically, this migration has a double impact: 1) by definition, a migration creates a scarcity of labor in the effective area, since the most active community members have fled. Their absence from their home communities constitutes a lack of important human resource capabilities from which these communities may suffer for a long time. This challenge requires any long-term humanitarian recovery to take into consideration the possible scarcity of an adequate, active, and productive workforce, and the potential economic consequences that this lack might engender. 2) Forced migrations bring with them social and economic hardship. In fact, research shows that few refugees have found stable and decent opportunities in their host countries to sustain themselves both socially and economically. There is always an ideological assumption that refugees and IDPs will find grace in the eyes of their host governments and those who manage the refugee camps will ensure their well-being. Unfortunately, the social conditions of refugees in most of the countries in the Central Africa region show how misleading these expectations are. Refugees travel with their vulnerabilities and are not always guaranteed a good life. They experience what I call the effects of a “*migration of vulnerability*” during a humanitarian crisis.

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<sup>41</sup> Lischer, Sarah Kenyon. *Dangerous sanctuaries: refugee camps, civil war, and the dilemmas of humanitarian aid* (Cornell University Press, 2015).

In this context, a migration of vulnerability means that refugees who have been victims of violence and social unrest cannot find solace in their host communities. Instead, they experience new challenges and vulnerabilities, which could have the same effect as the ones that caused them to flee their homes. In a situation where refugees are hosted in communities rather than camps, the likelihood of the refugees transporting poverty into their host communities is extremely high. In fact, some countries - such as South Africa - report that refugees have been victims of xenophobic attacks by the locals simply because they compete with the locals for the few available jobs. In addition, they are also blamed for changing the social values, cultural practices, and norms in their host communities.<sup>42</sup> The implications of such an uneasy relationship between the locals and refugees should always be well-monitored. In fact, if unaddressed, this intolerance toward refugees and the ongoing conflict of values could lead to intergroup conflicts, which, in turn, could escalate to create yet another humanitarian crisis.

In addition to regional efforts to limit the consequences of a humanitarian crisis, stakeholders in the field of humanitarian assistance should also take into consideration the complexity of local challenges in their regional operational framework. After all, prior to becoming regional, a humanitarian crisis and its resulting challenges are at first local. Only when local structures cannot provide adequate assistance do people run away from their communities, which leads to the regionalization of humanitarian crises. For instance, local communities in the DRC have suffered from a lack of adequate human and logistical resources to address the multidimensional manifestations of political and

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<sup>42</sup> Crush, Jonathan. "The perfect storm: The realities of xenophobia in contemporary South Africa." Southern African Migration Project. *Migration Policy Series No.50* (2008):1-67



humanitarian crises. The very first challenge at the local level comes when conflicts destroy the already weakened local institutions. In relatively large cities, these institutions might have been functional but simply unable to keep up with the fast social and security changes within and outside of them. Hence, when conflicts occur and crises explode, these institutions cannot sustain the shock and pressure.

In addition to their organic effects on local administrative institutions, some actors have deliberately moved to destabilize traditional authorities during conflicts in the DRC by killing or disempowering local leaders. Traditional authorities are holders of wisdom, authority, and values in many of these communities. Hence, killing them or removing them from their communities engenders long-term destabilization. For instance, the violent conflict in the Kasai region erupted for this very reason, after the killing of the traditional leader known as Kamuina Sampu in August 2016.<sup>43</sup> His followers and the people living under his traditional jurisdiction suspected that his assassination was a deliberate move to destroy the community and take control of its natural resources. This tactic is not a new phenomenon in the history of the DRC. This stratagem also happened during the reign of King Leopold II, and many traditional leaders were murdered during that period. It is inarguable that the destabilization of communities by killing or disempowering traditional authorities has had severe consequences for the social structure of those communities. Hence, considering the role and place of traditional values and practices in the promotion of peace-building mechanisms and humanitarian

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<sup>43</sup> Buchanan, Elsa. DRC unrest: Catholic Church slams 'killings and plundering' by security forces in Kasai. *International Business Times*, Updated March 31, 2017. (Accessed December 28, 2017) <https://www.ibtimes.co.uk/drc-congo-unrest-catholic-church-slams-killings-plundering-by-security-forces-kasai-1614652>

assistance in the DRC will be critical for both the DRC and the Central Africa region. Any attempt to provide humanitarian assistance in the region without taking this into consideration would provide only temporary relief and would not help communities to emerge from their crises.

The years of wars and conflicts in the DRC have indeed destroyed local structures, and their rehabilitation should be seen as the starting point in the recovery process. While this rehabilitation would help restore the social fabric of the communities, it would also help humanitarian agencies to find credible local agencies or people to cooperate with while providing assistance. The lack of credible partners in local communities has left external agencies to operate in these regions within their own footprint, which sometimes does not reflect the needs or expectations of locals. For instance, many host communities lack adequate resources to facilitate the integration of IDPs. International agencies working in these communities are oriented towards the short-term and cannot provide much assistance beyond the scope of their budget and mandate. It is therefore of great importance for the local and national governments to work together toward strengthening local institutions, as well as potentially giving space and freedom to organizations in civil society, so that they can cooperate directly with international humanitarian agencies in developing strategies and defining priorities. While these are aspirational dreams, the likelihood of their taking place in a context where the government is also suspected to be among the key players engendering crises is hypothetical at best. There will not be an effective humanitarian response to mitigate local and regional crises if efforts to restore local authority, as well as reconsidering the role and place of traditional authorities, are not promoted. In addition, it would be

beneficial to empower local civil society organizations to develop cross-cultural dialogue in places where ethnic conflicts have occurred, and to promote dialogue on security and peace at the regional level.

### **A Dark Continent**

For many years, Africa has been characterized as “a dark continent” because of its many political and social issues that leaders have been unable to address, and which have kept most of the population in extreme poverty. The idea of a dark continent continues to raise some fundamental questions:

- Against what reality is the continent considered dark?
- What constitutes light?
- Is it possible to discover the unique light of the continent when considering Africa in its own particularity?

All of these questions challenge perceptions about the status of the continent and how it is perceived by people both within and outside its borders. While the search for light and the better days of the continent continues, it is unfortunately true that if *light* means “peace, security and prosperity,” Africa is far from experiencing the light.

Since the great waves of political independence in the late 1950s and early ‘60s, Africa has continued to experience intra- and interstate conflicts and wars that destabilize many of its sub-regions and displace millions of people, who must either find refuge in neighboring countries or elsewhere within their own country. These conflicts continue to create massive humanitarian crises and complex security issues. In 2016, according to the UNHCR, an estimated 5.6 million people were refugees and up to 20 million were internally displaced or stateless in Africa alone.<sup>44</sup> One of the most affected countries by conflict and humanitarian crises is the DRC, which has floundered in a status of fragility

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<sup>44</sup> United Nations. Africa: Regional Summaries. *UNHCR Global Report 2016*.

and instability since 1998. Despite international peacekeeping operations initiated by the United Nations and despite the humanitarian assistance provided by international agencies, the security, peace, and stability of the DRC continue to be fragile. This fragility and instability is partially because the DRC has never been able to assume full control of its territory, nor to exercise effective sovereignty of its institutions. It has become disturbingly evident to both Congolese and non-Congolese that despite many years of efforts to restore peace and stability, the international community has failed to do so.

Many arguments have been advanced to justify this failure, such as the idea that the DRC's large size makes it impossible to be unified under one flag. However, the idea of a unified country does not nullify the push for administrative and economic decentralization, which would confer upon provincial state entities the latitude to manage their resources and develop their economy in a way that would best serve their citizens, while still being housed under and serving the national interest. For those who argue that the Congo is too big to be one country, a counter-argument could be offered that Algeria and Brazil are as large as the DRC and still manage to remain unified. The same example can be used for Russia in its current configuration, even though the history of Russia cannot be compared to the DRC. The size of a country should not be used as the main justification for its insecurity and instability. Rather, the DRC suffers from a lack of strong, credible, and viable institutions, which continue to facilitate and maintain insecurity and instability.

Another assumption is that once a country is divided, the newly created countries would be able to organize and develop. However, the case of South Sudan proves that if

the root causes of conflicts and the institutions that cause and are affected by them are not addressed, the size and form of the new government will not guarantee stability and peace. These observations evince the need to reflect on what is it that perpetuates instability in the DRC, and what could be done to address its issues of insecurity and humanitarian crises. The regional implications of the DRC's multiple crises must also be addressed in order to fix the situation. However, based on the political history and sociological background of Africa and the DRC, evidence indicates that the restoration of peace, the promotion of security, and the effectiveness of humanitarian assistance in the DRC will depend on how peacebuilders and lawmakers critically analyze and learn from factors that were instrumental to the stability and the security of the continent and the country prior to the era of colonization.

Historically, governance and security in Africa were rooted in strong local structures and norms that were promoted by the sovereign. For instance, during the pre-colonial period, African societies were organized based on empires. These empires had the following institutional characteristics:

*centralized bureaucratic forms of government, the domination of a core region over peripheries, an ethnically or culturally defined hierarchy between rulers and ruled, and claims to universal legitimacy—whether referring to a revolutionary ideology, a mission civilisatrice, or religious conversation.*<sup>45</sup>

These institutional features of empires helped to maintain security and promote peace across regions where they extended their influence and authority. Such was the case of the Songhai Empire in the Western Sahel between the fifteenth and sixteenth centuries. This empire knew two dynasties: the Sonni Dynasty, which ruled from 1464-1493, and

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<sup>45</sup> Wimmer, Andreas, and Brian Min. "From empire to nation-state: Explaining wars in the modern world, 1816–2001." *American Sociological Review* 71, no. 6 (2006): 867-897.

the Askiya Dynasty, which ruled from 1493-1591. Sonni Ali, who reigned from 1464 to 1492, was considered the best military strategist and conqueror of his time. As a sovereign, he managed to extend the empire to a size of over 1,400,000 square kilometers.<sup>46</sup> While expanding, he maintained his authority and that of the empire by delegating power to loyal local authorities. He made sure that local structures were established to maintain peace and security. Later in the eighteenth century, another empire, the Asante, continued the tradition of ensuring power and security by delegating authority to local structures. In fact, history reveals that although some internal political conflicts took place in the Asante empire, security and stability were maintained based on the local structures, which were strengthened by the relationship between the “*Souverain* and the *lieutenants*”<sup>47</sup> through social pacts. If the souverain and his lieutenants were on good terms, the empire would be stable. However, any discord between these authorities would create insecurity and conflict. Since the stability of the nation depended on a solid relationship between the souverain and the lieutenants, the harmony of this relationship was of the utmost importance. For centuries, many rulers managed to promote the stability and the security of their respective empires. However, this situation has progressively changed with colonization, which disrupted many traditional norms and practices by establishing new forms of administrative authority and new methods of political governance. Hence, the fragility, insecurity, and conflicts in Africa and the DRC find their roots in societal destabilization and in the reconstruction that took place during

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<sup>46</sup> Note: West African Empires; the Ghana Empire. Lumen *Boundless World History*. (Accessed December 13, 2017) <https://courses.lumenlearning.com/boundless-worldhistory/chapter/west-african-empires/>

<sup>47</sup> Terray, Emmanuel. "Le débat politique dans les royaumes de l'Afrique de l'Ouest: enjeux et formes." *Revue française de science politique* (1988): 720-731.

colonization. Additionally, the difficulties in addressing modern conflicts arise partially from the nature of these conflicts, which have become more rooted in ethnicity, and in the unfit operational response currently used for humanitarian assistance. Revisiting these elements as the root causes of political instability, and developing appropriate humanitarian policies that take these factors into consideration, would be greatly advantageous to peacebuilding and the promotion of security in Africa.

## **CHAPTER 2: THE CRISIS OF IDENTITY**

Traditional analyses of humanitarian assistance and interventions focus on issues pertaining to human rights violations, social and economic sustainability, and political stability and security. The politics of assistance have failed to develop strong intervention mechanisms that treat issues of identity crisis as an important parameter in humanitarian assistance and recovery. It would be incomplete or ineffective to try to understand and resolve any humanitarian crisis, especially one that has led to massive forced migrations into refugee camps, while neglecting to address the issue of social identity among refugees or internally displaced people (IDPs). Based on this premise, in this chapter I provide a new analysis of identity in the broader context of humanitarian assistance in fragile and post-conflict states. This analysis puts forth the elements of denationalization, de-patriotization, and the crisis of hybrid identity as critical considerations in humanitarian efforts that aim to restore communities and provide aid to those in camps. Knowing that there is a difference between social and political constructs of identity, in this analysis I further suggest the consideration of the Pan-Africanism identity as a potentially inclusive identity to be embraced during refugee crises. This argument assumes that such an identity would progressively sanction the end of the predominance of the state-centered identity, which is mainly political rather than social and cultural.

In the DRC, years of conflict have created a humanitarian catastrophe, forcing millions of people to flee from their cities, villages, and country to become either refugees or internally displaced citizens. According to the United Nations High Commissioner for Refugees (UNHCR), Sub-Saharan Africa has more refugees than any



other similarly sized region in the world.<sup>48</sup> In June 2016, UNHCR estimated that there were around 4.4 million refugees and close to 11 million IDPs in the region. Of this number, the DRC alone accounted for approximately 3.9 million IDPs.<sup>49</sup> In addition to the hunger, socioeconomic disruption, and health vulnerabilities that these people must endure in their new spaces and lives as refugees or IDPs, ongoing societal and cultural shifts also occur at the core of their societies and communities. From a social, emotional, and mental perspective, humanitarian crises force displaced people to question their sense of belonging, the meaning of home, and the all-encompassing reality of their social identity. The struggle to keep or retrieve their old identity, or to embrace a completely new identity, is a major component of the current tension in the Central Africa region for people within and outside refugee or IDP camps. While security factors are most often the first priority in humanitarian actions, this argument illustrates the reality that effective humanitarian assistance, as well as the future stability of the DRC and that of the entire Central Africa region, depends in large part on how the issue of social identity can best be viewed and addressed through the lens of these humanitarian crises.

### **Denationalization**

The rise of nationalist ideology and the process of nationalization in Africa occurred toward the end of the 1950s and the early '60s.<sup>50</sup> Prior to this period, the continent was still largely ruled and controlled by colonial powers that held full control

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<sup>48</sup> UNCHR. *Report of the United Nations High Commissioner for Refugees; Covering the period 1 July 2015-30 June 2016*. General Assembly, Official Records, Seventy-First Session, Supplement No.12. United Nations, New York, 2016.

<sup>49</sup> Edwards, Adrian. *UNCHR warns of worsening displacement in Democratic Republic of the Congo*. Press briefing. October 24, 2017, UNHCR. Geneva.

<sup>50</sup> Ranger, Terence O. "Connexions between 'Primary Resistance' Movements and Modern Mass Nationalism in East and Central Africa. Part I." *The Journal of African History* 9, no. 3 (1968): 437-453.

over the politics, economy, and administration of their colonies, and even dictated the type of culture to be followed. During this period, what was expected from Africans was their loyalty and allegiance to colonial administration and authority. This loyalty unfortunately reinforced indigenous communities' existing feelings of disconnection toward their traditional authorities because of the societal destabilization of the continent. This situation changed quickly during the waves of independence in the '60s, which brought new dynamics in the political arena as nationalist leaders, such as Patrice Émery Lumumba in the Congo, Jomo Kenyatta in Kenya and Kwame Nkrumah in Ghana, ascended to power. These leaders who fought against colonial domination were then promoting the emergence of an African identity anchored in traditional local values and modes of governance, which was later embraced by leaders such as President Mobutu with his famous "retour à l'authenticité."<sup>51</sup> As promoted by the fathers of independence, this recovered African identity meant reclaiming the land, taking control of political and administrative responsibilities, setting economic priorities, and framing new national visions and political agendas.

At first, this new ideology of nationalism was foreign to many lower classes of citizens and was difficult for them to grasp, especially since the narrative was more political and ideological. Therefore, the narrative did not resonate with what the local communities expected and understood about the concepts of independence or a national identity. This changed when political leaders changed their narratives and messaging from simply reclaiming political offices to reclaiming and repossessing their countries'

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<sup>51</sup> White, Bob. "L'incroyable machine d'authenticité: l'animation politique et l'usage public de la culture dans le Zaïre de Mobutu." *Anthropologie et Sociétés* 30, no. 2 (2006): 43-63.

lands and values. The argument of repossessing the land, for instance, resonated with many communities because their lands had previously been taken by their colonial masters without compensation. Land represented the most precious riches that African communities could possess, and therefore, having it taken from them by the colonizers was the highest level of disempowerment that the people could have experienced.<sup>52</sup> Based on this background, nationalism in the continent emerged as a fight to reclaim what had been taken away, rather than as an ideology fueling a moral attachment to the resources (land, institutions, culture, tradition, etc.) already available in communities. The shape and vision of the nascent nation-states were being developed at the same time as people were fighting to repossess their resources. This nation-building process and approach to nationalism led to major social and political reforms, such as the nationalization of mining, which took place in the DRC in 1966<sup>53</sup> and in Zimbabwe in the early twenty-first century.<sup>54</sup> But the process of nationalization and the moral of nationalism were also built around the perception of disconnecting from an Other, the colonial power, instead of around the construction of a strong national identity that would supersede other forms of identity, including those based on ethnicity and tribes. For instance, many Congolese people struggled for years to embrace the notion of nationalism in the DRC because at the grassroots, the idea of national identity was undercut by social divisions based on tribalism and ethnicity. Additionally, nationalism

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<sup>52</sup> Herbst, Jeffrey. *States and power in Africa: Comparative lessons in authority and control*. Vol. 149. Princeton University Press (2014).

<sup>53</sup> Sergeant, B. "Nationalization: an analysis of the competing interests of capital, labour, and government." *Journal of the Southern African Institute of Mining and Metallurgy* 113, no. 1 (2013): 21-30.

<sup>54</sup> Raftopoulos, Brian, and Ian Phimister. "Zimbabwe now: the political economy of crisis and coercion." *Historical Materialism* 12, no. 4 (2004): 355-382.

was simply an untested ideology in Africa; most people lived their lives at the community level, where what mattered was local identity (ethnic identity). The country also survived for many years after gaining its independence without being confronted by situations or challenges that would have provoked a rise of nationalism among citizens.

Only during the 1998 war, which pitted the DRC against Rwanda, Uganda, and Burundi, did the Congolese identity and the concept of Congolese nationalism experience significant growth. This new rise of nationalism, as opposed to nationalism in the '60s, was stimulated and encouraged by the need for the DRC to protect its territorial integrity, manage its natural resources, and defend its political sovereignty. The shift in nationalism became evident as Congolese people from different backgrounds and ethnicities stood in unison to protect a single country, land, and identity. However, even as this sense of belonging and the consequent moral obligation to defend the nation were rising, millions of Congolese were denied the opportunity to experience this feeling and fully embrace the national identity. Instead, they were forced to flee the country due to the war, other violent conflicts, and humanitarian crises. Therefore, the existence of these humanitarian crises became a major cause of the long and difficult process of denationalization for the Congolese refugees. In this context, denationalization should be understood as a voluntary or involuntary social and structural circumstance that forces people to progressively lose their national identity and embrace another form of identity. In Central Africa, the process of denationalization was not unique to the Congolese people. Refugees from the Central African Republic, South Sudan, Uganda, and Burundi also experienced similar effects, which came with their loss of personal and national agency. This loss can be examined from social, administrative, and geographic standpoints.

Geographically, people were stripped of their national identity and agency due to their forced physical displacement and unintentional containment in camps.<sup>55</sup> This containment, and the loss of a place for the refugees to call home, led to their social and moral isolation. Such isolation progressively eliminated the ideal of home and national identity that refugees had cherished or developed before moving into the camps. The displacement itself and the fast-changing social conditions of humanitarian crises seem to put mental pressure on refugees to disconnect from their past. Instead, they are forced to develop coping mechanisms that help define these new geographic locations, the camps, as their new homes and communities. The geographic distancing and disconnection from their country of origin plays a major role in promoting the process of forced denationalization. This process would not have taken place if violence and humanitarian crises had not occurred.

To legitimize their new identity and receive appropriate humanitarian support, refugees must register with the camps' management service and be listed officially and administratively as refugees. Through these administrative processes, this sense of relative attachment and belonging to this new structure called the *camp* becomes a determining factor in the process of creating the refugees' new identity.<sup>56</sup> While the registration with the camps' management is a legitimate administrative process and ethically acceptable for the sake of humanitarian assistance, as it helps to allocate appropriate and sufficient resources to beneficiaries, it is unfortunately also true that this

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<sup>55</sup> Chkam, Hakim. "Aid and the perpetuation of refugee camps: The case of Dadaab in Kenya 1991–2011." *Refugee Survey Quarterly* 35, no. 2 (2016): 79-97.

<sup>56</sup> Anthias, Floya. "Thinking through the lens of translocational positionality: an intersectionality frame for understanding identity and belonging." *Translocations: Migration and Social Change* 4, no. 1 (2008): 5-20.

process implicitly trades a person's identity for social benefit and protection. Logically, from the refugee's perspective, the camps are places where their safety should be guaranteed. However, embracing this protection also means letting go of the protection offered by their nationality. These parameters are in line with the definition of *refugee* as stated in the 1967 Convention and Protocol Relating to the Status of Refugees:

*"A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."*<sup>57</sup>

For refugees, letting go of the protection of their countries of origin often leads to the vulnerability of dependency. While they are receiving humanitarian assistance, refugees go through a process of disempowerment whereby they lose a considerable amount of individual agency. This disempowerment affects their nationalism and nationalistic behaviors, since some may be frustrated by the inability of their government to protect them. Although such refugees have been provided physical safety through humanitarian assistance, the theory could be postulated that, due to the dependency structure created by the basic form of humanitarian assistance, such aid actually harms people in less conspicuous ways.<sup>58</sup> The obvious response might be "No", because good deeds do not harm. However, there may be some truth to this argument, especially in the context of social vulnerabilities; many refugees have lost their sense of agency and have

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<sup>57</sup> UNHCR. *Convention and Protocol relating to the Status of Refugees*. Resolution 2198 (XXI) adopted by the United Nations General Assembly, December 16, 1966

<sup>58</sup> Note: In this context, basic form means setting up refugee camps, identifying beneficiaries, and providing shelter, food, and security in the camps.

also been exposed to unfamiliar norms, principles, and to some extent, the manipulation of humanitarian providers in the camps. To further this idea, it is also implicitly true that the disempowerment of the social identity of refugees takes place with the support of international organizations such as the United Nations. According to the United Nations Convention and Protocol relating to the Status of Refugees,<sup>59</sup> once a person is declared a refugee, he or she is no longer under the political and administrative jurisdiction of his or her home country, and ultimately will not benefit from its protection. This legal argument reinforces the process of denationalization of refugees in the camps. The refugee's identity, in this context, therefore takes supremacy over any other form of identity that could be attached to these specific individuals. With this definition in place, refugees' countries of origin are simply referred to as geographic locations from which they originate, not as entities that they are attached to.

In addition to these administrative aspects, new social, cultural, and legal norms emerge based on the social patterns and dynamics attached to refugees' life experiences in camps. This new culture, reinforced by social interactions and shared goals, values, pains, and hopes among refugees, plays a decisive role in pushing refugees to consider the camps as a new country, other refugees as fellow citizens, and their refugee identity as a new national identity. As they do so, the process of denationalization becomes more and more socially and culturally rooted among refugees. Furthermore, refugees begin to view international humanitarian agencies as reliable institutions with which to deal, as opposed to incompetent or malicious governmental entities or institutions. The longer refugees stay in the camps, the more their trust in governmental entities disappears. To

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<sup>59</sup> UNHCR. *Convention and Protocol relating to the Status of Refugees*. Resolution 2198 (XXI) adopted by the United Nations General Assembly, December 16, 1966

address this issue of trust, the international community has tried unsuccessfully to promote the International Protection Partnerships strategy as a possible solution. This strategy implies that local authorities, the UNHCR, NGOs, refugee communities, and host governments will all work together in mapping, strategizing, and addressing protection concerns.<sup>60</sup> Even with such an inclusive approach, it is still true that refugees' trust in their governmental entities has considerably diminished, and that it takes time for that trust to be restored. This lack of trust in governmental institutions affects and slows the ideal of nationalism. While there is a strong belief that nationalism is firstly a mental predisposition and has little to do with geographic, administrative, and social factors, I argue that in a context of vulnerability, such as forced migration and humanitarian crises, people's social identities and sense of belonging are often constructed by the social contexts and practices around them. In such a situation, life in refugee camps facilitates the construction of a new identity and therefore disturbs the existence of nationalism in refugees' minds. With time, this reinforces the process of denationalization.

### **De-Patriotization**

While refugees experience the effect of denationalization, internally displaced people (IDPs) experience a similar issue in the form of *de-patriotization*. I conceptualize de-patriotization as “the process of retracting into existing social structures, such as clans, tribes, or ethnicities, due to the national government's inability or unwillingness to protect these groups.” While refugees tend to lose their national identities outright, IDPs undergo a slightly different process. IDPs tend to move away from taking pride in their

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<sup>60</sup> UNCHR. *Operational Protection in Camps and Settlements: A reference guide of good practices in the protection of refugees and other persons of concern*. UNCHR, 2006.



national identity, and instead retreat into ethnicity and tribalism. This retraction happens as a form of protest over the lack of security and socioeconomic support from their national government. The high level of socioeconomic vulnerability within IDPs' communities, especially in the areas of health, education, and job opportunities, gives them added reason to protest and feeds their lack of trust in existing national and local institutions. In some cases, this attitude also fuels IDPs' feeling of being oppressed and rejected by the government due to their ethnicity, their tribe, or because of economic interests in the region that are valued by political actors more highly than human lives. This retraction and frustration due to the perceived inability of the national government to protect its citizens and stop internally forced migration has occasionally led to internal conflict and constituted a platform for armed militias, who for the past decade have disturbed the peace and stability of the DRC and the Central Africa region.<sup>61</sup> Clearly, the decline or loss of patriotism among IDPs has major security, economic, and social consequences.

From a security standpoint, de-patriotization pushes IDPs to look for alternative ways to defend both themselves and their community. This quest for security pushes vulnerable young people either to join militia groups, or alternatively, to promote urban gangsterism in cities and towns surrounding their camps.<sup>62</sup> This survival mechanism unfortunately appears to be the most effective way for IDPs to deal with the lack of governmental social support and protection. To address this security threat, it would only make sense to put systemic and structural measures in place to mitigate security threats

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<sup>61</sup> Young, Crawford. "The heart of the African conflict zone: Democratization, ethnicity, civil conflict, and the Great Lakes crisis." *Annu. Rev. Polit. Sci.* 9 (2006): 301-328.

<sup>62</sup> Lischer, Sarah Kenyon. "War, displacement, and the recruitment of child soldiers in the Democratic Republic of Congo." *Child Soldiers in the Age of Fractured States* (2009): 143-159.

emanating from the lack of governmental support for IDPs. Failing to promote inclusive mechanisms for social integration among the IDPs would only perpetuate instabilities in the communities or camps where they are placed.<sup>63</sup> The DRC government has tried unsuccessfully to end the struggle and the suffering of IDPs. For the past few years, the government has provided a minimum level of assistance to those affected by violence or living in situations of displacement. This assistance was unfortunately quite limited, and the major responsibility for social assistance was quickly shifted to international governmental and non-governmental agencies, such as the UNHCR, OCHA, and World Vision International.

This shift in responsibility served as a further point of disconnection between IDPs and their national government. While IDPs did continue to receive food and other support, funding for education and health still lagged far behind IDPs' needs, most frequently omitting women and children.<sup>64</sup> This lack of adequate support for IDPs reinforces their feeling of national rejection and fuels the promotion of a selective identity, which de-emphasizes national identity in favor of an identity based on tribe and ethnicity. Additionally, the lack of economic opportunities induces many IDPs to get involved in illicit artisanal mining activities<sup>65</sup> as a means to sustain their livelihood. Unfortunately, in many areas where IDPs are located or in nearby villages, many of these artisanal mining activities are connected to or promoted by armed groups who control the region. Hence, the failure of the government to provide assistance increases the

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<sup>63</sup> Zeender, Greta, and Jacob Rothling. "Displacement trends in DRC." *Forced Migration Review* 36, no. 36 (2010): 10-12.

<sup>64</sup> Holmes, John. "A scandal that needs to end." *Forced Migration Review* 36 (2010): 4.

<sup>65</sup> Kelly, Jocelyn T.D. "'This mine has become our farmland': Critical perspectives on the coevolution of artisanal mining and conflict in the Democratic Republic of the Congo." *Resources Policy* 40 (2014): 100-108.

likelihood that IDPs - or any other vulnerable group - will join armed groups or illicit traders who continue to promulgate chaos. The government's failure to support IDPs therefore leads to them retracting into their tribes and communities instead of embracing their national identity or showing patriotism for a country that does not serve or protect them.

### **The Crisis of Hybrid Identity**

Beyond the social and economic vulnerabilities that war and violent conflicts have created in Africa, identity crisis remains a neglected element of humanitarian crises there. While de-patriotization happens to IDPs as they retract into tribalism, ethnicity, or regionalism as a way to rebuild their social and human agency, and while refugees are forced to embrace a new identity that helps to disconnect them from their sense of nationalism and national identity, leading to the development of the "*refugism*"<sup>66</sup> behavior, it is equally important to highlight the existence of those experiencing the "*crisis of hybrid identity*" in the camps.

The hybrid-identity population is composed of the generation of children who were born in refugee camps and own no national identity. Although this group has often been ignored, it too presents future social risks and security threats to the region. Although the first wave of refugees who came to the camps can still be matched to their countries of origin, this is not the case for those born inside the camps. While their parents had to face the process of denationalization and the struggle of embracing their new identity, their camp-born children must struggle to construct an acceptable new form of identity, which unfortunately does not yet exist. Their struggle goes beyond the issue

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<sup>66</sup> Note: *Refugism* means "the unconditional attachment to refugee identity." This is born when people voluntarily or involuntarily lose the pride of carrying their national identity.

of statelessness, which is primarily political and administrative. The hybrid identity group's challenge is one of intrinsic value: they continue to wonder who they really are. They do not have an original and recognized identity to which they can attach, nor do they have a clear model of an identity to embrace and develop.

While the issue of statelessness is not a new phenomenon among refugees, the increasing number of children born in the camps in the Central Africa region raises more complex issues than merely those of nationality. Logistically, the camps lack the administrative and institutional capacity, as well as adequate funding, to provide sufficient humanitarian assistance to refugees.<sup>67</sup> These deficiencies<sup>68</sup> make it impossible to continually keep up with the registration of people arriving in the camps. Additionally, this lack of resources and the demographic explosion within the camps make it very difficult for aid providers to keep an accurate count of newborns, let alone to provide them official registration documents. From their early days, administratively speaking, these children are identified based on their family affiliation and not tied to a specific country. This lack of national affiliation leads to the reality of "hybrid identity"; other than their families, and to some extent being identified with their parents' tribes by default, they have no social identity with which they can associate. It is therefore important to mention that while humanitarian assistance might mean safety and socioeconomic support for refugees and IDPs, those experiencing the crisis of hybrid identity need more than food, shelter, and education. Their needs revolve more about

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<sup>67</sup> United Nations Security Council. *Amid Humanitarian Funding Gap, 20 Million People across Africa, Yemen at Risk of Starvation*. SC/12748, March 10, 2017. United Nations, New York.

<sup>68</sup> Walker, Peter, and Kevin Pepper. "Follow the Money: A review and analysis of the state of humanitarian funding." *Feinstein International Center, Tufts University* (2007).

building an identity than receiving material support. The ambiguity of this question in the Central Africa region necessitates that this crisis of identity and its reconstruction be approached using sociocultural parameters. Based on the fact that ethnicities and tribes are the main determinants for societal organization in traditional Africa, and based on the fact that the construction of nations in Africa did not completely wipe away the existence of kingdoms and traditional cross-national structures, it only makes sense that the construction of identity must be approached from a traditional perspective if the “crisis of hybrid identity” is to be strategically resolved.

The cross-national dimension of the construct of African identity seems to take precedence over national identities conferred through the states. For instance, the Lunda ethnic group in the DRC has expanded its influence across the region into neighboring countries, including Zambia, Angola, and Congo-Brazzaville. This ethnic expansion implies that every member of the tribe or ethnic group is under one traditional form of leadership, which is distinct from their various nationalities. Therefore, the use of tribes or ethnic affiliations could catalyze the redefinition of social identities for those experiencing the crisis of hybrid identity in the camps, if decision-makers for once set aside the idea of nation-states as the main regulators of people’s identities. In such a system, nation-states would still be considered to contain their citizens’ rights and legal identities, or their *nationality*. However, reclaiming identity for this new generation based on the ethnic affiliations they inherited through their parents would mean that even they do not belong to any nation in an administrative or legal sense, from a cultural and traditional perspective, they are members of larger communities that cannot be restricted by or limited within national borders. This leads me to argue that traditional affiliation

would take priority in the legal articulation of a person's identity. Moving in this direction would help facilitate the recovery of this generation's identities and social agency. While it is true that the current discourse around national or regional identities focuses on their political and legal aspects, rather than seeing such identities as anchored in ethnicity and cultural reality, it would still be possible to consider embracing ethnic identities as the main point of departure in the process of identity recovery. Such a move to revisit the concept of identity and what it means within specific contexts such as refugee or IDP camps would demonstrate great wisdom.

Sociologically, the concept of social identity arises from ongoing interactions between people, and cultures are built on people's daily practices and interactions. These practices inform the construction of societies and later project an identity that the external world can grasp. Richard Jenkins argues that the determination of the world, which includes social identity, could be seen as a combination of the following categories: individual order, interaction order, and institutional order.<sup>69</sup> These interconnected elements are not dissociable and operate in a complementary fashion, which means that the idea of social identity could start with institutional order, as it makes up a large part of the acquisition of a national identity. This institutional dimension of the construction of the world and individual identities is not applicable to those who are experiencing the crisis of hybrid identity. These people have already been excluded from the social dynamics that come with a nation. The construction of their identity could instead start with the interaction order, wherein their internal interaction with fellow refugees in the camps - their community members - could promote a sense of inclusion and belonging in

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<sup>69</sup>. Jenkins, Richard. *Social Identity*. 3rd ed. (New York, 2008).

the broader refugee community without the distinction of their administratively or legally conferred identity.

While members of the hybrid-identity population could gain membership in the camps without considering their legal identity, the second dimension of the interaction order would be their projected identity outside of the camps. Outsiders interacting with people living in the camps tend to think of all of them as refugees. This inclusiveness in interaction means that those people with hybrid identities have received a default identity, which would serve as a way for those people to at least be noticed. The most important dimension in this process would be the individual order, through which those with a hybrid identity embrace the process and internalize their identity through the process of socialization. Being aware that it would be hard to legally and administratively attain a national identity, they would instead be able to reclaim their ethnic identity - which could not be denied to them because of their family ties - through the individual and interaction orders. Taking this approach within a humanitarian assistance framework would help to create a mechanism of social inclusion, which would be critical in addressing the identity crisis issue in the camps. Addressing the identity crisis issue for people with hybrid identities would therefore require a more complex approach than just the registration of newborns in the camps and the unproductive debate about nationality and citizenship. Adding ethnic and sociological determinants of identity into the humanitarian assistance framework would help move thousands of people from an unfulfilling “hybrid identity” toward a well-recognized and fulfilling identity.

Beyond the use of ethnic and sociological determinants, the hybrid identity question could also be approached from the perspective of global citizenship theory.

Even though people suffering from the crisis of hybrid identity do not have a nationality attached to their persons, theoretically they are global citizens and should be granted the opportunity to reintegrate into the country of their parents' nationality, based on their family ties or ethnic affiliations. If their ethnic group happened to be in more than one country, they could even choose their preferred country. The challenge to this approach, especially if it were promoted by the United Nations, is that the countries in question would likely see this practice or request as an infringement on their sovereign power with regards to their national identity. The UN would not be the right vehicle to implement such a unilateral approach, since the organization is not a world government that regulates the activities and policies of sovereign and independent nations. And even if this were the case, the decline of the UN's global leadership and the non-binding nature of its recommendations mean that its stewardship would not be very helpful. Therefore, since such an approach would likely fail if the UN were the main initiator and institution monitoring the process, the African Union should instead drive this initiative using the Pan-Africanism approach.

### **Crisis and Pan-Africanism**

The idea of Pan-Africanism, as promoted by its Founding Fathers, consisted of elevating the African identity above issues of nationality and regionalism that otherwise divide and hinder the continent from developing.<sup>70</sup> The essence of this ideology was promoted and spread across the continent by important revolutionaries such as Lumumba (Congo), Kwame Nkrumah (Ghana), Jomo Kenyatta (Kenya), and Bantu Stephen Biko (South Africa). They saw the rise of Pan-Africanism as a way of recovering African

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<sup>70</sup> Ackah, William B. *Pan-Africanism: Exploring the Contradictions: Politics, Identity and Development in Africa and the African Diaspora* (New York: Routledge, 2016).



dignity and autonomy as the continent was released from its colonial chains. Although the ideology reached across the continent, the goal was for local actors to fulfill and implement it. The strategy was then for the ideology to spread from the local to the regional level, and finally throughout the entire continent.

At first, there was no need for a continental institution to drive this plan. In the absence of such an institution, the nations were to collaborate and help each other to decolonize and build their identities. For instance, countries such as Zambia, Tanzania, and Zimbabwe, just to mention a few, provided this type of support to the African National Congress of South Africa during the fight against the apartheid regime and ideology. However, beyond the isolated effort that each country and community had to undertake in order to liberate themselves from their colonial masters and build their identity under a broader African identity, it was eventually resolved that this ideology and effort should be led by one major continental organization. This led to the creation of the Organization of African Unity (OAU) in 1963, which became known as the African Union (AU) in 2001.<sup>71</sup> This was an aspirational ideology, and many governments joined the OAU intending to concentrate their efforts on fulfilling this ideal.

The Pan-Africanism aspiration was not intended to undermine the existence of national structures and the political jurisdictions that separate nations. Instead, it was intended to promote the African identity as a pre-colonial identity anchored in the idea of a single united continent, rather than separate pieces of lands divided by their nationalities.<sup>72</sup> The use of this continental ideology, attached to the existence of African

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<sup>71</sup> African Union. *The Constitutive Act of the African Union*: adopted in 2000 at the Lome Summit (Togo), entered into force in 2001.

<sup>72</sup> Frantz Fanon. *Toward the African Revolution: Political Essay* (New York: Grove Press, New Edition, 1994).

tribes and ethnicities and championed by the AU, could introduce a new perspective in the effort to address identity crises in the overarching context of humanitarian crises. For instance, the AU's recent decision to establish an African passport that would allow the free movement of people across all African nations exemplifies the trend towards an African identity.<sup>73</sup> This decision is a huge step toward inclusivity and continental social integration. While people will still need to be identified as citizens of an African nation in order to receive the passport, the inception of such a unique and identifiable African document will help to slowly break down the walls of nationality, and will ultimately provide opportunities for stateless individuals to identify themselves with a greater continental identity rather than a specific, limited political and geographic entity called a nation. While those with hybrid identities cannot be identified with any country from a technical or administrative perspective, one positive step to bring them out of the darkness would be the establishment of African ID cards. The ID cards would play several major roles, including the following:

- Making it easier for humanitarian agencies and institutions such as the AU to effectively estimate the size of the population targeted for humanitarian assistance
- Helping this vulnerable category of people, who have already been marginalized due to humanitarian crises and the lack of social identity, recover their identities
- Tapping into those with "hybrid identities" as part of the general continental demography, inspired by the African Union's "Harnessing the Demographic Dividend" roadmap for 2030

These approaches would surely contribute to the strategic economic planning of the continent, as well as that of each individual country.

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<sup>73</sup> Michael Asiedu. The Single African Passport—Curb the Enthusiasm, Challenges abound. *E-international Relations*, May 17, 2017.

While implementing these approaches could be critical for the future of the continent, and could at the same time generate hope and confidence in the pursuit of effective humanitarian assistance, some questions would still have to be addressed before moving to identity-building for those with hybrid identities. Being born of parents who ran away from their home countries due to either political violence or insecurity, this new generation would mostly rely on historic narratives handed down from their parents to embrace any form of identity that could have social and administrative implications. The nature of these inherited narratives would either encourage them to embrace a new identity, or as is more likely, it would push them to remain in the condition and status of statelessness in the camps rather than exposing themselves to a continental identity or to a country where security and peace are not guaranteed. Staying in this condition has more to do with the fear of the unknown rather than any pleasure found in statelessness and life without identity. The reasoning behind this fear of the unknown, which is fueled by permanent and organized insecurity, is best summed up by author Jeff Crisp as follows:

*It should be recalled that almost all of the wars that have affected the continent in recent years—Angola, Burundi, DRC, Liberia, Rwanda, Sierra Leone and Somalia, for example—have been characterized by intense ethnic and communal antagonisms, high levels of organized violence and destruction, as well as the deliberate targeting and displacement of civilian populations. In many of these armed conflicts, moreover, the fighting has been sustained by the fact that various actors—politicians, the military, warlords, militia groups, local entrepreneurs and international business concerns—have a vested economic interest in the continuation of armed conflict.<sup>74</sup>*

This argument sheds light on the possible reasons why some refugees and IDPs might opt to stay in camps instead of returning to their home communities. This outlook

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<sup>74</sup>. Crisp, Jeff. "No solution in sight: the problem of protracted refugee situations in Africa." UC San Diego *Working Paper No.68*, January 15 (2003):2

could even be true for those with hybrid identities who have never known a home outside of the camps, and who have nourished and internalized the narrative of violence and brutality that their parents suffered from. Hence, even though the Pan-Africanism identity might seem to be the way forward for social inclusion and identity-building for those with hybrid identities, it would still be of the utmost importance to address security issues and to revisit their historic narratives as prerequisites for any long-term change and identity building. In addition to the lack of trust and confidence that this generation has toward their countries of origin and the global political system which has failed to provide security and peace to their families, African nations themselves could also be reluctant to embrace the implementation of the Pan-Africanism identity, which they might see as detrimental to their own national identities. On top of that fact, many countries would have to transcend their internal ethnic divisions and tribalism to ensure the inclusivity of those with hybrid identities.

History has revealed that there has always been an ethnic dimension to African conflicts, even inter-state conflicts such as the ones that devastated Rwanda and the DRC.,<sup>75</sup> Therefore, despite the concerted continental effort to address the identity crisis through a continental identity embodied in the Pan-Africanism ideology, tribes and ethnic groups are still forces behind national politics in many African countries. Therefore, the likelihood of social inclusion in certain political spaces would be hypothetical at best unless the relationship between the continental identity and tribal or ethnic identities is clearly and openly addressed.

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<sup>75</sup> Idem

Critics of the Pan-Africanist ideology argue that embracing the continental identity would mean sanctioning the end of national identity. This argument is mostly promoted by right-wing nationalists who do not trust the direction that the AU is taking as a political entity. These right-wing nationalists could be accurate for some of the following reasons: First, the idea of a national identity owned by Africans only began after the waves of independence in the late 1960s. The majority of Africans on the continent are still in the process of embracing the new reality of building their national identity and promoting it through local traditions and values. With such emotional and mental attachments, many of them are likely not yet ready to transfer this identity to any regional or international entity that seems more relevant and flashy than their respective national identities. For instance, a growing suspicion exists among the population in the DRC toward the work of the UN mission in the country. People suspect that the UN is actively intending to dissolve the Congolese identity and create a global identity by making the country ungovernable and then testing something new. Until now, no one knew what that would be. This view of the work of the UN justifies, to some extent, the logic behind the overall resistance to the Responsibility to Protect ideology, which could be seen as a foreign strategy intending to minimize or ignore national sovereignty and identity.<sup>76</sup>

While it is true that these right-wing arguments have less to do with refugees in the camps and more to do with government institutions, they have major implications for the construction of a continental identity by those with hybrid identities. These arguments may mean that it is impossible for a continental identity to become widely accepted

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<sup>76</sup> Deng, Francis. "Sudan at the Crossroads." *MIT Center for International Studies Audit of the Conventional Wisdom 2* (2007).

without seriously revisiting its relationship with the idea and survival of national identities, as well as the values attached to the latter issue by independent nation-states. Hence, while the Pan-Africanism approach and ideology could be used as a continental platform to address the crisis of identity among those with hybrid identities, we must also bear in mind that both humanitarian crises and refugee crises started as the direct result of national conflict or states' inability to provide security and safety to their citizens. Therefore, addressing identity crises either at the regional or continental level will also require the active participation of the various African states.

### **Spillover Effects**

There is no way one could ever ignore the spillover effects of the broader humanitarian crisis in the Central African region. This crisis is characterized by the increasing, ongoing, and uncontrolled movement of population in the region due to conflict and violence. Hundreds of thousands of people are regularly exposed to an unprecedented amount of human suffering and insecurity. Therefore, it is critically important to conduct an in-depth analysis of these spillover effects and to highlight their consequences on refugees and IDPs. While the experiences of refugees and IDPs are often different, I will first highlight some similarities in their experiences before approaching these spillover effects in isolation. Issues of poverty, high illiteracy rates, and epidemic diseases are among the common critical problems that both groups encounter, all of which necessitate urgent intervention and assistance.

First, due to the scarcity of resources in the host countries or communities and the limited assistance that is provided to refugees and IDPs in the camps, it is likely that these populations will continue to experience a never-ending cycle of poverty. If left

unchecked, this poverty could act like a contagious disease, expanding and exploding on host communities. In fact, many local communities that host IDPs or are close to refugee camps suffer from endemic scarcity or economic hardship. The addition of massive numbers of people to these areas in a very short period of time often quickly exhausts local resources. Additionally, these population movements often weaken the economic resilience of the host communities, due to the imbalance between the increasing need for services and assistance and the decreasing availability of human and logistical resources. According to the Global Multidimensional Poverty Index,<sup>77</sup> in 2017, the region of Sub-Saharan Africa accounted for as much as 36 percent of the total world population of people living in poverty. In other words, slightly more than one-third of the world's poorest people live in the region. The presence of pervasive conflict and violence contributes to the underdevelopment of the region, and the mismanagement and unequal distribution of natural resources are also among the reasons for poverty. With such a high level of existing poverty, it only makes sense that many host communities are unable to provide adequate support to IDPs. For both IDPs and refugees in the camps, their situations seem scarcely different than those of the people living outside of the camps. Those in the camps are often supported by international organizations and other private donors, while those outside are under the jurisdiction of their host countries' governments, which regulate social and economic activity. If the host communities are poor, marginalized, and socially insecure, compared to refugees in the camps who could be living relatively well due to humanitarian assistance, tensions could arise between the

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<sup>77</sup> Oxford Poverty & Human Development Initiative. *Global Multidimensional Poverty Index 2017*. University of Oxford (2017).

two groups. The following quote by Charlton Doki captures one example of such a conflict:

*Locals accuse refugees at the Yusuf Batil Camp and the Kaya Camp of illegally exploiting natural resources, including cutting down trees. But the refugees, who fled their homes when fighting broke out between government forces and Sudan People's Liberation Movement-North (SPLM-N) fighters in Sudan's Blue Nile State in May 2011 prior to South Sudan's independence, accuse the local population of denying them access to nearby forests to collecting firewood for cooking food and wood poles for building huts.*"<sup>78</sup>

This type of societal conflict and socioeconomic paradox could threaten security in local communities, and could later have humanitarian consequences at the regional level.

Secondly, violent conflicts destroy the existing education system and infrastructure of the country in which they take place, leading to an extremely high illiteracy rate among refugees in the camps and IDPs.<sup>79</sup> Based on the assumption that education is the engine of active citizenship, the lack of education among IDPs and refugees means that massive groups of passive citizens will mostly depend on aid and assistance. Their likelihood of being active and productive citizens, once they are integrated or returned to their home communities or countries, would be quite low. The changing nature of the global economy requires that educational curricula be updated and made relevant to global issues and needs. Unfortunately, this is not the case for the millions of refugees and IDPs who are poorly educated and implicitly excluded from the economic space. From a global perspective, UNHCR statistics show that only 50% of refugee children under UNHCR's mandate have access to primary education.<sup>80</sup> These

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<sup>78</sup> Charlton Doki. Refugees and host communities clash over resources. *The Niles*. June 27, 2016. (Accessed March 2, 2018) <http://www.theniles.org/en/articles/society/20317/>

<sup>79</sup> UNHCR. *Education for refugees: priority activities and requirements supporting enrolment and retention in 2016*. UNHCR, August 10, 2016.

<sup>80</sup> UNCHR. *Missing Out: refugee education in crisis*. UNHCR, September 2016.



statistics clearly reveal that many refugees in the camps will not be empowered by their education to become self-sufficient and active citizens. In fact, the lack of education perpetuates intergenerational poverty and strengthens the bonds of dependency on foreign aid. In conflicted regions such as the DRC, South Sudan, and the Central African Republic, this lack of education continues to reinforce those countries' status of vulnerability and insecurity. Hence, if the region's education is not improved, it could lead to a regional spillover effect, creating a generation of uneducated people who would become economic and social burdens to their countries and communities. Providing education would avoid creating economic dependencies, and would also empower citizens to undertake the economic transformation of their home or host communities and countries.

Third of all, health concerns are just as important as poverty and the lack of education. These concerns include issues of public health, the quality of medicine in circulation in the camps, and the availability and quality of health workers. The lack of proper sanitation and the fast development of diseases due to environmental degradation are major public health concerns in the camps. On an even greater scale, these diseases constitute threats to national, regional, and global public health. For instance,

*After the influx of 800,000 Rwandan refugees into North Kivu, Democratic Republic of the Congo, in 1994, 85% of the 50,000 deaths that were recorded in the first month were caused by diarrheal diseases, of which 60% were a result of cholera and 40% were caused by shigella dysentery.<sup>81</sup>*

In addition to public health concerns, refugee and IDP camps are often considered soft targets for the trafficking of illicit drugs and medicines. Of course, this is also an issue

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<sup>81</sup> Connolly, Máire A., Michelle Gayer, Michael J. Ryan, Peter Salama, Paul Spiegel, and David L. Heymann. "Communicable diseases in complex emergencies: impact and challenges." *The Lancet* 364, no. 9449 (2004): 1974-1983.

that many post-conflict and developing countries experience, and which should be identified as a threat to human security. Poverty, the lack of education, and health concerns are issues that exist in both refugee and IDP camps, and which could be approached through common humanitarian strategies. However, the fact that they suffer from similar issues does not mean that the regional implications of the identity crisis phenomenon are the same among refugees, IDPs, and the lost generation.

The major regional risk for IDPs is the possibility of internal uprisings, which in turn could spread across other countries. However, history shows that countries in the region do not take IDPs seriously as a security and social risk, and instead usually minimize the long-term impact of displacement. For instance, in the DRC region of Pueto in the province of Katanga, former IDPs who felt neglected by their government and the international community decided to join the Mai-Mai militia group operating in the country. Their frustration and lack of trust in established government institutions made them easy targets for manipulation and recruitment. While the militia's actions occur within the DRC, their spillover effects have had regional impacts. For example, some Congolese have had to flee their country and find refuge in Zambia<sup>82</sup> as a result of the crisis. Further de-patriotization of IDPs in the Central Africa region could destabilize the region by fueling intra-state conflicts, which would engender new forms of regional humanitarian crisis. This type of crisis would even be more pronounced among refugees than for the IDPs.

For example, separately from the genocide in Rwanda and the humanitarian crisis that followed, the recent conflict in South Sudan also orchestrated a massive migration of

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<sup>82</sup> Wolters, Stephanie, and Henri Boshoff. "The impact of slow military reform on the transition process in the DRC." *Institute for Security Studies*. Situation Report. July 10, 2006.

refugees to the DRC and Uganda. While a humanitarian corridor was open to accommodate civilian victims of the conflict, soldiers loyal to former South Sudanese Vice President Riek Machar also found refuge in the DRC<sup>83</sup> and were contained in a camp with the help of the United Nations. Even with an international intervention to contain military refugees, the risks of such refugees remobilizing and returning to their home country remain high. Similar security concerns were also raised regarding the troops affiliated with the M23 movement who were defeated by the Congolese army in Goma and its surrounding villages in 2013. These troops found refuge in Burundi and Uganda, where they were contained in special camps until 2017. Both host countries' failure to provide details about their activities to the Congolese government led the DRC to blame both countries, mainly Uganda, for arming these former rebels with an intent to destabilize the Congo. Ironically, the same criticisms were directed at the DRC for many years by the Rwandese government, who accused the Congolese government of doing little to reduce the threat that the Hutu refugees constituted to the peace and stability of Rwanda.

While these examples have to do with former members of armed groups, the identity crisis among civilians could also lead to massive mobilization in the camps, which, in turn, could lead to rebellion and the recruitment of youth into militias. These endeavors might bear fruit due to the overall de-nationalization process that has occurred over time and the lack of proper mechanisms of reintegration. This danger would only increase if members of the hybrid identity population are targeted. In fact, the growing terrorist groups operating in the region could easily capitalize on the hybrid identity

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<sup>83</sup> Aaron Ross. Hundreds of South Sudan fighters transferred for medical care by U.N. Congo mission. *Reuters*. September 7, 2016

population's lack of nationality and patriotism by recruiting, arming, and deploying them to further destabilize the region. These security, social, and economic threats are all important parts of the effort to understand and address the crisis of identity among the people in camps, as well as the potential spillover effects of the crises. I argue that this effort is critical for the success of the long-term peacebuilding and security-building process in the region.

### **CHAPTER 3: INSTITUTIONAL DEFICIT**

Perhaps the most challenging step in administering any humanitarian intervention or assistance is ensuring the intervention's sustainability. Both sustainability and operational effectiveness are most often assessed based on the estimated quantifiable outputs or outcomes of the intervention. This type of assessment has unfortunately focused only on the evaluation of humanitarian strategies and plans that have been developed in the headquarters of humanitarian organizations. Additionally, many international humanitarian organizations tend to concentrate on program evaluation as the central focus of their intervention analysis. Only in recent years has impact evaluation been treated as an important component of humanitarian assistance. While these approaches are critical elements of the effort to ensure the effectiveness of humanitarian actions, an apparent lack of attention has been given to the role of local institutions during humanitarian crises. From the planning to the implementation stages, local institutions often seem to be ignored by both humanitarian actors and governmental institutions.

While no single matrix exists to assess sustainability, I argue that the best metric to define the attainment of sustainability is when local institutions and communities have reached an advanced level of self-determination as the result of the assistance provided by humanitarian organizations. This sustainability would include a decrease in foreign assistance while the locals are progressively getting on their feet and making viable decisions about their futures. Sustainability is like the concept of development, an evolving process with no perfect ideal or designated ending. However, in order to achieve any sort of sustainability, a community must possess the power of self-determination instead of being dependent on humanitarian aid. Based on this axiom, in this chapter I go

a step further in exploring the different facets of institutional deficits and humanitarian dependency that create systemic and programmatic obstacles to the provision of effective and humanitarian assistance that promotes sustainability in the communities receiving it. The central argument in this analysis is that, despite global political, diplomatic, and security mobilization during conflicts, and despite the impressive amount of resources allocated to humanitarian assistance by governmental and non-governmental entities, institutional deficits at the local, national, regional, and international levels constitute a major obstacle to effective humanitarian assistance and ultimately reinforce the phenomenon of humanitarian dependency among refugees, IDPs, and several other vulnerable populations that are affected by conflicts. Acknowledging the destabilizing factors of conflicts and civil unrest, I articulate an understanding of the issue of institutional deficits, especially in the case of humanitarian crises in the DRC, based on the following elements: 1) the impact of war, 2) the construct of humanitarian legitimacy and institutional deficits arising therefrom, and 3) the issue of critical infrastructure.

### **The Impact of War**

Since its independence, the DRC has struggled to build its institutional capacities, due in part to ongoing political instabilities and intra-state conflicts. While these factors have contributed to the deterioration of public institutions, along with the lack of political will to establish strong institutions and the porous rule of law across the country, years of war have further destabilized the smaller, weaker institutions that existed at the local level.<sup>84</sup> In fact, not only has war in the DRC destroyed existing institutions, it also continues to be a major obstacle that humanitarian workers face in the effective

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<sup>84</sup> Paddon, Emily, and Guillaume Lacaille. "Stabilising the Congo." *Forced Migration Policy Briefing* no. 8 (2011): 6.

implementation of humanitarian assistance, as well as in the struggle to guarantee positive long-term outcomes. Institutional deficits also hinder the hoped-for transition from relief and circumstantial activities to long-term planning.

While it is true that war alone destroys institutions, especially in regions where the government has lost control, the tactics of deliberately weakening institutions or creating institutional deficits have also been used as strategic political and rational choices in decision-making processes and resource distribution by political leaders. Generally, this type of choice occurs in the area of budgeting and finances. For instance, under the Donald Trump administration, the U.S. is cutting funding and pulling resources from the State Department while increasing the budget of the Department of Defense. This deliberate choice has left the State Department understaffed and underfunded, while the Department of Defense remains well-served. The logic beyond the Trump administration's decision is that the United States should rebuild its defense arsenal and be well-equipped for future wars, should the country need to defend itself.<sup>85</sup> This example shows the intentional creation of an institutional deficit as the result of a rational choice in politics. In a context where the effort of conducting a war requires the government to mobilize all necessary resources to fight the enemy and guarantee its territorial integrity, many countries with limited resources would be pushed towards rational choices to create institutional deficits out of pure necessity. The DRC has repeatedly followed this rationale.

In fact, for decades the DRC mobilized and concentrated its limited financial and human resources towards the war effort. Human resources and logistics were mobilized

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<sup>85</sup> Nahal Toosi & Burgess Everett. "Trump wants 37 percent budget cut to State, USAID". *Politico*, February 28, 2017.

to serve and empower the army and other security services.<sup>86</sup> During this period, the DRC made a massive effort to recruit civilians into the military. While the government was recruiting and mobilizing local men and women to join the army, paramilitary groups, rebels, and militia organizations used similar strategies in communities where they had established their control. Hence, beyond their competing interest in controlling territory, armed groups engaged in a race to mobilize human resources by enrolling active citizens, mainly young people. This mobilization has led to the massive recruitment of child soldiers in the DRC.<sup>87</sup> An estimated 31,000 children have been demobilized since 2003, and up to 8,000 other children were still enrolled in 2013, mainly in the eastern part of the Congo.<sup>88</sup> This number is taken from a census that was conducted in the eastern provinces, and could even be higher if the assessment covered the entire country, since many armed groups remain active in other regions across the DRC.

In addition to their massive human resources recruitment, armed groups have also carried out the militarization of every local administration and institution in localities under their control. The biggest consequence of this militarization is that from the moment administrative and political power falls into the hands of the military, every policy or administrative decision becomes firstly strategic and security-oriented rather than aligned with a civilian agenda. Even though the rationale of institutional militarization seems to be appropriate, as it allows for quick responses to security threats

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<sup>86</sup> Radio Okapi. Joseph Kabila: « la guerre dans l'Est a pour objectif de justifier la balkanisation de la RDC », *Reliefweb*, December 15, 2012.

<sup>87</sup> Johannessen, Steinar, and Helge Holgersen. "Former child soldiers' problems and needs: Congolese experiences." *Qualitative Health Research* 24, no. 1 (2014): 55-66.

<sup>88</sup> . Nduwimana, Donatien. *Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects*. International Peace Support Training Centre (IPSTC), Occasional Paper series 4 (2), 2013.



by avoiding the long bureaucratic processes that characterize public administration, militarization still leads to the partial or complete paralysis of civilian institutions. This fallout once again illustrates the folly of making seemingly rational choices that address security concerns while also creating institutional deficits.

While evidence proves that war and militarization negatively affect the effectiveness of humanitarian assistance, a perception seems to be evolving among decision-makers in the national government that the best way to address the issue of political fragility and insecurity in affected communities is to allow military institutions to take over and decide what is best for those communities. This choice often has the short-term positive impact of silencing the guns. But it should always be remembered that the silencing of guns does not necessarily imply the restoration of peace. In some cases, institutional militarization came with the limitation of civilians' freedom and several other violations of their basic human rights. Furthermore, soldiers have been accused of rape and other deliberate violations of human rights. In 2012, following the military victory over M23 near Minova in the eastern DRC,<sup>89</sup> Congolese troops looted, destroyed property, and perpetrated rape. An investigation revealed that as many as 76 women and girls were raped during that period.<sup>90</sup> This example represents one of the many cases in which a military takeover of civilian institutions and communities has led to abuses of power. Even though the DRC government strongly condemned these human rights

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<sup>89</sup> Note: M23 was an armed group active in the eastern part of the DRC, composed mainly of military personnel of Tutsi decent. The movement took over the city of Goma in 2012 before being defeated by the Congolese army with the support of MONUSCO.

<sup>90</sup> "Justice on trial: lessons from the Minova Rape case in the Democratic Republic of Congo." *Human Rights Watch Report*, October 2015.

violations and the barbaric behavior of some of its troops, the government continues to justify and support its strategic approach of militarizing institutions when necessary.

This justification aligns with the perception that institutional militarization, applied as part of the national security strategy, should aid in the pursuit of stability and the restoration of human dignity among the victims. However, it does not speak to the question of a monopoly over legitimate means of coercion, which theoretically is exclusive to the state. According to Weber, the state is the only political entity that should be able to exercise legitimate violence or coercion over a given territory,<sup>91</sup> but the argument could be made that this is only possible in a context of regulated space where the country's institutions are functional and stable. Unfortunately, this is not the case during some armed conflicts, where paramilitary groups have the power and means to possess territories in defiance of the exclusive authority that the state is supposed to hold.

When considering this context, it is worthwhile to question the relevance of the idea that the monopoly on the use of coercion should be exclusive to the state. In an ideal situation of stability where law and order reigns and where the state has functional institutions, it follows that the state should enjoy such a monopoly. However, when reflecting on the essence and the creation of nation-states, obviously territorial occupation and even the construction of a functioning state have often come about as a result of armed conflicts between opposing groups. Either a peace agreement sanctioned the end of the rivalry between those groups and promoted the creation of an inclusive political entity called a nation, or the failure to reach an agreement sanctioned the creation of

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<sup>91</sup> Blau, Peter M. "Critical remarks on Weber's theory of authority." *American Political Science Review* 57, no. 2 (1963): 305-316. Rpt. in *Twentieth-Century Literary Criticism*. Ed. Scot Peacock. Vol. 69. (Detroit: Gale, 1997). From *Literature Resource Center*.

distinct political entities under the rulership of these formerly opposing armed groups. The first case is exemplified by the agreement that led to the reunification of West Germany and East Germany,<sup>92</sup> while the second case is exemplified by the civil war and instability in Sudan that eventually split the country in two and left South Sudan as the newest nation in Africa.

Apart from armed conflicts that have led to the creation of nations, the ongoing intra-state conflicts in Africa and in other parts of the world raise the question of whether the idea of the state's monopoly of coercion remains relevant. While theoretically this argument can still stand, the time has come to move away from this limiting and unproductive perception during humanitarian crises in which states have failed to ensure full control over their territories, and during which those states can no longer be considered functional. In this context, the question of the monopoly over legitimate means of coercion ceases to exist, making way for the question of the legitimacy of the actor, whether state or non-state, that owns the means of coercion in a specific territory. This question is viewed differently within the humanitarian space depending on whether the militarized party is a state or non-state actor. The presence of militarized institutions obstructs free and unbiased collaboration between humanitarian agencies and the populations of local communities. It further creates obstacles to humanitarian agencies'

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<sup>92</sup> Note: The Unification Treaty between the FRG and the GDR (Berlin, 31 August 1990). Caption: On 31 August 1990, in Berlin, Wolfgang Schäuble, Interior Minister of the Federal Republic of Germany (FRG), and Günther Krause, Junior Minister to Lothar de Maizière, Prime Minister of the German Democratic Republic (GDR), sign the Unification Treaty establishing a single federal democratic state. Source: The Unification of Germany in 1990. Bonn: Press and Information Office of the Federal Government, 1991.184 S. Copyright: (c) Press and Information Office of the Federal Government. URL: [http://www.cvce.eu/obj/the\\_unification\\_treaty\\_between\\_the\\_frg\\_and\\_the\\_gdr\\_berlin\\_31\\_august\\_1990-en-2c391661-db4e-42e5-84f7-bd86108c0b9c.html](http://www.cvce.eu/obj/the_unification_treaty_between_the_frg_and_the_gdr_berlin_31_august_1990-en-2c391661-db4e-42e5-84f7-bd86108c0b9c.html) Publication date: 24/09/2012 [https://www.cvce.eu/content/publication/1997/10/13/2c391661-db4e-42e5-84f7-bd86108c0b9c/publishable\\_en.pdf](https://www.cvce.eu/content/publication/1997/10/13/2c391661-db4e-42e5-84f7-bd86108c0b9c/publishable_en.pdf)

goal of establishing neutral and apolitical relations with the local authorities. From the moment institutions become militarized, humanitarian agencies must critically analyze the possible political implications of every decision they make, especially those decisions resulting from their circumstantial agreement or cooperation with military authorities. This cooperation does not pose a major problem when governmental forces control the area and humanitarian agencies have been granted access and ensured free operation. However, the scenario becomes vastly different if the community in question is controlled by either rebel groups or militias. In this scenario, humanitarian agencies would have to establish a strong rapport with military authorities in these communities to secure access and free operation. At the same time, since they would be cooperating with the “negative forces” as labeled by the government, they must also reassure the national government of their impartiality in the conduct of their humanitarian activities.

In addition to the complexity of who to deal with during crises and the consequences of the militarization of local institutions on humanitarian actions, the issue of institutional deficits takes on two distinct dimensions: one is the nature of the institution, and the other is the capacity within the institution. Since institutions have transitioned from civilian to military control, there is a deficit of civilian institutions, which, in turn, adds an extra challenge to humanitarian actions. The impact of war affects the capacity of civilian institutions, sometimes leading to situations where they are not replaced. This lack of capacity sometimes occurs because the community’s men and women were killed or recruited into the army. Institutional deficits also arise due to the fact that local institutions suffer from a lack of financial, technical, and logistical support during war pushes the government to prioritize the security sector over others. Clearly,

the impact of war on humanitarian action has to do not only with the number of people who are killed or displaced, but also with the creation of difficult working conditions for humanitarian agencies, due to the nature of established institutions and their actors.

### **Humanitarian Legitimacy and Institutional Deficit**

The question of the legitimacy of humanitarian action during conflicts has always been critical. During conventional wars in the 20<sup>th</sup> century, it was often clear that humanitarian agencies would be neutral, impartial, and free to operate on any side of the line without being judged or considered as partisan. Neutrality and impartiality are best explained as follows:

*Neutrality, which is the assurance given by humanitarian agencies that their efforts are not in military support of either side, and impartiality, which means such effort is rendered to the non-combatant population of each side without distinction and according to need.*<sup>93</sup>

The long tradition of neutrality and impartiality has always been exemplified by the International Committee of the Red Cross through their work in war zones. Their work in such difficult environments has earned them a reputation for being credible and trustworthy. Unfortunately, with the changing nature of wars, especially in the DRC where wars and conflicts are mostly unconventional, asymmetric, and characterized by the active participation of militias and paramilitary organizations, it has become more and more difficult for humanitarian organizations to perform their work freely and safely. One of the unfortunate trends in conflict zones in recent years is the increasing number of attacks targeting humanitarian workers and their convoys during humanitarian assistance. In South Sudan, for instance, seven humanitarian workers were reported killed in a single

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<sup>93</sup> Anderson, Kenneth. "Humanitarian Inviolability in Crisis: The Meaning of Impartiality and Neutrality for U.N. and Ngo agencies Following the 2003-2004 Afghanistan and Iraq Conflicts." *Harv. Hum. Rts. J.* 17 (2004): 41.

attack in 2017. This one attack raised the number of humanitarian workers killed in the country to 79 since 2013.<sup>94</sup>

This increasing negative behavior toward humanitarian workers raises the question of whether the credibility and trust which humanitarian agencies traditionally receive from armed groups is still operative during these unconventional and asymmetric conflicts. This concern speaks to the legitimacy of humanitarian agencies and their work, which is not always welcomed in certain regions. Over the past decade, many studies have extensively addressed the legitimacy of humanitarian intervention and assistance around the world. Such discussions have involved the question of the legitimacy of humanitarian interventions such as those that took place in Iraq, Afghanistan, and Libya. These discussions have also included the controversy surrounding the logic of Responsibility to Protect (R2P), which is so often considered an infringement upon countries' territorial integrity and a violation of their sovereignty. However, these studies have often overlooked the question of legitimacy of state and non-state actors in favor of these obvious and over-researched topics. In this chapter, the question of legitimacy in humanitarian intervention focuses on the legitimacy of states and non-state actors involved in conflicts, rather than the legitimacy of humanitarian actions.

The legitimacy of states and non-state actors is constructed around their actions, the territory they control, and their institutional legality. Legitimacy or illegitimacy questions here have nothing to do with these actors' institutional permanent legal status,

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<sup>94</sup> Karen McVeigh and agencies. "Seven dead in worst attack on aid workers since South Sudan war began." *The Guardian*. March 27, 2017. (Accessed January 5, 2018)  
<https://www.theguardian.com/global-development/2017/mar/27/six-un-aid-workers-killed-ambush-south-sudan-unicef-partner>

which is globally or nationally accepted; rather, I approach them from the viewpoint of *circumstantial legitimacy*, which is legitimacy that is given to an entity during a specific time and context, and which is not transferable to other settings or contexts. Within this framework, I will assess the concept of humanitarian legitimacy and its correlation to institutional deficits.

#### *Humanitarian Legitimacy Based on Action*

Based on general principles of international and humanitarian law, legitimate actors are considered to be those actors whose actions and legal status have caused them to become internationally accepted. In the late eighteenth century, nations gained their legitimacy based on the size of their armies and arsenals, but in the twentieth century other states began to recognize international legitimacy and the presence of an international identity through other processes, such as joining the United Nations or other regional organizations. However, while these legal or administrative processes have helped many states and non-state actors to be considered legitimate, in today's humanitarian context, legitimacy is often attained based on action. In fact, when focusing on actors' actions, the perpetration of massive human rights violations by both state and non-state armed forces in the Central Africa region, and particularly in the DRC during its unconventional and asymmetric wars, poses a fundamental question of what it would take to gain humanitarian legitimacy.

For instance, during a peaceful protest organized by the Catholic Church on December 31, 2017, reports stated that heavily armed DRC police and military forces were deployed to disperse the protestors. The United Nations reported that at least five

people were killed and 92 were injured<sup>95</sup> due to a disproportionate use of force. This case exemplifies the fact that while government forces build their legitimacy based on their legal and institutional status, when they violate human rights, their actions can reinforce the perception of their actions as illegitimate and unacceptable, which ultimately delegitimizes them from a humanitarian standpoint. While governmental forces have discredited themselves with improper behavior, paramilitary organizations and, to some extent, militia groups have often behaved far better than government troops. Many of these militia groups have tried to gain trust among people in communities under their rulership by providing security and other social services. Within the humanitarian arena, these groups have also engaged in fruitful collaboration with humanitarian agencies to facilitate the transportation of goods and to offer humanitarian aid to vulnerable populations. In the case of refugee camps, they have also worked closely with humanitarian agencies in the distribution of aid, and continued to collaborate with humanitarian agencies thereafter.<sup>96</sup>

The critics of these collaborations argue that humanitarian agencies have continued to assist in the organization of militias by indirectly providing necessary provisions such as food and water. For instance, during the period immediately after the Rwandan genocide, some refugees sheltered in camps within the DRC tried to organize, with the intent of fighting and unseating the newly established regime in Rwanda. This same strategy was also applied by Congolese refugees in the early 2000s, while they were

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<sup>95</sup> United Nations. "UN rights office warns DR Congo authorities against use of excessive force when policing protests." *UN News Center*, January 5<sup>th</sup> 2018. (Accessed January 8, 2018) <http://www.un.org/apps/news/story.asp?NewsID=58385#.WIOj6TdG2Cg>

<sup>96</sup> Stein, Janice Gross. "New Challenges to Conflict Resolution: Humanitarian Nongovernmental Organizations in Complex Emergencies." In *International Conflict Resolution After the Cold War*. By National Research Council (Washington, DC : The National Academic Press. 2000)



sheltered in countries such as Rwanda and Uganda. The Congolese people were unhappy with the governance system in the DRC and tried to arm themselves to fight the regime. Both groups in these two examples took advantage of their relationships with humanitarian groups to secure basic provisions. Despite ample proof of abuses by armed groups, many humanitarian agencies do not stop providing assistance to communities where armed groups are taking advantage of their services. The question is, why?

A simplistic, yet important, answer to this would be that humanitarian agencies focus on helping the population at risk rather than being limited by the nature or behavior of the actor ruling the land. This answer is similar to the realist approach in international relations, which argues that proper ends justify the means. In this context, humanitarian organizations focus on developing strategies and means to help vulnerable populations. If the fulfillment of that objective means collaborating with militias, then such collaboration should take place. This openness in the humanitarian operational framework represents a fundamental change within the paradigm of humanitarian action. In fact, for decades the tradition in humanitarian assistance was that foreign humanitarian agencies should not cooperate with non-state actors if these actors were considered negative forces and illegitimate by their national governments and/or the international community. Hence, any humanitarian assistance that would directly or indirectly benefit armed groups labeled as negative forces was considered to be a criminal act that did nothing but fuel conflict.

However, an ideological view of the importance of humanitarian assistance in times of conflict has emerged as a contrary narrative. This rationale implies that during periods of humanitarian chaos, the ultimate goal and central task of humanitarian

agencies should be performing people-centered work and helping to save civilian lives.

This argument is epitomized by the principle of the neutrality and independence of humanitarian agencies, which means in this context that humanitarian organizations have the freedom to decide how, where, and with whom to collaborate in the effort to provide assistance. Unfortunately, even with such an idealistic and neutral approach to humanitarian assistance, these organizations still face many constraints and challenges, such as the complexity of the legal and political machinery that defines which actors are legitimate partners who can be collaborated with. Quite often, groups labeled as negative forces are considered legally and politically illegitimate, and therefore unqualified for any collaboration. This categorization affects the millions of civilians around the world who are trapped in regions controlled by so-called negative forces. While the ideal situation would be for humanitarian assistance to always be provided through official and acceptable channels, the reality on the ground shows a very different picture.

Governments are not always in control of their territories and cannot always provide the necessary support to vulnerable populations. Therefore, due to the nature of humanitarian crises and the unbearable suffering to which powerless civilians are exposed, it should be important, within the exclusive parameters of humanitarian assistance, to consider conferring humanitarian legitimacy upon both legal (governmental forces) and illegal (negative forces) actors involved in conflicts. This legitimacy need not constitute official political or institutional recognition. Rather, it would be a form of circumstantial legitimacy called “humanitarian legitimacy based on action”, which would be given only to those actors who follow certain elements during conflicts, and who manifest the ability to:

- Respect humanitarian law
- Protect or facilitate the protection of the civilian population
- Facilitate access to vulnerable populations under siege
- Cooperate with local, national, and international humanitarian organizations to ensure that all of the necessary forms of assistance are provided to the population

No one is naïve enough to think that this concept “humanitarian legitimacy based on action” would find easy approval from governmental entities. However, the selling point of this type of legitimacy would be the difficult choice that it engenders: whether it is wise and morally acceptable to refuse such temporary and circumstantial legitimacy, which will facilitate saving lives, or instead to promote such legitimacy and avoid the perpetration of crimes and the prolonging of humanitarian crises. While the intention behind humanitarian legitimacy based on action is to promote stability and end suffering, no one should naïvely assume that negative forces would not use the provision of humanitarian aid as an opportunity to build momentum. Such actors might even capitalize on this legitimacy to organize and strengthen their operations. In fact, they might assume that if they are gaining territory and behaving acceptably based on the terms and principles of humanitarian legitimacy based on action, they would continue to be considered as legitimate partners for collaboration. The possibility that negative forces could take advantage of this legitimacy will be a perennial concern for both humanitarian agencies and governmental institutions. Even with such high risks, however, the vital interests of civilians should be put first, and a strategic decision must be made on the right course of action to take.

While in practice it could appear as if humanitarian legitimacy based on action only concerns negative forces, since government forces are already legal and politically

legitimate, in order for humanitarian legitimacy to be effective as a circumstantial operational framework, its rigors and principles must also be applied to governmental forces and institutions. In fact, the assumption that governments respect the rule of law and promote humanitarian assistance has not always proven to be correct. Hence, to ensure neutrality and objectivity in the assessment of humanitarian legitimacy based on action, it would therefore be appropriate for the same parameters of inclusivity and assessment to be used for both governmental institutions and non-governmental actors. For instance, in addition to the DRC, it would be beneficial for countries such as South Sudan and the Central African Republic to also be evaluated through the lens of circumstantial humanitarian legitimacy based on action. In all of these countries, government forces have been accused of many separate human rights violations, and to a certain extent, of the perpetration of crimes against humanity through their ignorance of the basic principles of humanitarian law. These horrific experiences perpetrated by governmental forces lend added weight to the argument. Even with institutional political legitimacy, any government that does not comply with the principles of humanitarian legitimacy based on action in question – should not be considered legitimate and should not be granted the privilege of humanitarian assistance.

A major current challenge in humanitarian practices is that the question of legitimacy is not often considered in many decision-making spaces, and that very little attention is given to appropriate and innovative approaches that will help facilitate effective humanitarian assistance. In fact, failing to confer humanitarian legitimacy upon both state and non-state actors that have demonstrated their willingness to respect the basic humanitarian principles of protecting civilians and facilitating humanitarian

assistance to vulnerable populations would be detrimental to the stability, security, and even the lives of millions of people in conflict zones.

There is no doubt that massive numbers of people in the DRC have perished in humanitarian catastrophes over the past several decades because the debates and programmatic responses to the chaos have mainly been centered around political interests rather than humanitarian concerns. Some of the resistance to this approach within the political space was born from the suspicion of the DRC governmental forces that humanitarian organizations operating in zones controlled by negative forces were providing direct or indirect support to those negative forces, which helped them to continue to defy governmental efforts to defeat them. Many small armed groups and militias could not have survived, goes the argument, if they had had to depend solely on provisions that they had looted from villages. For them, the presence of humanitarian agencies represented free provisions for their fighters. However, there have also been instances wherein non-state actors would not allow humanitarian workers to operate in the territory they controlled, because they also considered them to be foreign agents who were either working for the government or advancing agendas that did not serve those actors' interests.

While both state and non-state actors may have valid reasons to resist humanitarian agencies, and while both parties may still argue over the question of who deserves political legitimacy, humanitarian legitimacy based on action would be a step in the right direction for vulnerable populations affected by crises and chaos. Failing to implement such innovative and inclusive approaches to humanitarian actions could only lead to the serious deterioration of vulnerable populations' stability and security.

### *Humanitarian Legitimacy Based on Territorial Occupation*

Territorial control and security have always been among the very determinant factors of national sovereignty. Traditionally, the notion of national sovereignty has often been defined in reference to the control of land, space, and sea, and has even evolved to be defined by the term *authority*. One of the best explanations of the idea of sovereignty-as-authority comes from Ayoob, who sees it as “*the right to rule over a delimited territory and the population residing within it.*”<sup>97</sup> In addition to this definition, effective sovereignty occurs when a country manages to secure its borders, control internal activities, and strengthen its institutions. However, this notion of sovereignty has been constantly challenged over time, due to ongoing internal and external instabilities within and among nations. In some instances, foreign involvement in the internal affairs of other nation-states, such as the United States’ intervention in Iraq and the NATO intervention in Libya, has been one of the destabilizing factors in terms of politics and security. However, the most extreme destabilizing factors in many countries, especially in the Central Africa region, seem to be internal conflicts and wars. These conflicts have changed the narrative of what effective sovereignty means for nations.

During conflicts, states no longer have full control over their nominal territories and must share their territorial leadership with non-state actors. Militias and other negative forces therefore actively seek to increase their territorial control as a means to build and strengthen their institutional legitimacy, and ultimately to gain leverage during peace negotiations. Within this context, non-state armed groups in the DRC have played a critical role in the pursuit of stability and humanitarian assistance, and they continue to

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<sup>97</sup> Ayoob, Mohammed. "Humanitarian intervention and state sovereignty." *The International Journal of Human Rights* 6, no. 1 (2002): 81-102.

demand more attention. The complexity of conflicts in the DRC and the multitude of armed groups active in the country, added to the fact that they control large territories, necessitates that the principle of humanitarian legitimacy based on territorial occupation be promoted as a means of facilitating effective assistance to vulnerable populations.

Contrary to the principles of humanitarian legitimacy based on action, this new form of humanitarian legitimacy has nothing to do with acceptable action or the respect of international norms. The only element that matters in this framework is territorial control. Within this framework, humanitarian agencies should focus on finding ways to cooperate with whatever armed groups, organizations, or institutions have effective control of a given territory. This approach has generally been rejected by traditionalist humanitarian strategists and policymakers. Traditional policymakers and humanitarian strategists prefer to withhold aid to territories controlled by such groups until those territories have been retaken by the central government or another ‘legitimate’ actor. However, history has shown the limits of force as a means to neutralize negative forces and regain permanent territorial control. No evidence exists that this approach will ever work in the DRC. Additionally, the many political and/or diplomatic attempts to bring together opposing parties have not been able to stop the devastating humanitarian chaos in the DRC and other countries in the region, such as South Sudan and the Central African Republic. This dark and unfortunate observation underscores the urgency and necessity of strategically promoting and implementing new approaches to humanitarian assistance in these fragile and sometimes very volatile environments, such as humanitarian legitimacy based on territorial occupation. This strategy should be built upon the following guiding principles:

- First, acknowledging the actor who has territorial control as the main interlocutor
- Second, avoiding the promotion of legal and international norms as prerequisites for humanitarian assistance
- Third, focusing on requesting access to the site with only one aim: saving lives and providing necessary assistance to the population

The expectation is that the application of such an approach would help to provide assistance to populations living in areas where armed groups either completely ignore the fundamental principles of humanitarian law or purposely violate them without being prosecuted.

This framework would apply in the cases of groups such as the Mai Mai, the ADLF, and the FDLR, who for several decades have occupied major territories in the DRC and have been able to establish their headquarters and administration in many occupied territories. Through their operations and activities, they have managed to defy every national and international effort to neutralize them. Despite these groups' ability to defy the national government on many fronts and their outstanding ability to win against major international efforts, they are still considered institutionally to be illegitimate. This institutional consideration and profiling unfortunately does not diminish their influence in the communities they control, which has only grown over the years. It is logically irresponsible and irrational for the international community and national government to keep ignoring the influence of these groups and pretending to come up with political, security, and humanitarian solutions that are supposed to end the humanitarian chaos. The truth is that these groups control communities with hundreds of thousands of civilians whose lives depend on them. Addressing such a crisis requires smart and practical solutions.



Humanitarian legitimacy based on territorial occupation is one of these solutions. The Red Cross has reported that up to 7 million Congolese are desperately in need of humanitarian assistance, including 4 million who have been displaced.<sup>98</sup> Providing these people with much-needed assistance would help reduce malnutrition, address issues of proper sanitation, provide health services, promote investment in a quality education system, and provide shelter for vulnerable populations. These needs exist both in areas where government institutions have control, and in places controlled by armed groups. In this complex situation of territorial occupation, applying humanitarian legitimacy based on territorial control as a part of the humanitarian operational framework would be a practical way to provide relief.

#### *Humanitarian Legitimacy Based on Legality*

A less controversial aspect of the institutional legitimacy of groups focuses on their legality. While challenging the legitimacy conferred upon groups or institutions based on their actions or territorial occupation is easy, it is comparatively difficult and rare and to oppose the legitimacy of organizations that have been granted legal status by the relevant authorities. However, it is almost impossible for groups or organizations to gain accepted legal status in conflict-affected regions, due to the absence of governmental administrative services. This includes those groups who are working in the field of local social and economic development. Despite their lack of legal recognition, many of these groups and community-led organizations seem to be highly motivated and effective in their work in communities.

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<sup>98</sup> Report from International Committee of the Red Cross. "Violence in DR Congo's Kasai: Humanitarian assistance urgently needed." *ICRC Newsroom*. October 10<sup>th</sup>, 2017

For instance, in 1998, the late president Laurent-Désiré Kabila established local neighborhood watch organizations through the auspices of L'Alliance de Force pour la Liberation du Congo (AFDL), locally called "Tshembe Tshembe." Both in theory and from a constitutional perspective, these were community-based organizations that did not need legal authority to operate. However, due to the volatile situation during periods of conflict and immediately thereafter, the DRC government eventually began to request that every organization register with the relevant central government authority. The government argued that this registration process helped to guarantee public order and keep tabs on potential insurrection movements that could have organized and developed unnoticed as community-based organizations without a mechanism of legal registration. This obligation was also seen as a governmental effort to be more controlling and to suppress citizens' rights to freedom of assembly and organization.

To this day, one of the most vibrant groups in the DRC to openly challenge the government by defending human rights and freedom is the organization known as "LUCHA," an acronym from the French "Lutte Pour Le Changement." This civic movement, which was created by a group of students in Goma in the eastern part of the DRC, has lately has been at the forefront of peaceful protests to fight for freedom and good governance in the country by demanding that the regime strictly respect the DRC's constitution. Like many others, LUCHA started as a community-based organization that eventually managed to gain legal recognition. It legally registered with the government to overcome the government's strategy of oppressing civic movements. Since gaining their new legal status, this movement has become more confident in its revindications and campaigns. Many of the causes it defends have been backed or supported by international

human rights organizations such as Amnesty International, Human Rights Watch, and the U.S. Congress, which has even invited LUCHA activists to participate in several subcommittee hearing sessions on the DRC.<sup>99</sup> For LUCHA, gaining legal recognition served as a turning point, allowing them to officially interact and cooperate with national and international organizations.

It cannot be over-emphasized that many local groups in the DRC could have been very effective if they had gained legitimacy based on legality, but unfortunately, many cannot. Their lack of legal recognition obstructs their ability to cooperate officially with national and international organizations, including humanitarian agencies. If they were legally registered, their expertise working in the local communities and refugee camps would have been of great value to humanitarian assistance efforts. However, requesting legal recognition during peacetime makes more sense, since the relevant government institutions are presumably functional and operational. Expecting this same standard during periods of conflict clearly seems counterproductive and irrational. In fact, conflict, war, massive population movements, and humanitarian chaos destroy the government's ability to provide basic administrative services, and in many cases, the authority of the government becomes nonexistent. While the lack of legal status constitutes an obstacle to local organizations' ability to operate freely and effectively, this situation also hinders the progress of international humanitarian agencies' efforts to provide aid.

Although the above discussion focused mostly on unarmed NGOs and community-based organizations, it is important to highlight that the principle of humanitarian legitimacy based on legality should also be applicable to rebels and militia

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<sup>99</sup> U.S. Congress. *Resolving the Political Crisis in the Democratic Republic of the Congo*. Foreign Affairs Committee, Subcommittee Hearing. November 09, 2017.

organizations that have gained legal recognition from their national governments or the international community. It is rather uncommon for such armed groups to gain legal status or recognition, but sometimes the only way to end conflict is through negotiation, which is what happened with the M23 rebellion in the eastern provinces of the DRC. Although it was defeated by the Congolese army and the United Nations, the M23 movement still managed to gain legal status and legitimacy by negotiating with the Congolese government over the terms of total disarmament and the integration of its former soldiers.<sup>100</sup> This formal recognition increased M23's international legality and legitimacy, which were instrumental for the promotion of humanitarian legitimacy based on legality. This transformation allowed many international humanitarian organizations to gain access to cities and villages that were still under the control of M23. This one example shows how humanitarian legitimacy based on legal recognition can facilitate the delivery of humanitarian assistance in highly volatile regions that are affected by armed conflicts. Another advantage of humanitarian legitimacy based on legality is that humanitarian agencies could easily reach out to rebel groups or militias without being blamed by the national government for helping groups that are considered negative forces.

Even though this approach has proven successful when applied to both armed and unarmed organizations, the importance of continuing to highlight this circumstantial humanitarian legitimacy based on the legality of actors should not be understated. Political legitimacy does not mean automatic agreement on the political agendas advanced by each party; similarly, in the case of humanitarian legitimacy based on

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<sup>100</sup> Quintiliani, Pierrette. "What it takes to bring peace to the eastern DRC." *Conflict Trends* 2014, no. 1 (2014): 43-49.

legality, such legitimacy must be limited to a humanitarian operational framework only. The case of M23 in the DRC shows that the humanitarian legitimacy based on legality can be a viable framework, even without labeling it as such. However, the failure of humanitarian actions in Somalia with the Al-Shabaab, in Nigeria with Boko Haram, and to some extent with ISIS in the Middle East, is due to the fact the international community and regional actors (mainly state actors) have resisted granting or even acknowledging the positive contribution of humanitarian legitimacy while dealing with these armed and negative groups. Practically speaking, no government is willing to associate with groups such as ISIS or Al-Shabaab because they have been labeled as terrorist organizations. From a political standpoint, or from a national or regional security standpoint, there should not be any room for cooperation with or legalization of these groups as acceptable actors who can be cooperated with. However, while approaching the question from a humanitarian action perspective, which operates with the central goal of saving and protecting civilians' lives, it becomes evident that the present paradigm of legality and legitimization must be reconsidered. When dealing with groups such as M23 or those labeled as terrorists, the one-sided perception of the illegitimacy of these groups – viewing them purely as negative, terrorist organizations that are therefore unworthy of any form of legitimacy – should be rejected.

In fact, when considering the concept of the partisan as developed by Carl Schmitt,<sup>101</sup> these armed groups and irregular fighters, even though considered

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<sup>101</sup> . Schmitt, Carl. "The Theory of the Partisan. A Commentary Remark on the Concept of the Political, 1963." (Berlin: Duncker & Humblot, 1963). English translation (© Michigan State University Press, 2004).

illegitimate, have over the years gained international legal recognition under the Hague Ground War Provision of 18 October 1907, which states:

*After World War II this development was continued by the four Geneva Conventions of 12 August 1949, two of which govern the treatment of injured parties and the sick in ground war and war at sea, a third the treatment of prisoners of war, and the fourth the protection of civilians in wartime.<sup>102</sup>*

When these groups gain international legal recognition during a time of war, the dilemma of such a practice within the context of nation-states and their definition of national security threats is that this international legality could be seen as implicit support for the use of force by irregular groups to challenge the existing regime and institutions. This practice, which is now considered part of international law, raises concerns of legality and legitimacy within countries' borders.

Both in Schmitt's time and today, in the final analysis, the question of legality is decided by sovereign and independent national governments. Hence, every actor not in conformity with the law of the land as defined by the national authority is operating illegally. But the binding nature of international laws can only apply to a country that has signed and ratified them. Logically, it is practically impossible for any country to ratify a law that gives full legality to armed groups that oppose the regime. This implies that, despite the international recognition of many armed groups in conflict zones and their ability to benefit from humanitarian law as armed combatants, they are still not considered legal by their host nation. From this perspective, the question of humanitarian legitimacy comes into play. While the fighters benefit from international legality and legitimacy, it is technically illegal within their host nation's jurisdiction for international

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<sup>102</sup> Idem.

organizations to establish active contact with the fighters or their organizations if the nation in question has not granted them legitimacy. In other words, while these paramilitary groups operate illegally under their national laws, their *international* legality that is conferred through the protection that armed combatants receive under international law - and which is, in some instances, conferred when governmental actors negotiate with them - opens a path to humanitarian legitimacy based on legality.

This view does not debate the supremacy of international law vs. national laws; despite these actors' illegality under the national standard, there should be a "juste milieu" that creates a space for humanitarian legitimacy to emerge as an inclusive approach toward ending human suffering during irregular and unconventional wars with illegitimate and illegal actors. While this is true in cases where government forces oppose armed groups, the same consideration should be applied when two or more paramilitary groups fight each other. Hence, humanitarian legitimacy based on legality, despite being first and foremost a humanitarian strategy, would evolve within the parameter of security to become a tool for national and regional security frameworks.

From this standpoint, the consequences of not including humanitarian legitimacy strategies in a given conflict's security operational framework and the broader humanitarian intervention strategy have been devastating. They have perpetuated instability and human suffering for people who are living under siege by rebel and militia organizations. In addition to the humanitarian and security consequences, this lack of humanitarian legitimacy has continued to reinforce institutional deficits in zones where flexibility and adaptation to the social, security, and political context through a

humanitarian legitimacy framework could have helped save lives and promote effective humanitarian assistance.

### **Critical Infrastructure and Institutional Deficit Issues**

Violent conflicts, years of war and political instability have destroyed political and administrative institutions in the DRC, as well as in several other neighboring countries. While some countries have successfully managed to recover from their calamitous conflicts, many others are still struggling to recover. The DRC has unsuccessfully tried to rise from the ashes of wars and rebuild its institutions through multiple political and peace agreements, as part of their efforts to build a functional democracy. All of this effort has yet to yield a sustainable result since the country has yet to become stable and secure, and also due to its lack of functional institutions. Instability and the lack of sustainable solutions are partially important because societal infrastructure is not often considered in the scope of national humanitarian efforts. In addition to the issue of humanitarian legitimacy, effective humanitarian action and the long-term sustainability of humanitarian assistance depend on the availability and strength of social infrastructure. Local institutions and structural infrastructure are the two critical forms of infrastructure that are needed to address institutional deficits in the context of humanitarian crises.

#### *Social Infrastructure*

The scarcity of human capabilities during a humanitarian crisis is due to many different factors. During periods of conflict, the DRC has seen an exponential increase in the recruitment of young boys, girls, and adult men by militias, rebels, and government troops to respond to what they called the “war effort.” In theory, *war effort* means a clear coordination and mobilization of resources to be made available to the military or the



government, with an aim to contribute to the effort invested during war. These resources could be financial, technical, or human. The development of today's idea of war effort, and the paradox of how it is implemented in the DRC, cannot be understood without highlighting the argument advanced by Carl Schmitt about the total state and total mobilization of resources. In fact, according to Schmitt, the nature of threats and changes that have occurred over the years have left no choice other than for the state to reconstitute itself and re-emerge as a center of politics. The re-emergence of the state as a main player in the political arena can best be captured in the following statement, written by Richard Wolin about Schmitt:

*For Schmitt, the virtue of the total state is that the nineteenth-century neutralization of politics is eclipsed as the state undertakes the "self-organization of society." "Politics intervenes in all spheres of life," remarks Schmitt; "there is no neutral sphere." As an example, he cites the modern imperatives of political armament, which concern "not only the military, but also the industrial and economic preparation for war." Even the "intellectual and moral formation of the citizens" is incorporated into this totalizing network.<sup>103</sup>*

While this view speaks to the process of centralization and the expansion of the state's role in every sector of the society, it also reinforces the idea of the predominance of the state in specific countries. This predominance might be true in places where the state's institutions are not fragile and weak, but in countries rendered fragile by intra-states conflicts, this re-emergence of state control does not really signify a form of Schmitt's "total state" which exercises full control. After all, power and geographic control are shared among opposing forces, which both tend to practice the same approach: the mobilizing of resources. These other groups, which challenge the

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<sup>103</sup> Wolin, Richard. "Carl Schmitt, political existentialism, and the total state." *Theory and Society* 19, no. 4 (1990): 389-416.

implementation of the total state as per Schmitt's argument, could be akin to the manifestation of residual party pluralism in the Weimar period.<sup>104</sup> This was a time when multiple political parties and movements with competing agendas, ideologies, and strategies battled for political control with active participants in the political arena, involving citizens as young as twenty years old. The major difference is that in the context of armed groups in conflict-ridden regions, while political and geographic control remains at the center of every legal and illegal activity, the recruitment of fighters in armed groups does not often follow age requirements. Additionally, the mobilization of resources during such periods implies that economic means, political tools, and administrative services should be highly centralized.

In the DRC, the government's mobilization of human resources over the years has typically involved the recruitment of people with special skills who are considered active participants in the life of their communities. Besides these attempts by the government, which from time to time attempts to organize and modernize its recruitment and human mobilization efforts, militias and rebel groups often practice "forced recruitment". This tactic follows the rather inarguable logic of "You are either with us or your life will be taken from you." Whether forced recruitment is conducted by government forces or by negative groups, the truth about these massive recruitments is that while they build human capabilities within the ranks of the military and/or the militias, they simultaneously destroy the social fabric of affected communities by destabilizing civilian institutions and infrastructure. This destabilization occurs because the massive recruitment of qualified and active citizens into the armed forces creates a vacuum within

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<sup>104</sup> Idem.

the affected community's workforce. Not only does this vacuum affect communities from a socioeconomic perspective, but it also affects the work of humanitarian agencies, who become unable to find qualified community members to cooperate and work with, nullifying the agencies' efforts to make their humanitarian action community-driven.

In addition to the destabilization engendered by massive human recruitment, this vacuum is also created by the massive killing of men, boys, and girls, as well as an unimaginable number of victims of rape. Between 1998 and 2003, more than 5 million Congolese died as a consequence of the ongoing war.<sup>105</sup> Even after that time, many civilians were still being killed daily in different parts of the country, either by governmental forces or militias.<sup>106</sup> While rape has become a common tactic for demoralizing people during war, fortunately its practice did not spill over into civil society. Reverence for social and traditional values, which consider rape to be socially unacceptable behavior, prevented this from happening on a large scale. Despite inter-ethnic or inter-community conflict and animosity, civilians have refrained from internalizing such practices into civil society.

However, there is no doubt that the cultural destruction spawned by these wars and the practice of forced recruitment are both genocidal acts, since these actions cause egregious bodily and mental harm to community members. In fact, over the past several decades, combatants in the various wars on the African continent have markedly embraced these genocidal practices. This is primarily due to combatants' inter-ethnic and/or religious orientations, which lead them to believe that beyond a short-term military victory, the long-term victory and demoralization of the other side should be

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<sup>105</sup> Gettleman, Jeffrey. "Africa's Forever Wars." *Foreign Policy* 178 (2010): 73

<sup>106</sup> Gettleman, Jeffrey. "Look, They are Dying." *The New York Times*, February 17, 2017.

sealed by cultural destruction through shameful acts such as public or systemic rapes. The high rate of rape resulting from such practices, mainly in conflict-affected zones, has led the DRC to be labeled as ‘the world capital of rape’.<sup>107</sup> This practice only reinforces the other forms of societal destabilization produced by wars. The trauma that war inflicts upon adults and children is an important aspect of societal destabilization. If that trauma goes unaddressed, much of the nation would continue to suffer from post-traumatic stress disorder, creating an intergenerational mental destabilization. Thus, humanitarian assistance should not only be about providing material assistance; rather, issues of mental health should also be part of humanitarian aid.

In addition to trauma and the other psychological impacts of conflicts on communities, the lack of social services designed to facilitate human empowerment and capacity-building also reinforces the destabilization. As a consequence of wars and conflicts, millions of school-age children in the DRC cannot be educated because their buildings were destroyed and never rebuilt, or the community lacks qualified teachers, or because the education system in their community is simply nonexistent. A USAID country profile on the DRC reported the following:

*...education system is plagued by low coverage and poor quality. 3.5 million children of primary school age are not in school, and of those who do attend, 44 percent start school late, after the age of six. National data indicate that only 67 percent of children who enter first grade will complete sixth grade. Of those who reach sixth grade, only 75 percent will pass the exit exam.*<sup>108</sup>

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<sup>107</sup> Townsend, Mark. “Revealed: how the world turned its back on rape victims of Congo.” *The Guardian*, June 13<sup>th</sup> 2015.

<sup>108</sup> USAID. Country Profile: Education in the Democratic Republic of the Congo (Accessed on January 12, 2018) <https://www.usaid.gov/democratic-republic-congo/education>

As bad as these statistics sound, the situation within the DRC could be even worse than what the report indicates, due to the difficulty of securing accurate data from conflict-affected regions. On a greater scale, this information speaks to the fact that by affecting or sapping human capabilities, systemic destabilization continues to perpetuate the cycle of vulnerability, poverty, insecurity, and humanitarian chaos. To address this state of vulnerability, human development initiatives during a humanitarian crisis should primarily be treated as a contribution to social infrastructure. Human capital is considered part of the social infrastructure because it includes the necessary skills and abilities that allow local communities to work alongside humanitarian agencies, but most importantly, human capital allows local people to sustain their communities long after external agencies have left the region. This approach is also relevant for refugees and IDPs, who would benefit from training and empowerment initiatives that could help their communities to function, survive, recover, and develop.

Therefore, within the global, regional, national, or local effort to engender effective humanitarian actions that would have a long-term impact, it is critical that the issue of institutional deficits be viewed through the lens of critical infrastructure, in which the first and most important factor is social infrastructure. Without major attention to or investment in human capabilities, communities and nations will continue to perpetuate the cycle of poverty and vulnerability. Similar investments in human capabilities should also be extended to other developing countries that are not experiencing humanitarian crises but are nevertheless trapped in the cycle of poverty. Although it is true that the provision of basic needs represents crucial aid for vulnerable communities, without a robust social infrastructure, those same communities will never

gain true freedom or become truly developed. Therefore, the work of humanitarian agencies must include this vital component of long-term sustainability.

### *Local Institutions or Structural Infrastructure*

Even with the most brilliant people on the ground performing the most innovative humanitarian actions, the short, medium, and long-term positive impacts of humanitarian assistance depend largely on the nature of the institutional structures that are in place. Conflict and wars have systemically destabilized villages and communities in the DRC, rendering local institutions either weak or nonexistent. One recent part of the destabilization of local institutions in the DRC was the slaughter of traditional chiefs by either militias or governmental forces. For instance, in January 2016, an unidentified group attacked the chief of the North Kivu village of Miriki, along with his family; 18 people were massacred, most of whom were close relatives of the traditional chief.<sup>109</sup> A similar attack was perpetuated in the Kasai region, where a traditional leader, Kamuina Sampu, was presumably killed by government forces.<sup>110</sup> These attacks weaken the existing local institutions and perpetuate the goal of institutional destabilization. To address the resulting institutional deficits, humanitarian actors should therefore make an active investment to either restore or establish local institutions such as the local public administration, police and military services, political authorities, and traditional authorities, as well as religious institutions and other organizations in civil society.

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<sup>109</sup> Lualaba Yves. "Massacres of traditional chiefs in Miriki, Kivu, DRC: What Really Happened?" *Afro America Network*. January 08<sup>th</sup>, 2016

<sup>110</sup> United Nations. *DRC: Victims' harrowing accounts indicate Government complicity in ethnic-based massacres in Kasai - UN report*. UN Human Rights Office of the High Commissioner, Geneva, August 04<sup>th</sup> 2017.

Regarding the local public administration, one of the challenges to its restoration at the local level is the fact that for many years, public administration in the country was highly centralized. Major political and administrative decisions mainly emanated from the capital city of Kinshasa, while local institutions had almost no autonomy in the decision-making process or the management of their local entities, unless they rebelled. This governance style has caused the Congolese population to see local public administration merely as an extension of the national government, in spite of the fact that the constitution of the DRC recognizes the autonomy of each local decentralized entity. In addition to its past centralization, public administration in the DRC is highly politicized, with a strong patronage system in operation at all levels.

Needless to say, the politicization of public administration makes the work of local administrators very difficult, especially in situations where they need to make vital administrative decisions for the benefit of local entities, but those decisions went against the political agenda of the politicians in the capital city. The centralization and politicization of public administration have seriously weakened the DRC's local institutions. In places where these practices preceded war and conflict, the appearance of conflict simply exacerbated the existing dysfunction of the public administration sector. The opposite is also true; some politicians have taken advantage of the administrative vacuum created by war to exert their influence in the nomination of local administrators, thereby ensuring that their agenda is smoothly advanced through those local authorities.

For humanitarian action to be effective and the issue of institutional deficits to be addressed, it is therefore critical that humanitarian agencies restore structural infrastructure by providing resources and decision-making power to local authorities,

who would then decide how best to promote inclusive recovery in their communities. Rebuilding local institutions would not only help address and rebuild the local infrastructure, but it would also promote collaboration between the local population, the national and international humanitarian agencies, and the national government in defining priorities and strategies for long-term recovery. Effective and functional local administration would therefore serve as an appropriate platform to help coordinate these multidimensional interactions. While the actors involved in communities have different and sometimes divergent interests and perspectives, the common element for all of them is that effective local institutions would be beneficial to the pursuit of their agendas, whatever these might be.

While common sense would indicate that everyone would like to have strong local institutions, years of conflicts in the DRC and other parts of Africa have shown that some political and non-political actors enjoy and maintain the status of institutional chaos, which serves to advance their agendas and promote their interests with less institutional accountability. A perfect example of this situation involves the trade in “blood minerals.” In this context, armed groups and sometimes governmental actors promote instability while maximizing the exploitation of natural resources by using child labor in mines. A 2011 report stated that of the 13 major coltan mines in the DRC, 12 were effectively controlled by armed groups.<sup>111</sup> Multinational companies and some government officials were blamed for fueling conflict by doing business with militias, rebels, and other armed groups. To combat this trade, in 2010 the U.S. Congress passed the Dodd-Frank financial reform law, which required the following in Section 1502:

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<sup>111</sup> Nathan, Dev, and Sandip Sarkar. "Blood on your mobile phone? Capturing the gains for artisanal miners, poor workers and women." *Capturing the Gains*. Briefing note February 2<sup>nd</sup> 2011.



*Companies registered with the U.S. Securities and Exchange Commission to disclose whether they are receiving tantalum, tungsten, tin, and gold from Congo, and whether those minerals are connected to sites of conflict.*<sup>112</sup>

However, this effort did not produce sustainable results; conflicts in the DRC are mostly perpetuated by local actors, who are able to take advantage of local institutional deficits, rather than by international actors.

Like multinational companies, humanitarian agencies are also sometimes suspected of benefiting from the instability and institutional deficits. They are blamed for promoting “humanitarian business agendas,” which provide unsustainable solutions to crises; the logic is that as long as conflict and fragility are maintained, these agencies will stay relevant and will continue to make a profit through fundraising and donors’ support. At the very local level, some Congolese suspect that some local public administrators prefer humanitarian chaos and the status of fragility because it reduces their administrative accountability, giving them room for corruption. The complex and multidimensional agendas within local public administration, and the negative role that local and international organizations unfortunately play in communities, both have detrimental consequences for poor and vulnerable Congolese who have no means to sustain themselves and no way to escape the poverty cycle.

In addition to the local public administration, efforts to address institutional deficits through infrastructure-building should also focus on the reform of the police and military forces. The question of security sector reform and its implications will be further developed and addressed in the chapter on Transitional Public Security and Humanitarian Crisis. These reforms would serve to address the issue of institutional deficits within the

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<sup>112</sup> Wolfe, Lauren. “How Dodd-Frank is Failing Congo.” *Foreign Policy*. February 2, 2015.

framework of humanitarian actions, if the subsequent structural changes focus on rebuilding trust between the armed forces (including the police) and civilians, as well as on promoting discipline and good conduct among the security forces. The continued perpetration of massive human rights violations and criminal activities by both government forces and non-government fighters has left communities with little trust in Congolese security forces. Even in major cities where violent conflicts have not occurred, the civilian-military relationship is very fragile, which is primarily due to the multiple manifestations of unprofessionalism demonstrated by the security forces. There is, therefore, little doubt that societal recovery will also depend on the structural reform of the security sector and the promotion of a clean code of conduct that will restore fair mechanisms of civilian-military interaction.

For example, on December 31, 2017, the police and military were sent to disperse peaceful protesters who marched against President Kabila's regime after it failed to organize presidential and legislative elections as mandated by the country's constitution. Reportedly, the police and military used disproportionate force resulting in the deaths of seven people in the capital city of Kinshasa alone.<sup>113</sup> Such behavior reinforces the lack of trust between the civilian population and government forces, and consequently undermines the humanitarian recovery process. The fact that most of the population does not and will probably never trust the negative forces should be no surprise. However, many Congolese people have also distanced themselves from legitimate and legal forces. In this complex and disappointing context, the police services should be used to promote

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<sup>113</sup> "Congo security forces kill at least seven during protests." *The Guardian*, December 31<sup>st</sup> 2017. (Accessed January 13, 2018) <https://www.theguardian.com/world/2017/dec/31/congo-security-forces-shoot-two-dead-during-protest-against-president>

local order while the military focuses on fighting external enemies, or is at least prevented from destabilizing communities. The demilitarization of local institutions and cities should also take place. Since humanitarian crisis in the DRC mostly occurs due to violent conflict, effective humanitarian activities would be unlikely to produce sustainable results if they did not take security questions into consideration when rebuilding the DRC's infrastructure.

Another infrastructure-related concern within the context of institutional deficits involves the nature of political and indigenous institutions. As I argued in previous sections and chapters, the fragility of the political institutions resulting from societal destabilization has only increased the vulnerability of indigenous institutions and their authority, since many indigenous leaders have either been disempowered or killed. One result of the weakening or absence of indigenous authority is the present battle of leadership between the advancement of modern political institutions and the conservation of indigenous institutions anchored in ancestral cultures. While modern political institutions provide legality to the work of humanitarian agencies, indigenous authorities provide those agencies with legitimacy in communities, since they have served as gatekeepers for generations and have ultimately earned the people's trust. There is no reason to believe that effective humanitarian work can be performed in communities where political and indigenous authorities are struggling for leadership.

This leadership battle is not unique to the DRC. In fact, this conflict started centuries ago in the legal field, where it concerned the relevance of customary law as compared to common or codified law. Back then, scholars discussed the question of which type of law should be referenced when a societal matter arose. This debate has

transcended generations and has yet to be satisfactorily addressed. Due to the complexity of the question, many policymakers, including peacebuilders during humanitarian crises, have avoided tackling this difficult question. Instead, they have either promoted local political institutions at the expense of indigenous authorities, or else taken the opposite approach. The imbalance in these approaches has only served to undermine communities and to make humanitarian action less sustainable.

Solving this situation is not a matter of choosing to empower one side over the other. Instead, it would be best to create an inclusive platform that allows the two forms of authority to coexist. While the political arena would serve to organize an appropriate governance style, indigenous authorities could work toward establishing acceptable social and cultural values that would sustain communities through strong institutions. One example is the case of the U.S., where the indigenous people known as American Indians have retained the ability to carry out the cultural and organizational management of their lands, while cooperating with the federal and local government in matters of political governance. Of course, this model is not perfect in its applicability, but this paradigm shows that there is room to cooperate between both forms of authority. This model would be beneficial for humanitarian agencies to adopt in places such as the DRC or the South Sudan, so that they won't have to switch between seducing political institutions or charming indigenous authorities in order to fulfill their work.

In addition to the question of political and indigenous authorities, religious institutions can also be major players in addressing institutional deficits. Religious organizations have proven to be relevant and reliable institutions that promote peace and community stability before, during, and after conflicts. Many other institutions are only

present during specific times, and their effectiveness varies depending on the political or security context. In the DRC, religious organizations, especially churches, have been present throughout conflict periods and have also been instrumental in the promotion of hope and positive messages to victims. In turn, community members have developed trusted relationships with religious leaders and religious organizations far more successfully than with any other authority, whether political, indigenous, or administrative. This trusted relationship has positioned the church as an important and unavoidable institution in peace and humanitarian-recovery processes. It is important to note that even knowing the role of churches and other faith-based communities, politicians tend to minimize the place and role of these vital institutions in local communities. Many politicians seem to believe that letting religious leaders become more popular than them could negatively impact their image, since they would like to appear to always be the savers of lives and the givers of solutions.

Historically, the DRC has proven to be very open to the voices of faith-based organizations in political negotiations and peace settlements. However, this is not always the case at the local level, where churches and other religious organizations are constantly challenged by local authorities. For the local political authorities to deliberately ignore the role and the place of churches in communities seems to be a clear mistake. This exclusion of the church from decision-making processes continues to reinforce institutional deficits. If religious leaders disavow local institutions in retaliation, it becomes extremely difficult for the latter to build trust in communities, since religious leaders tend to wield great influence. The *bras de fer* between religious leaders, mainly Catholic priests in the DRC, and the political leadership provides a good illustration. The

mobilization of Christians (particularly Catholics) across the DRC on December 31, 2017 and January 21, 2018 to protest against President Kabila's regime shows how dynamic and important the role of the church is in the DRC.<sup>114</sup> It would be a significant boon to the process of effective humanitarian assistance and institution-building if religious organizations were considered to be integral components of the peacebuilding and community recovery process. In fact, the integration of religious organizations in the security framework, along with other international and national organizations, will not only help strengthen the role of local institutions, but will also help to create a legitimate platform in which different international humanitarian agencies collaborate and reflect on humanitarian coordination for their operations.

To conclude, institutional deficits during conflicts could be addressed through the rebuilding of the DRC's institutional infrastructure, which consists primarily of local institutions. Additionally, in order to follow an inclusive approach to institution-building at the local level, relevant stakeholders should invest in the local administration, police and military forces, political and indigenous authorities, and religious organizations. The combination of these sectors would establish a strong platform from which humanitarian action could be coordinated, making it more effective.

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<sup>114</sup> DR Congo: Several deaths in anti-Kabila protests. *BBC*, January 21, 2018. (Accessed January 22, 2018) <http://www.bbc.com/news/world-africa-42766151>

## CHAPTER 4: RETHINKING TRANSITIONAL PUBLIC SECURITY IN HUMANITARIAN RECOVERY

Toward the end of 1998, the Democratic Republic of Congo (DRC) experienced a new form of violence and military conflict. What began as an internal struggle escalated into a regional conflict that eventually compelled troops from Zimbabwe, Angola, Rwanda, Burundi, Uganda, and Tanzania to intervene, causing an unimaginable humanitarian disaster. Observers concluded that up to 5.6 million Congolese died during this period of conflict,<sup>115</sup> which was called the world's largest humanitarian catastrophe since World War II. During this conflict, which Gérard Prunier called "Africa's World War,"<sup>116</sup> the United Nations decided to deploy a robust peacekeeping mission in the DRC. In Security Council Resolution 1279 (1999), the UN established the "United Nations Mission in the Democratic Republic of the Congo" (MONUC), with a mandate to do the following:

*a) To establish contacts with the signatories to the Ceasefire Agreement at their headquarters levels, as well as in the capitals of the States signatories; (b) To liaise with the JMC<sup>117</sup> and provide technical assistance in the implementation of its functions under the Ceasefire Agreement, including in the investigation of ceasefire violations; (c) To provide information on security conditions in all areas of its operation, with emphasis on local conditions affecting future decisions on the introduction of United Nations personnel; (d) To plan for the observation of the ceasefire and disengagement of forces; (e) To maintain liaison with all parties to the Ceasefire Agreement to facilitate the delivery of humanitarian assistance to displaced persons, refugees, children, and other affected persons, and assist in the protection of human rights, including the rights of children.<sup>118</sup>*

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<sup>115</sup> Deibert, Michael. "Congo: Between Hope and Despair." *World Policy Journal* 25, no. 2 (2008): 63-68.

<sup>116</sup> Prunier, Gérard. *Africa's World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe*. (Oxford University Press, 2008).

<sup>117</sup> Note: JMC means Joint Military Commission.

<sup>118</sup> United Nations Security Council. *Resolution 1279 (1999)*. Adopted on November 30<sup>th</sup>, 1999. New York.

Later transformed into the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), born from Security Council Resolution 1925 (2010), MONUSCO is currently the largest U.N. peacekeeping mission in the world with an estimated 22,000 peacekeepers, including civilian personnel. Its principal mandate, in order of priority, includes the following:

*Ensure the effective protection of civilians, including humanitarian personnel and human rights defenders, under imminent threat of physical violence, in particular violence emanating from any of the parties engaged in the conflict; Support the efforts of the Government of the Democratic Republic of the Congo to ensure the protection of civilians from violations of international humanitarian law and human rights abuses, including all forms of sexual and gender-based violence, to promote and protect human rights and to fight impunity, including through the implementation of the Government's "zero-tolerance policy" with respect to discipline and human rights and humanitarian law violations, committed by elements of the security forces, in particular its newly integrated elements.*<sup>119</sup>

The conflict ended in 2003 through diplomatic channels, with the signing of a peace agreement between the belligerents. The Congo was backed by Zimbabwe, Tanzania and Angola; while Rwanda, Burundi and Uganda supported the opposing armed groups. While the major conflict involving state-level actors was ending, the country unfortunately transitioned into new forms of violence and conflict, in which local armed groups and militias emerged across the nation. These groups took advantage of the security vacuum created by the departure of foreign military forces from the Congo as per the signed peace agreement, as well as the lack of monopoly over the means of coercion manifested by the national government; for years, the government had relied on external actors to ensure security and stability as it struggled to restore its full institutional and territorial control. Without those actors' help, the security vacuum became even more

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<sup>119</sup> United Nations Security Council. *Resolution 1925 (2010)*. Adopted on May 28<sup>th</sup>, 2010. New York.



pronounced. Military operations and the activities of these armed groups created new security threats and challenges to peace, which continue to destabilize the DRC and the surrounding region.

These armed groups are characterized by their unconventional *modus operandi*. They do not follow a traditional military mode of operations, nor do they follow the basic principles of international norms as established through the laws of war or humanitarian law. Additionally, apart from a limited number of well-known leaders, these groups have unstructured and unknown chains of command. This nontraditional structural organization makes it hard to fight them or to understand their planning and communication mechanisms. They are therefore able to take advantage of their informality and unconventionality to perpetrate massive human rights violations, and at the same time, to escape every accountability mechanism that could bring them to justice. In recent years, these groups and their military operations have been the main reasons for the ongoing massive humanitarian crisis and population displacement in the DRC.

While national and international humanitarian strategies were being developed, and while humanitarian intervention mechanisms were being implemented as part of the country's humanitarian action framework for addressing the multidimensional humanitarian consequences of conflicts and armed groups, the question of what to do with militias and negative armed groups after the conflict was over often went unasked. The issue of armed groups and militias was often framed as a political and economic concern, and at first it was rarely seen as a security or a humanitarian issue. Humanitarian actors assumed that granting political positions to the leaders of armed groups, and negotiating business deals with the multinational companies that supposedly financed

those groups, would satisfactorily address the issue of instability and conflict. This simplistic view of the Congolese conflicts, as well as of similar conflicts in the region, failed to take into account that long-term stability in the Congo and in the Central Africa region would require further analysis of the armed groups involved in these conflicts from a security and humanitarian perspective. Stability and peace go far beyond mere political appointments and business deals. While these are important pieces of an eventual peace, it is misleading to believe that they alone can create stability. To build a strong approach to lasting peace, especially in a context of humanitarian action, requires a different approach. In this chapter, I will build my analysis around the application and implications of Transitional Public Security (TPS) as an important security paradigm for addressing the DRC's humanitarian crisis.

This paradigm would also extend beyond the simplistic and basic view of the political and military integration of armed groups and militias as a path to the recovery of security and stability. The effectiveness of humanitarian action through the TPS paradigm would likely be enhanced if the following elements are taken as critical components of the DRC's security's framework:

- First, the rebuilding of the DRC's army, focusing on the administrative, logistical, and political factors surrounding the effort of military integration and structuration.
- Second, the issue of military behavior after the integration process. This element would focus on individual or group behavior toward the newly established hierarchy/structure, the psychological and mental well-being of fighters, and the fighters' perceived identity and relationship to local communities.
- Third, TPS would have to assess mechanisms for the provision of justice and create ways for justice to be secured institutionally.

While justice is often needed to deal with cases of sanctioned criminal activities that occurred during conflicts, there is also an unfortunate lack of a clear institutional path for providing justice. These three factors should be considered as complementary and integrated mechanisms toward humanitarian recovery under the TPS paradigm. Additionally, these views and arguments will serve to illuminate the core ideological views that underpin humanitarian discussions throughout this chapter. Beside humanitarian relief, which is often extremely important for IDPs and refugees, creating sustainable and effective humanitarian assistance in the DRC would largely depend on military reforms and other important factors surrounding the nature of the agreed-upon military integration processes.

### **Rebuilding the Army**

The past two decades have demonstrated that the DRC has developed a custom of ending violent conflicts through political dialogues and peace agreements. Throughout the long series of conflicts that have tormented the country in recent decades, there is not a single case in which the DRC's national army has achieved a lasting military victory that ended a conflict without the use of political negotiations. From the smallest fights to the biggest, the DRC has been unable to provide an exception to this culture of negotiation. It certainly makes one wonder if the DRC represents the ideal example of the famous statement that "wars start with negotiations and end with negotiations."<sup>120</sup> If this is the case, then the DRC has been outstandingly successful at adhering to the principles of negotiation in war. The short-term impact of this practice seems to be positive, since negotiations and peace settlements have usually managed to silence the guns and end the

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<sup>120</sup> Pillar, Paul R. *Negotiating Peace: War Termination as a Bargaining Process*. Vol. 695. (Princeton University Press, 2014).

conflicts in question. However, since peace is a long-term product and the absence of gunshots does not always mean stability, the many relapses into conflict that have followed several peace agreements in the DRC prove that despite its successful negotiation of many peace agreements, the DRC remains far from learning its lessons.

The challenge of these agreements is that when political accords are signed between senior officials in armed groups and the government, low-ranking fighters are often ignored in the major clauses of these agreements. They are left confused, wondering about their future, which could either be integration into the army or reintegration into civilian communities. While top leaders grab political positions in the capital or high-ranking positions in the national army, hundreds of thousands of fighters, mainly young people, struggle in the camps where they have been placed. They are frequently given unrealistic promises of social or military integration, which usually go unfulfilled. This lack of support fuels uncertainty and creates frustration among these abandoned fighters, who see no other alternative than to return to the use of force as their best chance of vindication and survival. The failure of the military and social integration processes is therefore a major crisis, which raises the fundamental question of how the military should be restructured as an institution during a post-conflict period characterized by devastating humanitarian crises.

Members of the international community have suggested, through MONUSCO and other multilateral institutions such as the European Union (EU) and the AU, that the effective disarmament of combatants and their integration into the national army is the best and most rational path to reform and peacebuilding in the security sector. In DRC jargon, this military integration as part of security sector reform was known as

“brassage.”<sup>121</sup> The objective of brassage was for the DRC to form new brigade units in which former militia members and fighters would mix with national forces, and where all of these groups would serve under integrated military and administrative leadership. The intention behind this strategic reform was to promote cooperation between opposing forces and to slowly but strategically dismantle the multiple chains of command that had been established during conflicts. It was also expected that the newly formed brigades would lead to the re-creation of a unified DRC military, thereby promoting stability. While the main target of this reform was the army, in order to promote long-term stability, police forces should be re-created as well. Ideologically and ideally, brassage presented a way forward for peacebuilding, military integration, and security sector reform. While this strategic approach would restore peace by building and creating a unified and disciplined national defense force that was free from political manipulation<sup>122</sup> and foreign interference, it also came with several administrative, logistical, and political challenges.<sup>123</sup>

Administratively, the establishment of the new integrated defense forces necessitated that every combatant be identified and listed. The numbering of ex-combatants to be merged into the unified national army, and the compilation of an overall headcount of every soldier thereafter, should be the very first step of any security sector reform. If the leaders of these multiple and diverse armed groups were actually in control

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<sup>121</sup> Furaha Mwagalwa, Thomas. *L'interdiction de la participation aux hostilités, la démobilisation et la réinsertion des enfants soldats en République démocratique du Congo* (France, Ed. Publibook, 2017).

<sup>122</sup> Howe, Herbert M. *Ambiguous Order: Military Forces in African States*. (Lynne Rienner Publishers, 2001).

<sup>123</sup> Justaert, Arnout, and Stephan Keukeleire. "The EU's Security Sector Reform Policies in the Democratic Republic of Congo." In (2010). In: Vanhoonacker, Sophie, Hylke Dijkstra and Heidi Maurer (eds). "Understanding the Role of Bureaucracy in the European Security and Defence Policy", *European Integration online Papers* (EIoP), Special Issue 1, Vol.14 (2010).

of their troops and knew how many fighters they had, listing and numbering combatants would have been simple, but this unfortunately was not the case during the brassage period. Apparently, armed groups filed documents exaggerating the number of their regular fighters, which was difficult to prove during the assessment of each group's capabilities that was part of the integration process.<sup>124</sup> Failure to provide detailed lists with names and the exact number of fighters raised suspicions that foreign countries were interfering in the process by providing logistical and human resources to the former armed groups. Those conducting the counts suspected that the logistical support, human resources, and other strategic assistance provided by foreign countries was the real reason for the groups' inflated sizes, as well as their military might and capabilities in the field.<sup>125</sup> In addition to foreign interference, the groups' failure to provide detailed information on their troops also gave rise to the suspicion that these armed groups were using child soldiers in their ranks, which constituted a serious violation of international law. While international interference could be considered an act of invasion and an infringement on the national sovereignty of an independent state, the use of child soldiers was a clear violation of the basic principles of humanitarian law. DRC authorities suspected that these illegal practices were the true reason for the inability or unwillingness of many armed groups to provide an accurate listing of their fighters, as well as their inability to demonstrate the source of their logistical capabilities. This administrative and moral challenge hindered the move toward military integration.

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<sup>124</sup> Baaz, Maria Eriksson, and Judith Verweijen. "The volatility of a half-cooked bouillabaisse: Rebel–military integration and conflict dynamics in the eastern DRC." *African Affairs* 112, no. 449 (2013): 563-582.

<sup>125</sup> Autesserre, Séverine. "Local Violence, National Peace? Postwar "Settlement" in the Eastern D.R. Congo (2003–2006)." *African Studies Review* 49, no. 3 (2006): 1-29.

Regarding the use of child soldiers, it has been well-documented over the years that children have been used in the ranks of both negative and regular forces. This practice goes as far back as the period of Laurent-Désiré Kabila's Alliance of Democratic Forces for the Liberation of Congo (AFDL), in which child soldiers were called *Kadogo*, from the Swahili meaning "small."<sup>126</sup> During recent efforts to integrate the military, despite undeniable proof of the use of children in armed groups, most ex-senior officials of those armed groups continued to deny the presence of children in their ranks. Many human rights defenders and civil society organizations continue to seek accountability and transparency on this issue, despite an active political agenda by some government officials, that aims to cover up the wrongdoing of these groups.

While the suspicion of foreign interference and child soldiers continues to hang over the heads of many leaders, another administrative obstacle to military integration and security sector reform has been the nightmare of merging several administrative structures under one centralized and unified administrative entity, to say nothing of a single chain of command. This challenge came first from the issue, highlighted above, of transparency in providing detailed lists of fighters and their groups' capabilities. A second major dimension of this challenge came from the question of how to merge the different groups' administrative leadership and get those groups to accept the new leadership, without simultaneously creating frustration among combatants and political malaise among senior officials. The troops struggled to agree on a leadership framework that would be both appropriate and inclusive. The delay in finding a consensus on the

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<sup>126</sup> Kiyala, Jean Chrysostome K. "The impact of globalisation on child soldiering: challenges and opportunities in the context of the Democratic Republic of Congo." *International Social Science Journal* 66, no. 221-222 (2016): 271-284.

merging of the leadership delayed the implementation of the long-term strategic plan for peace and security in the DRC and the region.

If these administrative reforms and the process of merging were to be effectively conducted within the security sector, the resultant effective, centralized chain of command could ultimately promote order and unity in the army. Achieving this goal will sanction the end of what was known as the practice of New Public Management (NPM)<sup>127</sup> within the security forces. NPM spoke to the fact that, administratively speaking, the public sector intended to move away from the general model of centralized governmental administration. During the process of liberalization that took place across the world in the early 1980s, NPM functioned primarily in the economic sphere. But within the military, mainly due to the fragmentation of the security sector, NPM will not work as a model of military practice. It is therefore critical for military integration to be implemented through the administrative chain of command. This form of military governance will bring accountability and transparency, although the bureaucracy involved in the process will likely prove unpopular. During the process of centralizing the chain of command and promoting a unified military leadership, it will also be important to conduct a sensitization campaign among fighters. This campaign would focus on highlighting the message that the leadership's administrative moves will prioritize inclusivity and organization within the chain of command. This priority-setting approach will facilitate the understanding that this transformation is gradual, and that the transformation will only be effective if the chain of command is adequately structured.

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<sup>127</sup> Hood, Christopher. "A Public Management for All Seasons?." *Public Administration* 69, no. 1 (1991): 3-19.



On the humanitarian side, the creation of a unified army under one administrative leadership will create a space for accountability that will directly or indirectly help to eliminate the recruitment of child soldiers, and which will also mitigate practices that have led to human rights violations among the troops. Failing to promote administrative restructuration within the military will delay the creation of effective peacebuilding processes and ultimately lead to the stagnation of humanitarian efforts. Despite the national consensus among political and military actors that a unified and strong administrative military structure is vital to the pursuit of peace and security, many armed groups within the DRC continue to reject integration. Even with groups that have chosen to integrate with the national army, their combatants continue to depend on their former leadership rather than accepting and operating exclusively under the new military administrative structure. In addition to these administrative concerns, military integration also depends on logistical resources, which go far beyond the administrative listing of fighters from different groups, as well as the centralization of military leadership. Due to the multiple conflict zones and the distance between them, and due to the inaccessibility of certain locations because of the lack of infrastructure, it has proven challenging even to transport fighters from their positions to the zone of integration. Creating military camps, in which the initial steps in the integration process could take place before the fighters are deployed and/or sent to formal military training, has also proved daunting. This logistical need necessitates considerable investment from both the national government and the international community.

Upon the signing of political agreements and peace accords in 2003, the new “government of national unity”, with the support of the international community, was

called upon to establish many camps across the country where the demobilized and disarmed fighters from various groups would be contained. These camps were to serve as places for re-education and basic training. The next step in the process would be for these newly formed units to be transferred to formal military training centers for professional and advanced training, before being redeployed to regions across the country.<sup>128</sup> During their basic training, fighters were to be paid a decent monthly salary and have their basic needs met. Unfortunately, despite their willingness to stop fighting and participate in the peacebuilding effort, many of these fighters, mainly young men and women, found themselves abandoned by their commanders during the long wait for the integration process to start. Their former leaders had been assigned new positions in the army or in politics as a result of the signed peace agreement. The failure to provide support for the demobilized troops and militias was a large part of the failure of the international community in the Congo, since the UN was actively invested in the disarmament and demobilization sensitization process.<sup>129</sup> Additionally, the unacceptable living conditions of the disarmed groups, along with their prolonged isolation from their family and communities, constituted another form of humanitarian crisis by itself. This political negligence resulted in these young men and women revolting against the new military and political hierarchy.

This was exactly the case for the fighters in Kotakoli, encamped in the province of Équateur, who mutinied in 2015.<sup>130</sup> They demonstrated in the camps for a few days,

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<sup>128</sup> Boshoff, Henri. "Summary Overview of Security Sector Reform Processes in the DRC." *Institute for Security Studies*. (2005)

<sup>129</sup> Baaz, Maria Eriksson, and Maria Stern. "Making Sense of Violence: Voices of Soldiers in the Congo (DRC)." *The Journal of Modern African Studies* 46, no. 1 (2008): 57-86.

<sup>130</sup> Kandolo M. RDC : Mutinerie de Kotakoli, plusieurs filles et femmes sont violées par les miliciens démobilisés des groupes armés, *Kongo Times*, June 24, 2015.

asking for fast integration and decent living conditions. This situation eventually degenerated, leading to rapes and violence in the surrounding cities and villages.<sup>131</sup> A similar case occurred in Kamina, a town in the province of Katanga, where the disarmed and demobilized fighters who had been involved in urban insecurity and gangsterism revolted against their leadership.<sup>132</sup> This incompetence in providing necessary logistical support was considered to be the direct result of a lack of planning by the DRC government and the international community. The continued unfolding of conflicts, the unpredictability of negotiations, and the nature of the actors involved did not facilitate an appropriate planning process. Also, the integration budget was insufficient to properly manage the integration. While the amount committed to the process by the DRC government is unknown, Sweden and the World Bank have reportedly contributed US\$7 million and US\$15 million, respectively<sup>133</sup>. This lack of resources and effective planning should not be separated from political dysfunction. In fact, many politicians sitting in the capital were suspected to be at the center of this dysfunctionality, since they take advantage of every instability that occurs in the country. This well-founded suspicion reinforces the view that sufficient political will among the various actors must be the foundation of institutional reform within the security sector, in the context of TPS during humanitarian crises.

Given the scope and scale of political manipulation in the DRC, I argue that the delays that have afflicted the military integration process and the creation of a unified national army in the DRC have primarily been politically motivated. Even though many

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<sup>131</sup> Idem.

<sup>132</sup> Covering ongoing challenges in the DRC. RDC: 20 morts a Kamina. BBC Afrique, June 16 2016.

<sup>133</sup> Tunda, Kitenge Fabrice. "Disarmament, demobilisation and reintegration in the Democratic Republic of the Congo: can stability prevail?." *Conflict Trends* 2016, no. 4 (2016): 26-32.

former rebel leaders have joined the executive branch of the national government, or in some instances have been promoted to higher positions in the military as a part of the peace agreements and accords, many of them (including those who were on the government's side during the period of conflict) are still not sure to what extent their political power and control will last. Hence, to maintain their political clout and their negotiating weight, they instead continue to delay military integration while continuing to maintain control of their groups. These political moves have been justified by their assumption that if the signed political agreements and peace accords do not lead to the expected outcomes, these leaders would still have some military control and the capacity to enforce their views through strength or at the negotiating table. Therefore, these government officials have continued to use armed groups as a tool for political weight, positioning, and negotiation. Unfortunately, the pursuit of political position and weight using un-integrated armed groups continues to create humanitarian crises in communities affected by conflict, as well as within the camps where the disarmed and demobilized, but not yet integrated, fighters have been living.

Jean-Pierre Bemba, one of the four DRC's vice presidents during the 2003-2006 political transition and a former rebel leader of the Mouvement Pour la Libération du Congo (MLC), which later became a political party, maintained control of his troops throughout the entire transition period. He used his fighters as a personal Secret Service, as bodyguards, and as presidential brigades designed to ensure his security, as well as that of his former collaborators. During the transition period and en route to the 2006 presidential election, Bemba became the main challenger to President Kabila, who eventually won the election. During the post-election period, President Kabila ordained

the disarmament of Jean-Pierre Bemba's troops, which occurred easily because these troops and their leaders were politically weakened and militarily disempowered. The political structure during transition did not allow them to use informal channels to obtain new munitions and arms. Bemba eventually fled to Europe, where he was arrested for the alleged crimes against humanity committed by his troops in the Central African Republic. This led to the belief in the DRC that politically and strategically, Bemba was naïve to trust the democratic process by joining the transitional government. Some argued that his mistake was allowing his troops to even partially integrate into the national army. By doing so, he progressively lost control of his troops, and was thereby weakened by his opponents. Since then, the perception within the DRC political space is that the long-term fate of a political actor such as Bemba could only mean that political agreement should not mean military integration.

While selfish political interests are part of the process of military integration, this matter should be approached as a political process that serves as a precondition for effective civil-military cooperation, which will lead to stability in the long run. This integration, as well as every other political process, should be discussed, defined, and implemented from the standpoint of promoting national stability and security, and away from selfish political manipulations and pressure. In fact, until the right political framework is implemented in the DRC and until long-term inclusive military integration is successfully and objectively designed and established, the DRC will continue to face the prospect of military and political leaders inside the national government continuing to harbor their own loyal fighters within the national forces. This toxic political space would continue to hinder the effort of military integration and the reform of the security sector.

Based on the above-listed arguments, clearly the prospect of rebuilding the army under the transitional public security paradigm would require integrating administrative, logistical, and political elements into the country's humanitarian and security framework as part of the long-term humanitarian recovery process. Failing to take an inclusive approach to military reforms would continue to perpetuate conflicts and instabilities, and it would then be unlikely for the DRC to emerge from the cycle of instability, insecurity, and humanitarian chaos.

### **Military Behavior in the Post-Integration Period**

Peace and stability are simply not achievable through political agreements that end in gunshots. Neither are they defined by the hugging and greeting between opposing armed groups that have been newly integrated in a unified military force. Political stability, especially in areas where conflicts have had devastating humanitarian consequences, necessitates that long-term peacebuilding and humanitarian recovery mechanisms be developed and implemented. The most-cited approach within the TPS paradigm after conflicts and during humanitarian recovery is the civil-military interaction framework, which focuses on the nature of the relationship between combatants and civilians.<sup>134</sup> While the civil-military interaction framework is fundamental to the notion of TPS, limiting the paradigm to this interaction would limit the scope of potential benefits that TPS could provide. Adding to this fundamental argument, this section focuses on the nature of military behavior in the post-integration period and its impact on security and humanitarian actions.

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<sup>134</sup> Feaver, Peter D. "Civil-Military Relations." *Annual Review of Political Science* 2, no. 1 (1999): 211-241.

The basic security paradigm in post-armed conflict situations often tends to focus on the structure and mechanisms of integration rather than the behavior of individual fighters. No matter how conflicts end, the future of each nation involved will depend on how the integration of combatants is negotiated. This is as true for formal actors as well as informal ones, such as militias. For example, while developing strategies for the War on Terror in recent years, European nations have struggled to find the best approach to reintegrating combatants who previously joined groups such as ISIS. Many countries in Europe send these returnees to court; however, the Danish government tends to use a mechanism of social reintegration, which is still in its very early stages.<sup>135</sup> This social reintegration is fundamental to how post-conflict military behavior will be handled. To gain a better understanding of this issue, I will address the following three themes: (1) behavior toward the hierarchy or structure, (2) behavior based on the psychological well-being of the military, and (3) military behavior toward civilian communities.

Regarding hierarchy or structure, the perception of military behavior within this analysis has nothing to do with the political agendas promoted by fighters' former commanders, even when the latter is still capable of influencing the former. Instead, the hierarchy mostly centers around the nature of brigades and the overall military structure, norms or guiding principles in the new units, and the nature of the chain of command. Regarding military structure, the international community and the DRC government agreed on a process for creating new units during the brassage process. The idea of inclusivity underpins the creation of these units, together with the establishment of

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<sup>135</sup> Braw, Elisabeth. "Inside Denmark's Radical Jihadist Rehabilitation Programme." *Newsweek* 17 (2014): 2014.

training and quality standards that the newly trained soldiers would have to meet.<sup>136</sup> This process would also imply that the language of communication and training would be the same for everyone. While this strategy seems to be positive and plausible in ensuring the creation of a strong army, the challenge to its effectiveness lies in the fact that the recruitment of fighters during conflicts and wars did not follow any basic qualification standard. Such a standard could have helped put some basic considerations in place, such as the ability to read or speak French as prerequisites for enrollment. Considering factors such as age, an additional prerequisite could have been the completion of primary school at a minimum before soldiers were allowed to enroll in the army. If these conditions had been in place, the process of integration would have been a lot easier and smoother, because the soldiers' prerequisites would at least have been standardized. Unfortunately, the recruitment practices among the DRC's armed groups have been neither uniform nor well-organized, as evidenced by the fact that in certain groups, massive numbers of children were recruited without considering the age factor. Additionally, language was not a factor to which armed groups paid attention. The only context in which language was considered important during recruitment involved armed groups that were formed based on their members' ethnicities, or when conflicts were ethnic-based. Under these circumstances, the best and only means of communication happened to be the use of dialects or local languages. While these circumstances aided the groups in their internal communication, in the larger context of national military integration, these dialects did not help the nation.

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<sup>136</sup> Furaha Mwagalwa, Thomas. *L'interdiction de la participation aux hostilités, la démobilisation et la réinsertion des enfants soldats en République démocratique du Congo* (France, Ed. Publibook, 2017).



Historically, the DRC was known for its monolingual army. In fact, during the era when the country was still known as Zaire, the official language of communication and coordination in the military was Lingala, which was widely spoken across the nation and served to strengthen national unity within the army. Using a single primary language proved to be advantageous in making it difficult to distinguish the ethnic origin of soldiers, since everyone in the army spoke the same language. Therefore, language became a tool of social integration within the military. This practice ended in 1997 when President Kabila assumed leadership and decided to shift the language from Lingala to Swahili. This new initiative lasted only a few months because of multiple ethnic conflicts in the army, as well as the societal destabilization created by the increasing number of armed groups across the nation. Hence, the language barrier, the lack of standardized education, and the disrespect for age in recruitment created social and structural malaise in the camps where different forces had to undergo integration. Those who felt left out because of their inability to meet the new standards for language, education, or age took a negative stance toward the new military structure.

In the pursuit of a modern and disciplined army, the DRC worked toward professionalizing the army with the support of the international community.<sup>137</sup> These efforts were an extremely important part of national reconstruction. They could have become more effective if they had considered factors of inclusivity among different troops and fighters who had different social, academic, and political backgrounds. The majority of fighters were uneducated; these fighters felt excluded and that they had not been given fair opportunities to be appointed to higher positions. However, their generals

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<sup>137</sup> Wilén, Nina. "From Foe to Friend? Army Integration after War in Burundi, Rwanda and the Congo." *International Peacekeeping* 23, no. 1 (2016): 79-106.

and leaders who were well-positioned politically, as well as the very few fighters who were recruited based on their education and professional background, continued to take advantage of the new structure. This structural exclusion led to incidents where fighters developed resentment toward their new military leadership. One practical example of this resentment was the assassination of Colonel Mamadou Ndala in Ituri while he was leading the regional brigade.<sup>138</sup> While the first assumption regarding his death was that his convoy had been attacked by the ADF, the following investigation into the matter revealed that the assassination was orchestrated by some of his collaborators, who were previously in other units. These collaborators did not agree on his leadership and did not support the integration of fighters into the new security framework. Hence, while strategic efforts to integrate fighters are being implemented and the aim of creating a unified army is at the center of every strategic plan, assessing and paying attention to the fighters' behavior toward the newly created structure and toward the newly established leadership remains a critical part of the process. Fighters could also mount resistance toward the norms that are supposed to regulate their units and the army writ large, since the majority of the fighters in armed groups operated outside the rule of law and were not subject to any mechanisms of accountability. The new structure would implement norms, the rule of law, and measures of accountability that are designed to regulate the military's behavior.

The normative dimension of military integration is critical, as it allows the promotion of the rule of law, sets principles of humanitarian law, and establishes societal order. However, the true test of such an effort is knowing what will happen to military

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<sup>138</sup> Fahey, Daniel. "Congo's "Mr. X": The Man who Fooled the UN." *World Policy Journal* 33, no. 2 (2016): 91-100.

members or members of other forces that are blamed or found guilty of human rights violations, or even crimes against humanity. This question is part of the ongoing debate about real politics and the legalistic view of peacebuilding and peace processes. This conversation will be further discussed in the next section; however, it should be acknowledged that there is serious concern among global political theorists as to how priorities should be set in the pursuit of security and peace. The traditional legalistic, Western approach to the matter would be to promote the rule of law by enforcing international and national laws. Conversely, the realist approach would value the promotion of peace at all costs, whether it comes through military operations or other complex mechanisms, although the question of justice often remains unaddressed in such situations. But in many cases where this approach has been tried, when justice was ignored, peace did not last. Additionally, being unable to promote the rule of law or compromising on the matter of justice would tend to create a space where accountability is ignored, and in which militias that have not yet been disarmed will continue to kill and commit other human rights violations, knowing that justice will never be served.

A just milieu needs to be reached in such a context. Otherwise, the newly established military structure would lack legitimacy, and the integrated combatants would continue to operate without accountability. Failure to promote respect for the rule of law has led many soldiers to continue committing human rights violations even after they have been integrated. Hence, the issue of military behavior goes beyond the scope of military integration and the chain of command. Despite their professional and educational differences, every member of the DRC's military should go through a rigorous education process, which would focus on civil-military relations. The absence of basic training on

civil-military interaction was at the center of the shooting and killings of peaceful protestors in December 2017 and January 2018, when unarmed Congolese civilians requested that the government respect the Constitution and organize fair and inclusive elections in a timely manner.<sup>139</sup> Such incidents suggest that as part of the overall effort of rebuilding the military, the actions taken to address bad behavior should place an emphasis on strengthening the image of the military in the eyes of civilians.

Beyond the good and bad practices of the integrated fighters, another concern is the perception that the military has of themselves in relation to civilians. Civilians are unlikely to be open to the prospect of collaboration with the military, especially after conflicts in which many armed groups have committed atrocities. Unfortunately, only limited analyses exist of the perception of the military regarding their presence in communities. Imagining the feelings of negative forces in such communities after conflicts, especially if integration does not occur, would be relatively easy. However, the dynamics become different when the former negative forces are integrated in the army and have somehow received a pass for their crimes. Structurally, they might be relieved from responsibility for every action that they committed under their previous uniforms and chain of command, but the stubborn truth is that their past actions would continue to condition the nature of their interaction with society. This fact holds true not only when soldiers are deployed in areas where they had previously committed crimes, but even in communities far from where they had committed their deeds.

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<sup>139</sup> Ida Sawyer. "Congo's Kabila Ignores Political Crisis Amid New Repression." *Human Rights Watch*. January 29, 2018.

In this context, the nature of the resulting civil-military interaction should therefore be assessed based on the following criteria: first, the psychological or emotional struggle among soldiers; second, the nature of the socioeconomic well-being of the military; and third, the focus on the societal identity that the army is carrying in the nation. Within the latter criterion, evaluators should focus on assessing individual efforts and practices initiated by the soldiers themselves to integrate into the community as active citizens.

Psychologically, years of conflict and the culture of violence that characterized the daily lives of thousands of combatants has had a strong mental and psychological impact on their well-being.<sup>140</sup> In developed countries such as the U.S. and other Western countries, many veterans of major wars have suffered from post-traumatic stress disorder (PTSD), and the government has had to assist these soldiers in their readjustment into society. Many developed countries have made considerable investments in their veterans' social services, in order to address this issue and promote the social inclusion of veterans. For military personnel in the field or on active duty, governments make sure that appropriate services are in place to deal with such issues as they are detected. In addition to the humanitarian aspect of healing individual soldiers, governments know that the way that soldiers' manifestations of PTSD are treated will determine the nature of civil-military interaction at the individual level.<sup>141</sup>

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<sup>140</sup> Collier, Paul, and Anke Hoeffler. "Greed and grievance in civil war." *Oxford Economic Papers* 56, no. 4 (2004): 563-595.

<sup>141</sup> Fischer, Hannah. *U.S. Military Casualty Statistics: Operation New Dawn, Operation Iraqi Freedom, and Operation Enduring Freedom*. Washington, D.C.: Library of Congress, Congressional Research Service, 2013.

While it is globally acknowledged that the psychological well-being of military personnel is critical to their service and their interactions with civilians, the DRC and other post-conflict nations that have undergone major military integrations seem to lack specialized services for managing the psychological well-being of their soldiers. Additionally, no programs are listed in the integration mechanism or strategic planning documents that focus on dealing with soldiers' psychological well-being. The lack of these important programs creates a serious and lasting danger for both civilian communities and military troops. While soldiers who have committed crimes are not often subjected to psychological and psychiatric examinations, in many instances former combatants are constantly stressed and lack sufficient support to handle this stress. In many instances, when soldiers or members of the police have misbehaved in the DRC, political and military authorities have highlighted a lack of discipline as the cause of their behavior, instead of looking beyond the simplistic narrative of easy blame.

Furthermore, soldiers' wrongdoing becomes even worse when their actions are rooted in magico-traditional ritual practices that are performed by many fighters during conflicts. According to some traditional believers, fighters had to kill, decapitate bodies, eat human flesh and drink blood in order to gain power. The Mai-Mai group in particular was known for committing such unbelievable practices.<sup>142</sup> These rituals and beliefs have no place in the new military structure that the government would like to create. In terms of incorporating fighters with such heinous backgrounds, unfortunately a lack of focus has been placed on the psychological impact of these rituals on individual soldiers and on

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<sup>142</sup> Kibangula, Trésor. RD Congo – Beni : près de 100 morts en moins de 5 mois, une horreur qui n'émeut (presque) personne. *Jeune Afrique*. July 18, 2016.

their interactions with communities. The long-term effectiveness of military integration and positive civil-military interactions would definitely depend on the mental and psychological well-being of these soldiers, as well as the education and training they receive.

In addition to the psychological aspect of these fighters in a transitional public security paradigm, another important aspect is the fighters' socioeconomic condition. According to the official report on military salaries in the DRC, their salaries ranged from \$50 to \$83 per month in 2012.<sup>143</sup> When considering the cost of living in the DRC and these soldiers' social and family responsibilities, these salaries are insignificant and insufficient to allow soldiers to sustain themselves. To survive, some in the security forces find looting, social intimidation, and terrorizing civilians to be the easiest way to maximize their incomes and sustain themselves economically. Poverty therefore becomes an exacerbating factor that leads to bad behavior and wrongdoing among security forces. To mitigate such negative behavior and the unproductive nature of civil-military interactions, soldiers must be provided decent salaries that improve their socioeconomic conditions.

The third element that deserves attention in military behavior is the soldiers' self-constructed perception of their societal identity, which influences their engagement with communities and their interactions with civilians. While PTSD deals mostly with individuals' personal well-being, conditioned by external factors, it is of equal importance to understand the perceived societal identity that the soldiers have created for

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<sup>143</sup> Note : From Defense et Securite du Congo (DESC-WONDO). "Evolution du taux barémique des militaires FARDC: de 2006 à 2012." 7 May 2013

themselves. It is likely that due to the crimes they have perpetrated in communities, some fighters could feel emotionally separated from the social fabric of the nation and explicitly isolate themselves from society. In doing so, their military identity becomes the only status that they can wholeheartedly embrace in this new and isolated world of post-integration, which seems to them far away from the real society where civil-military interaction should be taking place. Bad memories of human rights abuses, crimes, or any other negative incidents that may have occurred in communities during conflicts may become obstacles to their social adaptation and integration.

Therefore, while all of these fighters are integrating into the new national army and embracing their new military identity, many would still be struggling with their societal identity, which they might perceive as unworthy and unacceptable to civilian communities. Their social integration, and the effectiveness of civil-military interaction as part of the TPS, would therefore depend on mechanisms of moral and social reconciliation that nations or local communities would need to install in order to facilitate inclusion and bridge the growing gap. This identity dilemma and the consequential behavior associated with it could be detrimental to the mental health and social well-being of many soldiers trapped therein. The process of humanitarian recovery must therefore focus on fighters, in the same way that attention has been directed toward the civilian population. Unless this matter is addressed, the likelihood of maintaining a healthy civil-military relationship is merely hypothetical. Despite the nature of violence and the crimes that fighters have committed, despite the tragedies and challenges that conflicts have engendered both for civilians and members of the military, the way to address behavioral issues in post-integration periods is for inclusive mechanisms be



developed and promoted as a part of the broader humanitarian intervention and the TPS paradigm.

To sum up, during the nation-wide integration effort to end the violence and create a strong and unified army, it is critical that the mechanism of TPS within the humanitarian context shifts from focusing purely on structural and administrative matters toward the inclusion of immaterial factors such as military behavior and social identity. While the nature of this behavior could be diverse and complex depending on the conflict and region involved, the conflict in the DRC and the Central Africa region necessitate that this humanitarian assistance be localized at three levels: hierarchy or structural, psychological, and social identity. These three factors determine the future of military social integration and civil-military interaction in communities that have been devastated by conflicts and years of massive human rights violations, or even crimes against humanity. I therefore argue that mechanisms of integration and peacebuilding through military integration and security sector reform must particularly focus on the psychological well-being of fighters, as many suffer from the effects of PTSD. This psychological and mental challenge, when added to the soldiers' existing poverty and the lack of any considerable investment in the socioeconomic health of the military, can only perpetuate former fighters' unwillingness to integrate. Civil-military relationships should also be restored through inclusive processes of harmonization and reconciliation. Behavior within the military therefore becomes a critical factor that could advance or destroy the ideal of creating a strong and inclusive army that serves the community and promotes national unity.

### **When Justice Does Not Follow**

Efforts to restore peace and stability in the DRC following numerous years of fragility and conflicts, especially between 1998 to 2003, resulted in the silencing of guns and the end of formal inter-state warfare. However, very few people understand that in any conflict, the silencing of gunshots does not necessarily mean that peace has been restored. Violent political instabilities and severe humanitarian crises in the DRC, as well as massive human rights violations, required that in addition to mechanisms for rebuilding the army and focusing on military behaviour in the post-integration period, justice mechanisms had to be implemented in order to ensure community healing and societal recovery. The mechanisms of transitional justice would therefore address the conflicts and wars in which millions had perished, basic social structures had been destroyed, women had been raped en masse, children had been enrolled in armed groups, families had been destroyed, and hope and trust in humankind had all but evaporated. The international community suggested a quick fix to this colossal humanitarian crisis, which was to bring the belligerents together and help them reach a peace accord. The resulting treaty, known as the “Sun City Peace Agreement”, was signed in Pretoria, South Africa, on December 16, 2002.<sup>144</sup> This peace agreement was signed by the Mouvement de Libération du Congo (MLC) armed opposition group and the Rassemblement Congolais pour la Démocratie (RCD) armed opposition group, as well as several selected organizations in civil society such as unarmed political opposition groups. The aim of the agreement was to end the conflict, integrate former armed groups and unarmed political

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<sup>144</sup> Biyoya, M. Phillippe. *Expériences africaines du recours à la Commission vérité et réconciliation : leçons à tirer par la République démocratique du Congo. Atelier n°4 : Commission vérité et réconciliation Actes du Séminaire international sur la gestion de la Transition en République démocratique du Congo* (April 2004).

movements within the government and the military forces, and ultimately to build a strong and inclusive Congolese society through democratic institutions.<sup>145</sup>

To ensure effectiveness in this endeavour as part of the TPS process, mechanisms for transitional justice were established to address the consequences of conflicts and humanitarian crises from a justice perspective. The idealistic approach to transitional justice mechanisms would have entailed facilitating distributive and restorative justice among the victims, with the understanding that based on the famous political and security dilemma of justice vs. peace, peace will never last long if justice is not provided. However, the difficulties inherent in pursuit of justice in volatile post-conflict political and security situations so often transform this immediate goal into merely a long-term dream. One of the best mechanisms of transitional justice, implemented as a tool for community recovery and social inclusion, was the creation of the Truth and Reconciliation Commission (TRC). This commission was distinct from traditional justice mechanisms that promote the rule of law and traditional prosecution procedures. Instead, the TRC was used as a soft mechanism that would not frustrate opposing groups during the pursuit of long-term peace. Using the TRC as one of the mechanisms for transitional justice after a deadly conflict, such as the one in the DRC, does not come without its challenges. However, before exploring the multiple challenges that the TRC encountered and their implications for security and humanitarian issues in the DRC and the region, it is important to reflect on the essence of the TRC and the mechanisms required for transitional justice.

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<sup>145</sup> Carayannis, Tatiana. "The challenge of building sustainable peace in the DRC". *Centre for Humanitarian Dialogue*, Background paper (July 2009).

The inspiration for the TRC model that was implemented in the DRC came from the South African TRC, which was established right after the fall of the apartheid regime in 1994. Though South Africa's TRC could be used as a model for many countries, its expected outcomes would depend on different factors within each particular country, such as the nature of the conflicts, the actors involved, the power given to the commission, its mandate, the skills and expertise of the commissioners, the provision of technical, logistical, and financial support, and the social expectations and dynamics within communities. With the goal of facilitating justice, the Commission also held the crucial role of laying down a solid foundation for sustainable democratic values based on social integration and cohesion.

Generally, TRCs are established to “uncover and acknowledge abuses from the past by recognizing the suffering of victims and making recommendations to prevent a recurrence of violence in the future.”<sup>146</sup> In addition to this basic purpose, the DRC commission's mission – as stated in Article 5 of Law No. 04/018, passed on 30 July 2004<sup>147</sup> – stipulated that the commission aimed to establish the truth and promote peace, justice, reparations, forgiveness, and reconciliation to strengthen and build national unity. These goals were extremely inspirational and seemed to be setting the commission up for failure, as it was unlikely that the TRC would be able to fully reach all the established goals. As if the extremely unrealistic goals were not enough of a challenge, the commission was instituted under Resolution No. 20/DIC/2002 by the members of the

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<sup>146</sup> Schmid, Evelyne. "The Diversity of Truth Commissions and Commissions of Inquiry." *United States Institute of Peace: Peace Brief* 118 (2012).

<sup>147</sup> République Démocratique du Congo; Loi No. 04/018 du 30 juillet 2004 Portant Organisation, Attribution et Fonctionnement de la Commission Vérité et Réconciliation.

Peace and National Reconciliation Commission of the Inter-Congolese Dialogue,<sup>148</sup> who were the very same members that the commission was tasked with investigating! The complex situation surrounding the creation of the commission threatened to lead to the obstruction of justice by its initiators, who could not allow commissioners to dig into their own practices and crimes.

Since it had been called to operate in the context of a fragile, post-conflict political environment, the commission faced a huge obstacle in the area of political sensitivity. This barrier occurred because many perpetrators or leaders of political movements responsible for human rights violations were already occupying key political positions, based on the power-sharing mechanism laid out in the Sun City Agreement. This political positioning made the search for truth and the investigation of human rights abuses an impossible task; subsequently, every effort to expose the past criminal activities of the various belligerents was unsuccessful. In fact, questions related to human rights violations that had been committed during the 1998-2002 war were so delicate that asking them threatened to weaken the entire peace settlement process. The majority of political actors were not ready to answer these questions, nor to take responsibility for their direct or indirect criminal acts. Additionally, they were not ready to provide reparation to the victims, since to do so would mean acknowledging their crimes. The war-torn country was longing for peace at all costs, but unfortunately, peace had to be promoted at the expense of justice. Though this approach was politically acceptable, this approach led to the ineffectiveness of transitional justice mechanisms, such as promoting social reconciliation based on community healing and truth-telling.

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<sup>148</sup> Idem.

Besides the local and national factors which had sabotaged the commission, there was also a regional dimension to its struggles. Many of the non-state actors involved in the conflict were backed by external forces and countries, which had economic and geopolitical interests in the DRC. Therefore, ending hostilities required a negotiated international agreement that included regional actors such as Rwanda, Burundi, and Uganda, who supported various armed groups and even had their troops active in the DRC.<sup>149</sup> Since the conflict was international in scope, it follows that the work of the commission could not be fulfilled if the focus of its mandate was exclusive to the DRC. This observation leads to the argument that mechanisms of transitional justice within the DRC and the Central Africa region necessitate a regional framework that addresses the abuses of all national and regional actors during the years of conflict.

The issue of political sensitivity was approached with a pragmatic, “priority needs approach” within TPS. In fact, the issue of applying transitional justice in this state of fragility contained a dilemma between the choice of security, peace, and the end of military action on one side, and the choice to implement retributive justice in accord with international law and national prosecutions on the other, which could undermine the political momentum gained thus far. While the ideal situation would have been to promote justice and establish measures of accountability, unfortunately, the political situation in the DRC after 2002 made it impossible to implement transitional justice mechanisms that would yield fair prosecutions of the perpetrators of human rights violations under a fair judiciary system. The complexity of such a decision required strategic thinking about the right course of action: to incriminate the perpetrators of

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<sup>149</sup> Gegout, Catherine. "Causes and Consequences of the EU's Military Intervention in the Democratic Republic of Congo: A Realist Explanation." *Eur. Foreign Aff. Rev.* 10 (2005): 427.

human rights violations and risk destabilizing the already fragile peace settlement process, or to re-integrate these perpetrators and fighters into the army and other formal peace mechanisms without any prosecutions, in order to give peace a chance. This dilemma was definitely leading to the famous divorce between justice and peace. Therefore, the government made a rational decision to promote the national interest by slowing the implementation of the rule of law.

While the incompatibility between peace and justice is so often promoted by those responsible for the crimes, there is plentiful evidence that peace does not last if justice is ignored. However, the humanitarian circumstances in the DRC during that specific period required the government to make a rational choice between the promotion of justice or the pursuit of peace. The government opted for peace in order to end the atrocities being committed against the people and to facilitate humanitarian recovery for thousands of people who had been devastated by the conflict. While this option helped to stop gunshots and end conflicts, unfortunately, the choice also called a halt to the work of the newly created TRC, which could not carry out its mission without political backing.

This practice leads to the issue of the logic of consequences within TPS. Whether it takes place in a context of peace or of conflict, universal adoption of the rule of law is fundamental for the establishment of a peaceful political order.<sup>150</sup> However, it is important to note that every successful attempt to implement the fundamental rule of law, with all its criminal justice implications, requires the presence of strong democratic political institutions.<sup>151</sup> In the context of a fragile state, in which the establishment of

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<sup>150</sup> Finnemore, Martha, and Kathryn Sikkink. "International Norm Dynamics and Political Change." *International Organization* 52, no. 4 (1998): 887-917.

<sup>151</sup> Skolnick, Jerome H. *Justice Without Trial: Law Enforcement in Democratic Society* (Quid Pro Books, 2011).

political order would require compromises on some basic norms of justice, it is imperative that all stakeholders agree what they're compromising on. Such an agreement would help to mitigate the risk of social frustration and avoid relapses into violence. In some cases, the adoption of an amnesty can be an option for ending the prosecution of criminals, and can therefore be one way to compromise on justice. However, opting for amnesty is not simply a way for the perpetrators of crimes to go unpunished, but a political mechanism to sustain peacebuilding processes. For this initiative to succeed, movements in civil society and government institutions need to work together to convey the importance of the message to the nation on the importance of such a political decision for the long-term benefit of the country. These political strategies and decisions exemplify the principle that Tory Higgins, as mentioned by Jack Snyder and Leslie Vinjamuri,<sup>152</sup> considers to be fundamental to the rightness of a choice of action: namely, that action should follow right principles, lead to the right outcome, and feel right given the person's current emotional state. This psychological argument can also be relevant and applicable in post-conflict states during debates over whether to promote peace or justice. In fact, in politically unstable developing countries, governments should take the rational approach of following the logic of consequences.

For countries where political stability is guaranteed through functional democracy and a strong political and judicial system, bringing perpetrators to trial remains the best and most advisable procedure to follow. However, for many post-conflict states where any peace is still quite fragile, the amnesty route can be a productive and legitimate

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<sup>152</sup> Snyder, Jack, and Leslie Vinjamuri. "Trials and Errors: Principle and Pragmatism in Strategies of International Justice." *International Security* 28, no. 3 (2004): 5-44.



strategy toward rebuilding the nation and establishing the rule of law. Therefore, this logic of action is critical in post-conflict situations. Snyder and Vinjamuri advance the following argument:

*When a country's political institutions are weak, when forces of reform there have not won a decisive victory, and when potential spoilers are strong, attempts to put perpetrators of atrocities on trial are likely to increase the risk of violent conflict and further abuses.<sup>153</sup>*

In this context, using the TRC as a peace-building mechanism to encourage a community-based approach is suitable. In fact, TRC can easily establish a mechanism of social cohesion based on inter-community dialogue and social reintegration for former militia members by following the logic of consequences that have been deemed important in post-conflict situations. Though the TRC was intended to serve as a tool for peacebuilding, its lack of power on decisions regarding trials, amnesties, and many other issues that fell under the jurisdiction of the judicial system constituted a major limitation to its work and awaited outcome.

Nevertheless, the creation of the TRC as an independent institution for social cohesion and community healing raised high expectations among victims of the conflict. The hope was that the TPC would address issues of child soldiers, human rights violations, the disarmament, demobilization, and reintegration (DDR) process, the promotion of community healing, women's reintegration, and redistributive justice. Regarding child soldiers and the DDR process, the expectations were that the TRC would facilitate the social reintegration of children who were victims of the conflict. Many of them were either used directly as child soldiers or as war slaves serving the fighters.

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<sup>153</sup> Idem.

These children include many girls who were caught in sexual slavery, as are many girls around the world during periods of conflict. While the commission addressed the issue of child abuse, the expectation was also that the commission would serve as a platform to support and facilitate the DDR process in partnership with government institutions, international agencies, and local communities. Such an initiative would have promoted unity within communities and helped the DRC work towards the establishment of a safe society.

Regarding women reintegration and community healing, post-conflict documentation clearly revealed that mass rape was and is still being used as a weapon of war and as a way to terrorize and control the targeted population.<sup>154</sup> In many cases, rape has been used as a weapon of war by military groups to create domination, cause humiliation, and inflict punishment. Due to such inhumane behaviour, many families and basic communities' social structures were devastated, raising an urgent need for social and intergenerational cohesion. The commission could therefore have raised awareness of the destructive methods used by criminals, and thereafter facilitated community healing based on truth and respect for fundamental human rights. Additionally, many communities in the DRC needed and remain in need of psychological, social, and economic support. This support should be established as part of long-term mechanisms to rebuild confidence, hope, and self-esteem in many victims and their communities. Medical support could also be an important tool in healing communities from trauma and

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<sup>154</sup> Maedl, Anna. "Rape as Weapon of War in the Eastern DRC? The Victims' Perspective." *Hum. Rts. Q.* 33 (2011): 128.

deep depression.<sup>155</sup> To fully address these communities' expectations would involve stepping into the world of redistributive justice. Unfortunately, there seems to be a lack of interest in moving in this direction, even though many years have passed since the Sun City Agreement was signed. Communities in the DRC are still waiting for justice to be served.

In conclusion, the DRC's history has shown that the silencing of gunshots is not always a guarantee that a final peace settlement has been reached. More must be accomplished, institutionally as well as structurally, to restore and build a sustainable peace. From peace accords to political negotiations, it has become evident that the question of transitional public security should move from a purely political debate towards becoming a humanitarian and social issue. Along with the current political efforts that the DRC's government and the international community are putting into motion to stabilize the country, it is impossible to minimize the importance of incorporating mechanisms of peacebuilding and social cohesion into the national and regional framework for peace as part of the transitional public security paradigm. The lesson of instability in the Congo has shown that the outcome of failing to act in a preventive and inclusive manner, in which military integration is implemented with consideration for the psychological dimension of fighters along with the promotion the rule of law, is an unsustainable peace. Political agreement must be combined with a strong structure of integration that promotes peace and justice as unavoidable steps toward stability and humanitarian recovery.

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<sup>155</sup> Penn, Michael L., Rahel Nardos, Mary K. Radpour, and William S. Hatcher. *Overcoming Violence Against Women and Girls: the International Campaign to Eradicate a Worldwide Problem*. (Rowman & Littlefield, 2003).

## **CHAPTER 5: CAMP SETTINGS AND THE PROBLEMATIC ISSUES OF RETURN AND REINTEGRATION PROCESS: WHEN HOME DOES NOT EXIST**

Beyond the multiple current efforts to save the lives of refugees and IDPs, beyond the ongoing international effort to provide assistance to victims of conflicts and violence, the apparent lack of sustainable results in humanitarian assistance has compelled the international community to rethink the future of refugees and IDPs. The question of the socioeconomic and mental well-being of refugees and IDPs is shifting from short-term relief toward long-term solutions. The complexities of this question, and the future of millions of refugees and IDPs around the world, require that an in-depth analysis be conducted. While the nature of the refugee crisis is obviously well-known and extensively documented, the challenge of humanitarian assistance in the twenty-first century is predicated on whether the current solutions are effective. Humanitarian agencies take contradicting approaches to determining the best and most appropriate strategies, and a one-size-fits-all approach unfortunately doesn't work. These contradictions and problems are mainly due to the diverse nature of conflicts and crises that occur around the world, as well as the complexity of each country's cultural approaches in dealing with conflicts.<sup>156</sup>

A long-term assistance framework is needed to deal with the multiple humanitarian crises taking place throughout the Middle East and Africa. It is also crucial to acknowledge that effective humanitarian assistance in the twenty-first century must go beyond the scope of taking humanitarian action via simple policy recommendations. Reports and lists of policy recommendations are important for informing decision-makers

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<sup>156</sup> Douzinas, Costas. "The many faces of humanitarianism." *Parrhesia* 2, no. 1 (2007): 28.

about the issues experienced by the displaced and those affected by the crisis, but while these reports are important in providing practical solutions, they should not be a substitute for the creation of a long-term practical intervention framework that is context-specific and transferable to similar situations. This chapter stresses the need for such a long-term intervention framework in the problematic issue of camp settings for refugees and IDPs, and investigates the complex topic of the return and reintegration of displaced people as a mechanism of humanitarian recovery in Sub-Saharan Africa.

Sub-Saharan Africa has been plagued by intra- and inter-state conflicts to a greater degree than almost any other region of the world. The region also has more humanitarian crises than almost any other, with an estimated 16 million people displaced (refugees and IDPs combined) as of late 2015.<sup>157</sup> This humanitarian issue has persisted for years, even though some countries have managed to stop the fighting and engage in the process of restoring peace. This persistence of violence and crisis is a clear indication that the formal end of a conflict does not always mean that the humanitarian crisis has been adequately addressed. The road to humanitarian recovery is a long one with many steps, and only courageous leaders manage to stay on it beyond the early excitement and spotlights provided through media and open advocacy. In addition to the growing number of displaced people, and apart from the obvious security concerns that are usually brought up during crises, unfortunately, the daily lack of sustainable service delivery and socioeconomic support that refugees and IDPs experience continues to go unnoticed and unaddressed.<sup>158</sup> Hence, it is more urgent than ever before to develop mechanisms that

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<sup>157</sup> Wilhelm, Jan Philipp. "UNHCR report: Worsening refugee situation in Africa." *Deutsche Welle*, June 20, 2016.

<sup>158</sup> Mazou, Raouf. Using socio-economic analysis to inform refugee programming in Turkana, Kenya. *World Bank: Dev4Peace*. February 10, 2017.

will provide long-term solutions to the crisis of refugees and IDPs, who have been forced into vulnerability due to security degradation in their home communities and trapped in a never-ending cycle of poverty and socioeconomic vulnerability. These mechanisms, unfortunately, must be developed during a time period that is usually characterized by the inability of host countries to provide adequate services to the victims. Funding and support for humanitarian agencies continues to become more and more scarce, in a period when the United States is cutting its aid assistance to international organizations such as the UN and considerably reducing its bilateral humanitarian support.

Faced with this complex situation, one question remains unanswered: what should be done to make sure that those living in camps do not perish in the trap of humanitarian dependency, in which many have already been living for years? While there is no single or magic solution to this issue, in this chapter I rethink and reimagine the philosophy and ideology of camp settings in the twenty-first century, as well as the idea of home within the return and reintegration process for refugees and IDPs in camps. I also examine the logic of investing in the future from a regional perspective, as a potential effective step toward mapping the much-needed transition from short-term relief toward long-term sustainability.

### **Refugee and IDP Camps: Philosophy and Ideology in the Twenty-first Century**

The twentieth century ended with major intra-state conflicts leading to genocide, such as the ones in Rwanda and Bosnia, as well as drought and famine in countries such as Somalia, Sudan, and Eritrea. The twenty-first century began with the 9/11 disaster, a major global incident that would catapult many nations into the War on Terror and ultimately degenerate into unimaginable humanitarian catastrophes, leading people to find refuge in camps or foreign cities, or even trapping them in conflict zones with

nowhere to go. In Africa, before the War on Terror brought its new waves of humanitarian crisis, the consequences of the intra- and inter-state conflicts that occurred in the late 1990s and early 2000s have forced nations to establish camps as solutions for what was thought to be the short-term, manageable problem of refugees and IDPs.

No one could have ever imagined that the power struggle in Rwanda would lead to twenty years of displacement for Hutu refugees in the DRC. No one could have ever imagined that the political instability in Sudan, South Sudan, the Central African Republic, the DRC, and Burundi could also have led to the displacement of millions of people over many years. This instability has enveloped the region in a permanent state of humanitarian chaos. Eventually, the solution that had started out as a short-term fix would give way to the quest for a long-term solution. Little doubt remains that the ramifications of these conflicts and criminal activities have escalated to such a degree as to be considered genocides. Such a definition is derived from the fact that these crimes have mostly been perpetrated as state-organized mass murders, terrorism, vandalism, and other barbaric acts that target a population or a group of people based on their ethnicity, religion, or race.<sup>159</sup> Additionally, these acts have also been a set of violent responses perpetrated by a group that was oppressed by state or non-state activities. Whether performed proactively or reactively, however, these acts should still be considered as genocides. Unfortunately, apart from Rwanda in 1994, the consequences of these conflicts in the region have yet to be acknowledged as such, despite many warning signs.<sup>160</sup>

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<sup>159</sup> Scherrer, Christian P. *Genocide and Crisis in Central Africa: Conflict Roots, Mass Violence, and Regional War*. (Greenwood Publishing Group, 2002).

<sup>160</sup> Sanders IV, Lewis. "UN warns of genocide in Central African Republic." *Deutsche Welle*, August 8, 2017.

When political tensions were increasing and violence was erupting in many of these countries, the prospect of dealing with the humanitarian consequences beyond finding a solution for the political chaos never entered the minds of peacemakers and negotiators. While political discord and battles constituted the central issue, which needed to be addressed through political means, the consequences of these political battles – especially humanitarian consequences – required something bigger and deeper than the political solutions could provide. The long-term impact of conflict and instability, and the years of inadequate support for refugees and IDPs in the camps, raise concerns about the underpinning philosophy or logic driving the establishment of the camps.

The easy answer would be that camps are put in place to accommodate victims of violence who are forced to flee their homes and communities. This short-term approach speaks more to the view of camps as seen in parallel to the philosophy of relief programs, which is short-term by nature.<sup>161</sup> The philosophy of the relief program and the construct of the camps converge on a common view, which is that people who have fled from their homes deserve to receive basic social services and support. While this argument speaks to the need for emergency assistance, it makes little sense to base the entirety of humanitarian assistance on the provision of food, water, shelter, and clothes. These types of assistance qualify as *circumstances and end results approaches*. They are not and should not be the only types of assistance that are provided in the camps. They are applicable in only one circumstance, and can even vary depending on the day, season,

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<sup>161</sup> Slim, Hugo. "Not Philanthropy but Rights: Rights-Based Humanitarianism and the Proper Politicisation of Humanitarian Philosophy in War." *The International Journal of Human Rights*. Vol. 6, Iss. 2, (2002).



and location. Moreover, these needs are primarily applicable in the early days of displacement, when humanitarian agencies are still in the process of need assessment, organizing support, and mobilizing resources. Ideally, the use of a circumstances and end results approach would progressively decrease over time, as humanitarian agencies begin to better understand the ramifications of the conflict and develop their permanent intervention mechanisms.

For instance, when conflict erupted in the Central African Republic in March 2013, hundreds of thousands of people sought refuge in the DRC. The international community and the DRC government managed to set up camps with long-term strategic plans in place, because the conflict in the Central African Republic obviously was not going to end anytime soon.<sup>162</sup> Such an assessment of the nature of a conflict is critical to the nature and type of initial response that should be provided, as well as the planning mechanism to be developed.

In the case of the Central African Republic, the philosophy behind the camp's purpose depended on the nature of the conflict and its potential duration. However, many camps established in the twenty-first century seem to rely on a short-term philosophical approach to setting up a camp. This philosophy is built around the following arguments:

- The camp serves as a shelter.
- The providers are foreigners (since the locals are unable to provide for themselves due to their socioeconomic situations).
- Security is guaranteed by host countries or international organizations.

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<sup>162</sup> Arieff, Alexis. *Crisis in the Central African Republic*. Congressional Research Service, Library of Congress, 2014.

This short-term model does not consider community empowerment mechanisms to be a priority, because the intervention is centered around the assumption that the conflict will soon end, and the camps will therefore be dissolved.

### *The Camp Serves as a Shelter*

The destruction that follows periods of conflict and instability often leads to attempts to establish parameters of human security and safety for those fleeing from conflicts. It is obvious that violence leads to societal destabilization and the destruction of basic infrastructure, which then leads to the forced displacement of hundreds of thousands of people, who attempt to find refuge in host communities or camps. The nature of humanitarian assistance provided to people in camps has often been short-term, since the camps were seen primarily as only a short-term fix or as temporary shelter.<sup>163</sup> The concept of camps as shelters goes beyond the idea of physical infrastructure designed to house the displaced. The camp is also understood as being a shelter from violence, from prosecution, and from vulnerability. Regarding the physical infrastructure, the United Nations reported that in 2017, 3.9 million people were IDPs, 475,019 were refugees, and an estimated 7.7 million people required food assistance in the DRC alone.<sup>164</sup> In addition to food assistance, other needs such as healthcare and educational training have still not been fully implemented. While the mental transition from home to the camps may still be a long process, many people in the camps have no choice other than to adapt to this reality. They therefore see the camps as a replacement for their homes and cities, and tend to embrace them as their new communities.

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<sup>163</sup> Rueff, Henri, and Alain Viaro. "Palestinian Refugee Camps: From Shelter to Habitat." *Refugee Survey Quarterly* 28, no. 2-3 (2009): 339-359.

<sup>164</sup> UNICEF. *Democratic Republic of the Congo: Humanitarian Situation Report*. September-October 2017.

This new view of camps as cities has pushed refugees and IDPs to raise their expectations of what should be provided to them, since they no longer consider the assistance as merely a helping hand, but as a right. This shift in their perception of the camps should also change the way that humanitarian agencies and government institutions render their services in the camps. The necessity of service delivery in the camps is the primary need manifested as part of these expectations. These needs and expectations should be enough to push host governments and every international organization working in humanitarian assistance to increase their capabilities in the provision of service delivery.<sup>165</sup> Primary needs in service delivery could include basic goods such as water, sanitation, health services, and housing. Unfortunately, the current living conditions of people in the camps remain far from satisfying these expectations. Their social and emotional stability, as well as their overall well-being, depend on the improved delivery of services. While traditional humanitarian providers have failed to effectively serve those in camps, the World Bank and IMF, though financial donations, have stepped in to help governments provide much-needed assistance to refugees.<sup>166</sup> This assistance is being rendered in spite of the risk that any refugee crisis poses to the economy and stability of the nations involved. It would be incredibly naïve to think that this sudden involvement of financial institutions in refugee camps comes exclusively from their humanitarian focus and agenda. Some of these institutions became involved with a goal of promoting their economic agendas, not to better the lives of victims.

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<sup>165</sup> Black, Richard. "Putting refugees in camps." *Forced Migration Review* 2, no. August (1998): 4-7.

<sup>166</sup> *Forcibly Displaced: Toward a Development Approach Supporting Refugees, the Internally Displaced, and Their Hosts*. (Washington, DC: World Bank, 2017) © World Bank.  
<https://openknowledge.worldbank.org/handle/10986/25016> License: CC BY 3.0 IGO.

The only true form of assistance that comes without putting refugees and IDPs at the center of economic interests and political moves by foreign forces is provided in the form of charity, which covers refugees' and IDPs' basic needs by providing free mattresses, blankets, water, health services, vaccines, etc. On the other hand, while the nature of charity assistance would seem to preclude its providers from harboring hidden interests, the current political and global landscape presents few cases where assistance comes without an agenda. Sometimes, while they have no interests in the camps themselves, providers or defenders of humanitarian assistance could be pursuing specific interests in the displaced people's home countries through their charitable camp involvement. The current state of global politics, which is characterized by the return of nation-states to the center of international relations and actions, necessitates that every political move be taken with strong reservations. Humanitarian arguments may be advanced by nations whose actions are not always humanitarian in nature.

For example, in 2014, the Russian humanitarian convoy to Ukraine was intercepted as it was allegedly transporting ammunition and weapons to rebels fighting the Ukrainian government, instead of transporting humanitarian aid.<sup>167</sup> This case shows how refugee crises and displacement can be used by the "bad guys" to advance their security and political agendas in the name of humanitarian assistance. Such actions, unfortunately, diminish the essence of what humanitarian assistance should be and look like. Hence, the politics surrounding the definition and philosophy of camps depends on the various actors involved. Vulnerable populations see the camps as places where they can find shelter. At the same time, governments and foreign agents might see camps as

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<sup>167</sup> O'Sullivan, John. "Is the Russian 'Humanitarian' Convoy on Ukraine's Border a Trojan Horse?" *National Review*, August 20, 2014.

unique platforms or tools to help them advance their security and political agenda without raising red flags of interference in foreign countries' sovereignty or violating their territorial integrity. In addition to camps' function as physical shelters, they are also considered to be umbrellas protecting refugees and IDPs from violence. This view of the camps comes from the standpoint of security and vulnerability; when people lose the protection of their governments or local institutions, they look for safe places where they are not at risk of being shot or killed.<sup>168</sup> This scenario is exactly what happened in 1994 during the genocide in Rwanda, in which many Hutu people found refuge in the DRC to escape persecution in their own country. A similar incident occurred in 2016 in the DRC, when Congolese people from the Kasai region felt threatened by militias operating in their region, as well as by the undisciplined government security forces. People from the Kasai province fled to Angola for refuge, and people from the Katanga province sought refuge in Zambia. This type of flight from conflict and war has become common across the world, especially in countries such as Syria, Afghanistan, and Libya, from which people travel great distances to find refuge either in Turkey or other countries in Europe. Given the pressing need for safety, camps should be places that shelter vulnerable populations from violence. There is no doubt that people should feel more protected in the camps than under their previous circumstances.

While refugees are supposed to be fully protected by their host countries or international organizations, under the guidance of the 1967 Protocol Relating to the Status of Refugees,<sup>169</sup> the case of IDPs is a bit different. While IDPs don't cross their

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<sup>168</sup> Branch, Adam. "Humanitarianism, violence, and the camp in Northern Uganda." *Civil Wars* 11, no. 4 (2009): 477-501.

<sup>169</sup> United Nations. *The Protocol Relating to the Status of Refugees*. October 4, 1967.

country's borders, sometimes they look for camps in order to take shelter from violence that their governments are either perpetrating or are unable to stop. In some rare cases, community members feel targeted by their own governments and have no other choice than to move to one of the camps. This was the case for minority groups in the Central African Republic who felt that they were being targeted by their government due to their religious and political alignment, as well as for the Rohingya in Myanmar, who have been persecuted by their government since late 2016. Both minority groups were in situations of risk and deserved protection.<sup>170</sup> Yet another case occurred in Syria, where members of the minority Christian population were trapped between extremist rebels and the attacks of government forces.<sup>171</sup> These extreme cases of IDPs seeking camps as shelters from violence committed by their own governments leads to the question of how best to provide effective humanitarian assistance and protection. One long-term approach to this concern could be to overhaul or fix the political situation in question, so that these oppressive governments could serve the interests of all of their people.

Until that ideal situation is reached for both IDPs and refugees, camps and new cities will always serve as shelters from violence; however, no matter the source of violence, establishing these camps is a matter of security and safety. It is imperative, in such circumstances, that humanitarian intervention and assistance mechanisms be designed in accordance with the rationale that guided the creation of the camps. This also means that the effectiveness of humanitarian interventions and the delivery of services in camps would depend on a clear understanding of the primary reasons that have led

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<sup>170</sup> Gurr, Ted Robert. *Peoples Versus States: Minorities at Risk in the New Century*. US Institute of Peace Press (2000).

<sup>171</sup> Mousa, Salma. "Syria's Minorities and the Paradox of Neutrality." *Syria Deeply* (2016).

refugees to the camps, the origin and nature of the violence they have endured, the actors involved, and the refugees/IDPs' most pressing needs. Only when these elements are understood will the programmatic response to refugees' needs be effective. The logic underpinning the establishment of a camp therefore becomes a prerequisite for humanitarian effectiveness.

Operationally, the trend in the field has been to respond to the obvious, manifest need for assistance without establishing philosophical parameters laying out the reason for the camps' existence. Ideally, it would be seen as counterproductive to stage an intervention without establishing the logic behind such an intervention. Unfortunately, for decades the general practice in the field of humanitarian assistance was exactly the opposite. The logic of transitioning from a short-term relief program toward long-term sustainability, in the cases of either refugees or IDPs, would require the establishment of a rationale for the camps' existence so that the aid to these vulnerable populations can become effective. Only when this ideological and philosophical understanding of camps is established can truly appropriate responses and solutions be developed. While the delivery of services is absolutely needed in the camps to address issues of social and economic vulnerability, an even greater need is refugees' and IDPs' understanding of camps as a shelter from violence, persecution, and vulnerability. This philosophical understanding of the "why" of the camps will provide the basis for complex interventions and assistance. This approach would likely go against the current trend in the creation of camps, whereby the camps are established in response to short-term needs and as pieces of purely short-term strategic responses. Such a lack of philosophical processing has been at the center of the ineffectiveness of humanitarian assistance in many regions around the

world. The existence of camps should not be seen simply as a part of the political climate, but beyond the social and political manifestations of the crisis, the camp should be established on a sound philosophical and ideological base.

### *Providers are Foreigners*

While the camps constitute places where security and safety are guaranteed for people who would otherwise be unprotected in their communities, the existence of the camps also continues to maintain and perpetuate the cycle of economic, social, and security dependency<sup>172</sup> toward foreign providers, whether they are state or non-state international actors. The vulnerability of refugees and IDPs creates a space and opportunity for intense political manipulation and foreign interference from both states and non-state actors. While some of these actors are at the center of ongoing conflicts and instabilities that have forced thousands of people to flee from their communities, they are ironically also involved in activities that aim to provide assistance and relief to victims. However, since IDPs usually run away from their communities and cities because their local institutions are unable to provide security and other basic needs, it follows that their nations are often either failed states or experiencing high fragility. It only makes sense that safety and security, let alone humanitarian assistance, must of necessity be imported and provided by foreign actors if they are to exist in such a country.

At first, such foreign assistance, no matter its origin, did provide useful and important relief to those in the DRC who otherwise could not have survived the humanitarian chaos that their communities had experienced. This type of assistance was provided by international private or multilateral organizations such as the Red Cross,

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<sup>172</sup> Harvey, Paul, and Jeremy Lind. *Dependency and Humanitarian Relief: A Critical Analysis*. (London: Humanitarian Policy Group, Overseas Development Institute, 2005).



Action Against Hunger, World Food Organization, and OCHA, to mention a few. The advantage of their work is that in theory, these organizations follow the principle of neutrality while conducting their operations and objectively serving the victims. In addition to these organizations and others like them, the work of USAID and that of other governmental organizations is equally important in providing relief. However, the strategic approach to humanitarian assistance used by governmental organizations, either in or outside of the camps, is mainly articulated around the country's foreign policy strategy. The definition of their intervention is inspired and motivated by their national interest and the priorities of their foreign policy. In such a context, refugees/IDPs and their camps therefore constitute a setting where the practices of such a foreign policy can be tested and implemented. This approach to humanitarian assistance, which is not primarily based on compassion and the moral responsibility of the actors, but instead is motivated by politics, could affect the outcome and the sustainability of humanitarian work in the camps. In such a context, the outcome and effectiveness of this approach would be measured based on whether the political goals that the actors are pursuing through humanitarian assistance have been reached, rather than assessing the outcome and sustainability of humanitarian assistance from an apolitical viewpoint.

Regarding governments' humanitarian assistance programs, the effectiveness of these interventions unfortunately depends on the capricious nature of politicians and decision-makers sitting in foreign capitals. The type, interest, and agenda of humanitarian foreign providers in camps is therefore a crucial area to investigate and analyze. To the victims, the nature of the assistance they receive, whether it is provided by governmental or non-governmental agencies, would reveal whether or not those agencies are making a

deliberate effort to end their suffering and restore their human dignity. Similarly, the nature and type of assistance being provided would speak loudly to the underlying motive that many of these providers have, beyond the generic good intentions expressed in their media appearances. Serious attention should be paid to the philosophy of service providers, especially those agencies who deliver service in the most attractive areas in which foreign organizations concentrate their efforts, such as security services or socioeconomic assistance.

Decades of humanitarian work in the area of security services, which are designed to provide civilian protection and maintain the safety of the camps, have shown that governments tend to be the main providers of security. This tends to occur because people who are displaced during conflicts generally move away from conflict-devastated zones and toward areas that are controlled by government forces. This directional movement happened in the DRC because most of its conflicts were either wars of incursion by foreign armies, or wars of insurrection conducted by a group of citizens.<sup>173</sup> In both cases, local communities fell under the jurisdiction of enemies of the state. So the best and most rational choice they could make was to find refuge in communities where the government could provide security and assistance. This choice was also predicated on the idea that government forces were disciplined and dedicated to providing appropriate security for their citizens. However, this element of displacement has undergone changes in recent decades, especially since both governmental and non-governmental forces have been blamed for human rights violations and accused of instigating conflicts and

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<sup>173</sup> Fixdal, Mona, and Dan Smith. "Humanitarian intervention and just war." *Mershon International Studies Review* 42, no. 2 (1998): 283-312.

instabilities. These kinds of paradigm shifts in the provision of security during humanitarian crises have led to foreign outsourcing of the provision of security.

The direct alternative to government forces has been the use of international forces, such as UN troops, or other regional security services that are affiliated with regional organizations such as the EU or the AU. However, these alternatives to the governmental provision of security raise fundamental questions that need to be addressed, especially regarding how to manage the process of gaining approval for such security forces to operate in foreign countries without provoking concerns about political interference. This concern would not be applicable in the context of Responsibility to Protect (R2P), in which a foreign country is forced to intervene and provide necessary assistance to victims. However, in the absence of such a reality, the provision of any security mechanism through a multilateral organization should be carefully examined and its provision well-strategized, in order to avoid a political backlash.

In the case of the UN's humanitarian operations in camps, the UN has consistently provided its Missions with adequate security personnel, either through peacekeeping missions or via the presence of a limited number of security forces that directly support humanitarian convoys and help maintain safety and security within and outside the camps. This practice is generally accepted by all parties in the various conflicts, including those inside the camps, since the UN operates with the approval of its member states. However, in the context of organized camps that are maintained and supported by private humanitarian organizations, the approach to providing security for the camps has shifted away from relying on national governments and toward the hiring of private security contractors. In fact, the increase in attacks on aid workers and refugee

camps in countries such as South Sudan, Syria, the Central African Republic, and the DRC has motivated many humanitarian organizations not to rely on governmental forces, but instead to rely on independent security services.

The use of private security contractors has therefore evolved, with attendant pros and cons. Besides the basic expectation of providing safety in the camps and securing the humanitarian infrastructure at the strategic level, this approach has proved to be operationally quite effective, since the security measures are defined and decided between humanitarian organizations and the security companies without the interference of third parties such as the government, and without bowing to the politics surrounding the conflicts. The work of private security contractors is also generally well-defined, with a clear scope and regional limits. Private security contractors could be more palatable for refugees in the camps, since those refugees might not want to deal with government forces and/or other regional forces. This is especially true if such armed groups have committed crimes, terrorized communities, or have been among the main instigators of massive human rights violations during a humanitarian crisis that has forced people to flee from their homes and communities. Additionally, humanitarian agencies could also use their relationships with private contractors as leverage to negotiate and interact with armed groups that oppose the government. They could build the case for their neutrality around the fact that they have no direct contact or dealings with government forces, and therefore, they should be granted the opportunity to help and assist those in need.

However, hiring private security contractors has a definite downside. If the conflict is escalating, and the government lacks a strong security service, the government might suspect that humanitarian groups are employing private forces as part of either a

strategy of infiltration, aiming to train and arm groups in the camps to later fight the regime. Alternatively, the government might suspect that the presence of contractors is a tool to actually exacerbate the conflict, or else a political statement to sabotage the government's sovereignty. Moreover, there is always an assumption that private contractors would be ethically responsible and act with dignity within the camps. However, the chances are great that they might also misbehave, since they may not be bound by the host country's legal regime, and they might operate outside of the public accountability mechanisms that are supposed to report the conduct of national and international actors during times of humanitarian assistance. A private security contractor also has its own code of conduct, which is established by its headquarters, and most of the time, contractors follow their home country's legal regime. While the use of private security contractors could serve in helping international humanitarian organizations to fulfill their objective goals, there is always a strong possibility that their presence in the camps may cause more harm than good. While the question of who should provide security for the camps continues to be debated, what matters the most for the refugees and IDPs is the existence of a space of security and safety; the question of who should provide it comes later.

In the current security and political situations of Africa and the Central Africa region, camp security provided through independent contractors would be more likely to succeed when the camps are established as short-term dwelling places and as a temporary solution to an IDP and refugee crisis. However, imported security services from private contractors are unlikely to last if this displacement is happening in a context of prolonged conflict, and in a context where the camps are progressively transforming from short-

term dwellings into long-term communities. After all, the average refugee spends 17 years in camps.<sup>174</sup> With this average timeframe in mind, it is imperative to revisit the mechanism of the provision of security, as well as the concept of the camps. The overarching question to be addressed is this: do the camps still exist for the primary reason for which they were established? If not, what is the most appropriate new definition for the camps, as well as for the type of services and structure that they provide?

In addition to the provision of security, life in the camps is also dependent on the presence and active socioeconomic contributions of international and regional humanitarian organizations. These multidimensional and multifaceted contributions help to move the people from a status of vulnerability toward resilience, while promoting the socioeconomic inclusion of IDPs and the refugees. In the DRC and other countries in the region, the practice of socioeconomic assistance to refugees and IDPs has primarily focused on short-term relief programs, rather than allowing those in camps to develop. Because the work of humanitarian agencies is generally oriented towards the short-term, it is reasonable to expect that those agencies' operations exclusively serve the purposes of short-term assistance. However, given years of conflicts in the DRC and the never-ending cycle of instability, the international community and regional actors are beginning to consider mechanisms of transition and the sustainability of programs among refugees who seem to know the camps or host communities as their only homes. This transition toward long-term planning requires that all actors, including the IDPs and refugees, be

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<sup>174</sup> Devictor, Xaxier and Quy-Toan Do. "How many years do refugees stay in exile?" *The World Bank: Dev4Peace*. (September 15, 2016)

included in the strategic planning and development of initiatives that would support these endeavors.

An ideal situation for transition purposes would be to use local, or at least national, providers. Having local humanitarian providers could aid in the development of humanitarian strategies that are simultaneously attuned toward recovery and community development. These strategies could be effective in the provision of both socioeconomic assistance and security mechanisms. However, the institutional deficit and the lack of appropriate resources due to conflict may lead to the necessity of employing foreign actors to provide the needed assistance. While this assistance helps communities survive and recover from a humanitarian crisis, the ideology developed by foreign countries regarding humanitarian assistance, which is seen as an extension of their foreign policy and strategic interventions around the world, continues to negatively impact the effectiveness of humanitarian work in camps. The notion of IDPs or refugee camps in the twenty-first century should be revisited, and the ideology underpinning humanitarian interventions in camps must be rewritten.

### **When Home Does Not Exist**

Since the early days of the twenty-first century, discussions regarding the future of refugees and how to deal with the refugee crisis have focused on how best to address the main causes of displacement, provide basic, necessary aid relief, and plan for refugees and IDPs' potential returns to their homes, communities, or countries. These discussions and questions are happening in a setting in which more and more Western countries, who were formerly welcoming and proactive in working with the Organization of International Migration (OIM), the United Nations High Commissioner of Refugees (UNHCR), and other international humanitarian agencies to resettle refugees, are

becoming reluctant to continue hosting them within their own borders.<sup>175</sup> One of the reasons advanced for this change in attitude and policies has been the rise of terrorism attacks and radicalization that are associated with forced migration. Nationally, some Western nations such as the U.S. justify their policies by arguing that without updated security mechanisms, welcoming refugees would merely mean importing new threats, which could expose their homelands to the risk of internalizing radicalization and potentially creating homegrown terrorist attacks. The Berlin attacks, the Paris attacks, and other sporadic attacks perpetuated in Europe have created a sense of fear, and at the same time, have generated the rise of nationalistic politics that are fed by the narrative of them-versus-us.<sup>176</sup>

While it is true that the increasing movement of refugees and IDPs around the world can create security threats which should be taken seriously, it would be unjust to ignore the fact that one of the primary reasons for massive forced migration, as well as people being forced to live in camps, is the insecurity and humanitarian crises created by conflicts. It would be hard to believe that people would be moving in such massive numbers if conflicts were not occurring. While threats to national security, mainly threats to the physical infrastructure of many fortified Western countries, are used as arguments to justify their unwillingness to welcome refugees, it is equally true is that the threats to the human security of those fleeing their home countries are even greater. After all, refugees are often sequestered in camps, and most of the time are forced to live without appropriate resources. On top of the national security argument, the role that racism or

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<sup>175</sup> Ostrand, Nicole. "The Syrian refugee crisis: A comparison of responses by Germany, Sweden, the United Kingdom, and the United States." *J. on Migration & Hum. Sec.* 3 (2015): 255.

<sup>176</sup> Chakelian, Anoosh. "Rise of the Nationalists: A Guide to Europe's Far Right Parties." *New Statesman* 8 (2017).



racist-based ideologies play in excluding refugees from being admitted into Western countries or integrating into their societies should not be ignored. Racism has recently been a big part of the picture in European politics. For instance, in Germany, countries such as Serbia, Macedonia, and Bosnia and Herzegovina have recently been categorized as safe countries of origin, meaning that refugees from these countries can be legally denied entry into Germany. This ‘politics of exclusion’ is partially anchored in the national security argument, but on the ground, experts argue that it is more motivated by racist ideology promoted by the right-wing movement.<sup>177</sup> Therefore, metrics such as race, religion, and ethnicity should be considered in order to properly shape Western governments’ response toward refugees beyond simplistic political arguments. The dilemma of promoting national security versus protecting the lives of millions of refugees leads to the important issue of what to do with the camps and their occupants. Addressing this issue beyond mere words would require a clear global commitment developed around inclusive solutions.

Whether the focus is on camps that were established during conflicts or on camps that continue to exist years after conflicts have ended, the issue of what to do with the camps and their occupants is decidedly important. The traditional, simplistic approach to refugees in camps has often been to plan and organize for their return and reintegration into their communities and nations. However, with the new ideological shift in many Western and other developed countries, the process of refugee resettlement has become these countries’ last resort. Given all of this uncertainty and the recent changes in policies

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<sup>177</sup> Seiffert, Jeanette. “German refugee policy a mix of integration and exclusion.” *Deutsche Welle*. November 11.2013

and priorities, the implementation of innovative approaches that look toward the future of camps and their occupants (IDPs and refugees) is critical. These concerns would be better approached based on the following question: “what should be done if refugees’ homes no longer exist?” The answers to this question can help clarify the prerequisites of refugees’ and IDPs’ return and reintegration, but most importantly, they can also illuminate the possibility of empowering refugees to move away from the “homelessness” mentality, especially since many of them have lived in their host communities for decades. Additionally, this question would also provide an opportunity for the empowerment of host countries and communities to adapt to the shift and be able to successfully deal with these changes.

As highlighted in the above argument regarding the philosophy of camp settings, camps have historically often been considered a quick and short-term fix. Humanitarian agencies and policymakers did not often ask the question of “what’s next”. They instead focused on shortsighted suggestions and planning for the return and reintegration of refugees. They based their strategies on the small light of hope rising in refugees’ home countries or communities, which was their reason for considering the use of return and reintegration strategies. However, the Great Lakes region of Africa and the DRC continued to suffer from the back-and-forth of displacements and the migration of refugees and IDPs, due to the never-ending presence of politically orchestrated conflicts.<sup>178</sup> This region presents clear evidence that the idea of returning and reintegrating people into their home countries should be based on a sustainable peace that is supported by strong security parameters over a certain period of time. In the region’s

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<sup>178</sup> Branch, Adam. "Humanitarianism, violence, and the camp in Northern Uganda." *Civil Wars* 11, no. 4 (2009): 477-501.

current political and security context, the narrative of returning and reintegrating refugees and IDPs would not be appropriate, nor will reintegration come about soon, since the villages and cities of origin for many refugees no longer exist. Some were simply destroyed, but other communities and lands have been transformed into mines that were controlled by armed groups and later bought by foreign investors interested in the mining business and the exploitation of other natural resources. While armed groups would conduct artisanal mining activities, these foreign investors used small-scale mining investments to take ownership of the land and establish their business presence. This occurred at the expense of the communities' safety and stability.

Such an occupation not only affects the landscape of communities that refugees and IDPs would have to return to, but the process of mining also destroys people's perception of home. The places that they called home no longer exist, and their communities would probably never be rebuilt in the same geographic location. After all, the land to which they had a physical attachment has disappeared, and their homes or communities have become an imaginary reality. Asking these people to go home would be counterproductive and no different from mental and emotional torture, only reinforcing their memories of what was lost and their sense of hopelessness. Home, or at least the concept of home as a geographic place they can return to, does not exist for many. While away from their homes and trying to integrate into their new communities and cities, which happen to be the camps, many refugees have become mentally and emotionally disconnected from their geographic homes and embraced these new places as home. This disconnect has become an ongoing and undeniable truth. Therefore, new

ways of seeing and bettering the lives of millions of refugees in the region and around the world must be found, beyond the simplistic strategy of return and reintegration.

Geographically, the concept of home and citizenship should be revisited. In fact, as I highlighted in the chapter on the crisis of identity, not only have people become denationalized, but they have also moved far from their homes, cities, and countries. For those people who have lived in the camps for decades, who have reached a level of resilience and are able to sustain themselves without totally depending on foreign and external support, a new paradigm to address their needs, the reality of their communities, and their sense of home must be developed.

Perhaps this new model could be called a “*humanitarian-development assistance*” paradigm. Such a paradigm would not be merely circumstantial, as is often the case for humanitarian aid, but would be developed as policy and as an operational framework that is designed to be implemented in coordination with humanitarian agencies and development organizations during conflicts. This strategically coordinated intervention would help to protect and improve the long-term socioeconomic condition and security of both the displaced people and their host communities, while reviewing the stability conditions of their home countries or communities. The Australian Minister for Foreign Affairs, the Hon. Julie Bishop, put forward a similar approach in what she calls the New Aid Paradigm. She argued that within this new paradigm, “*aid will be dedicated to promoting prosperity, reducing poverty, [and] lifting standards of living, thus enhancing stability in our region. Ours will be a responsible, affordable and sustainable aid programme.*”<sup>179</sup> My vision of a “humanitarian development assistance” paradigm follows

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<sup>179</sup> Australia. Minister of Foreign Affairs. *Speech*, February 26, 2018. (Accessed February 27, 2018), [https://foreignminister.gov.au/speeches/Pages/2014/jb\\_sp\\_140618.aspx](https://foreignminister.gov.au/speeches/Pages/2014/jb_sp_140618.aspx)

four critical steps, called the “*humanitarian development assistance stairs*.” These stairs include the following parameters: 1) home country governance analysis, 2) midway intervention, 3) security parameters, and 4) agency recovery. The final step would be critical in measuring the probability and feasibility of implementing the return and reintegration processes.

#### *Home Country Governance Analysis*

In a home country governance analysis, any discussion of the future of refugees and of the camps would have to consider the governance system in the places of origin of the displaced people, using the sustainability of institutions and the level of political will among actors as principal parameters of analysis. In addition, the level of emotional and cultural attachment of refugees or IDPs to their home countries or communities would be an important component of the governance analysis parameter. Theoretically, the relevance of this step is based on the idea that the return and reintegration process would be much easier if the politics in refugees’ countries of origin were fixed and those countries’ stability had been restored. In this case, the effective return and reintegration of refugees and IDPs would be subject to the restructuration and reestablishment of functional local and national institutions. For such a return and reintegration to take place, the availability and sustainability of the local institutions that would serve communities must be proven,<sup>180</sup> implying that national and local political actors must

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<sup>180</sup> Chimni, Bhupinder Singh. "From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems." *Refugee Survey Quarterly* 23, no. 3 (2004): 55-73.

demonstrate their willingness to improve the living conditions of those who could not find hope and safety during the years of conflict.<sup>181</sup>

Therefore, the first step of the humanitarian development assistance staircase should focus on conducting objective assessments of the abilities of existing local and national political powers and foreign actors to restore security and provide necessary assistance to the returnees through strong institutions. These assessments would have to show a positive trend and a reasonable level of confidence that returning refugees would not be exposed to new types of violence and bad governance. Additionally, refugees would have to feel confident in their countries of origins' institutions for the process of return and reintegration to be considered a possible solution. Returning people to their home communities against their will would not be any different from their previous forced displacement as a result of conflicts. The primary difference would be that this new forced migration would appear to have a certain sense of legality or legitimacy due to the nature of the actors, international humanitarian agencies and similar international organizations, who have gained trust based on their work.

### *Midway Intervention*

Midway intervention addresses the planning and development of intervention strategies that serve as relief mechanisms, ensuring that they contain a clear path toward transitioning from humanitarian crisis response to development and recovery processes. While the logic of a home country governance analysis is limited to the assessment level and conducted in the post-conflict period, the logic of midway intervention would not only extend after the crisis to when the “end” of the camps is envisioned, but it would

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<sup>181</sup> Hammond, Laura. *This Place Will Become Home: Refugee Repatriation to Ethiopia*. (Cornell University Press, 2004).

also be included in the intervention's planning stages and be integrated within the actors' conceptualization of humanitarian policies and agendas. This innovative approach to humanitarian practices and the life of camps would mean that from the very first moment of the intervention, humanitarian agencies and policymakers would have a clear framework that would serve as a road map and reference for monitoring and evaluation, as well as an exit strategy.

The critics of current humanitarian practices point out that, in many instances, actors fail to develop clear exit strategies or fail to plan beyond their immediate operations.<sup>182</sup> Such criticisms have been made in reference to the cases of Somalia in 1992 with Operation Restore Hope,<sup>183</sup> to the NATO intervention in Libya,<sup>184</sup> or to Afghanistan<sup>185</sup> at both the military and aid levels. Therefore, the concept of midway intervention conveys a message to all stakeholders and humanitarian actors that humanitarian assistance is not a lasting and final solution, and that the mindset of humanitarian agencies and every other institution operating in the humanitarian field should be oriented towards the long-term. The Trump administration intends to use a similar approach in the work of USAID, in what Mark Green, the new USAID administrator, calls "strategic transitions."<sup>186</sup>

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<sup>182</sup> Western, Jon, and Joshua S. Goldstein. "Humanitarian Intervention Comes of Age: Lessons from Somalia to Libya." *Foreign Affairs* (2011): 48-59.

<sup>183</sup> Clarke, Walter S. *Learning from Somalia: The Lessons of Armed Humanitarian Intervention* (Routledge, 2018).

<sup>184</sup> Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *International Security* 38, no. 1 (2013): 105-136.

<sup>185</sup> Ayub, Fatima, and Sari Kouvo. "Righting the course? Humanitarian intervention, the war on terror and the future of Afghanistan." *International Affairs* 84, no. 4 (2008): 641-657.

<sup>186</sup> Rose, Sarah, Erin Collinson, and Jared Kalow. "Working Itself Out of a Job: USAID and Smart Strategic Transitions." Policy Paper. (Washington, DC: Center for Global Development, 2017).

In the DRC, observers have noted that even when well-designed approaches to humanitarian assistance were followed, local communities and returnees could not sustain their lives without the presence of aid assistance. This dependency came into place due to a lack of strategic planning; agencies did not consider humanitarian assistance to be periodic in its nature, nor as a service that would necessitate a transitional plan if it had to be stopped. Additionally, many of these communities could not live without aid because the mechanisms of intervention had been developed and implemented through a political lens rather than considering the socioeconomic aspects of the intervention, which could have helped with the transition from the short term toward long-term sustainability.

#### *Dynamics of Security Parameters*

The third step in the process is to assess the dynamics of security parameters. Apart from economic refugees who left their countries and communities due to the lack of economic opportunities, the majority of the people currently in refugee/IDP camps are victims of violence or insecurity. Most of them received no protection from their own governments, and they had no other alternative than to look for refuge outside their home countries or communities. From this standpoint, the effectiveness of any return and reintegration process would largely depend on the nature of the security conditions that have been established in refugees/IDPs' home countries or places of return.

Apart from the silencing of guns, the assessment of security parameters would include the nature of military reforms, the behavior of the integrated forces, and the promotion of law and order in refugees/IDPs' home communities, or in communities where they could be settled after leaving the camps. Sending back people to their home countries or communities would be counterproductive if the threats that made them leave



are still present.<sup>187</sup> If the threats have decreased, an evaluation should be made regarding whether or not it is safe to go ahead with the return and reintegration process, by comparing the camps to the level of security and confidence in the continued stability of the places of return. If the camps seem much safer and more secure than the communities where refugees and IDPs would be sent, the process of return should not be implemented. Hence, the dynamics of security parameters as part of the overall humanitarian reintegration and return process should be analyzed in a comparative fashion between the camps and their communities of origin, or between the camps and any other potential place of resettlement. Once the dynamics of security parameters are established, the final step in the process and logic of return and reintegration is “agency recovery analysis.”

#### *Agency Recovery Analysis*

While the three previous steps of the proposed humanitarian development assistance paradigm focused on structural and systemic measures, the agency recovery analysis would examine the mental and psychological predisposition of refugees and IDPs to the idea of returning to their home countries or communities. Years of conflict and violence have had emotional and traumatic impacts on the lives of many displaced people, if not on all of those who had no other choice than to find refuge in foreign communities or countries. These past traumatic experiences are important catalysts that should inform policymakers and humanitarian agencies on how soon and how appropriate it would be for people to return and reintegrate into their home communities. Even if the structural parameters were all in place, with strong local institutions and a good governance system, it should not be ignored that the primary reason for

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<sup>187</sup> Long, Katy. "Home alone? A review of the relationship between repatriation, mobility and durable solutions for refugees." *UNHCR/PDES Evaluation Report, PDES/2010/02*(2010).

humanitarian action and assistance is people, not institutions. Victims of violence or of any other form of instability should always be placed at the center of humanitarian planning and policy design. Developing strategic interventions that would impact the lives of refugees without their own consent and participation should be considered as a type of human rights violation, which ultimately reinforces the dehumanization processes that have been operating since the first day of the conflict in question.

It is of utmost importance to emphasize that giving life to the discussion about the future of the camps and the process of returning and reintegration of refugees/IDPs would depend on how these four steps are best integrated into the philosophy of camp settings and social reintegration. In some instances, home as a physical environment can be rebuilt; however, the most important part of this process is whether refugees and IDPs still consider those places to be their homes. Their emotional connection or disconnection to these places should inform the decisions to be taken regarding their future. The psychological dimension is a critical element of return and integration in the context of humanitarian assistance. Only when the victims are given an opportunity to decide on their future and define what home means for them can talks begin about the recovery of agency and the process of repatriation.

### **Investing in the Future: Regional Policy Parameters**

The future of the camps, and that of the refugees, depends on the possible nature of investments that could be promoted both within and beyond the camps. History has shown that when refugees are given the chance to explore economic opportunities and be active participants in the future of their host communities, growth and transformation can take place. For instance, the following article demonstrates the fulfillment of that exact goal:

*the influx of refugees has been a stimulus to the development of natural resources. The Liberian refugees in the forest region of Guinea contributed to local agricultural activity despite the accusation of deforestation. In the same way, Sudanese refugees around Gambela in Ethiopia were hired on state cotton plantations in Abobo and in surrounding Anuak farms. As for the Ugandan refugees in southern Sudan in the mid-1970s, they formed a supply of very cheap manpower responsible for an increase in farming output. In eastern Sudan, Eritreans around Kassala have also been at the origin of a twelvefold increase in fruit and vegetable production in twenty years, and this without taking into account animal husbandry.*<sup>188</sup>

These examples demonstrate cases in which refugees have served as agents of change and development in their host communities, which is indeed a counter-narrative to the many unsubstantiated political narratives that blame refugees for every form of wrongdoing in their host communities. In fact, beside the short-term focus on aid relief, any other type of socioeconomic assistance provided to refugees will directly or indirectly impact the future and sustainability of their host communities, as well as that of their communities or countries of origin.

One of the examples of such assistance to their home countries is the increased number of remittances that have come from the countries where refugees have resettled or the places where they have been displaced. Separating the remittances that come from refugees from the remittances of those who have already integrated into their host communities is not easy; however, it has been shown that the diaspora from the Sub-Saharan Africa region sent an estimated \$38 billion to their countries of origin in 2017, which was expected to increase to \$41 billion in 2018, according to the World Bank.<sup>189</sup>

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Montclos, Marc-Antoine Perouse de, and Peter Mwangi Kagwanja. "Refugee Camps or Cities? The Socio-Economic Dynamics of the Dadaab and Kakuma camps in Northern Kenya." *Journal of Refugee Studies* 13, no. 2 (2000): 205-222.

<sup>189</sup> World Bank Group. Press release. *Record high remittances to low- and middle-income countries in 2017*. April 23, 2018. <http://www.worldbank.org/en/news/press-release/2018/04/23/record-high-remittances-to-low-and-middle-income-countries-in-2017>.

This underscores the argument that many economic refugees and those affected by conflict seem to feel a moral obligation to assist their communities through whatever opportunities they come across.<sup>190</sup>

In fact, whether refugees come to identify themselves exclusively with their host communities, or whether they maintain ties to their communities or countries of origin, the focus of humanitarian assistance should be turned toward making sure that humanitarian aid empowers its beneficiaries to create long-term sustainability, rather than dealing with a “here-and-now” type of intervention. While it could be argued that an implicit goal of humanitarian agencies has been to make sure that their aid allows beneficiaries to become progressively more independent, it is also true that communities expect aid assistance to lean more towards long-term investment. Unfortunately, the aid model implemented throughout the Central Africa region has yet to move in this direction.<sup>191</sup> This difficulty is not exclusively due to the lack of an effective aid model; rather, the nature of conflicts is also to blame, as are the politics surrounding the design and implementations of humanitarian assistance policy.

Globally, humanitarian agencies struggle to keep their objectives and missions intact as they continuously try to adapt to the changing agendas or strict requirements of their donors, while at the same time trying to navigate a shrinking funding space.<sup>192</sup> A

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<sup>190</sup> Vargas-Silva, Carlos. “Literature Review: Remittances Sent to and from Refugees and Internally Displaced Persons.” KNOMAD Working Paper Series. 2016. (Accessed February 5, 2018) <http://www.knomad.org/sites/default/files/2017-04/KNOMAD%20WP%2012%20Lit%20Review%20Remittances%20tofrom%20Refugees%20and%20IDPs.pdf>

<sup>191</sup> Moyo, Dambisa. *Dead Aid: Why Aid is Not Working and How There is a Better Way for Africa*. (Farrar, Straus & Giroux Inc, 2010).

<sup>192</sup> Wakolbinger, Tina and Fuminori Toyasaki (2014). “Impacts of funding systems on humanitarian operations”. In Tatham, Peter and Martin Christopher. *Humanitarian Logistics: Meeting the Challenge of Preparing For and Responding To Disasters*. Great Britain and United States. Kogan Page Limited; 2nd ed. (2014): 41-53.

very limited number of donors, such as the Common Humanitarian Fund (CHF), Switzerland, and the Netherlands, have developed flexibility in the use of funds granted to humanitarian agencies and their operations,<sup>193</sup> which leaves room for effectiveness and efficiency in responding to the unpredictable needs and crises that people experience. However, it is rare to see such flexibility granted by other donors. Beyond funding constraints, humanitarian agencies continue to face security and political obstacles in the field, which are sometimes exacerbated by host countries that refuse to guarantee free and neutral operations.

In addition to these factors, which are mainly linked to the actions of national and international actors, the standard humanitarian intervention model has failed to consider socioeconomic investment as an integral component of humanitarian assistance and recovery. Only recently have the World Bank and the IMF, along with other international and specialized regional institutions such as the African Development Bank, begun initiating dialogues and research that highlight humanitarian crises as one of the obstacles to global or regional economic and financial growth.<sup>194</sup> Following these dialogues, the UN and World Bank have argued for the importance of finding areas of convergence among diplomatic, security, and development instruments, all of which are seen as needed elements in the advancement of a stability framework.<sup>195</sup> The World Bank alone has committed \$14 billion in 2018 to its Fragility, Conflict, and Violence (FCV) program

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<sup>193</sup> Note: Paper on “Donor Conditions and Their Implications For Humanitarian Response”. Produced by the Inter-Agency Standing Committee (IASC) Humanitarian Financing Task Team. April 2016.

<sup>194</sup> Bousquet, Franck. “Bridging the humanitarian-development divide on famine response.” *World Bank: Dev4Peace*, July 18, 2017.

<sup>195</sup> United Nations; World Bank. *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*. Washington, DC: World Bank. 2018. © World Bank.  
<https://openknowledge.worldbank.org/handle/10986/28337> License: CC BY 3.0 IGO.

to develop and implement effective responses. Even with such a commitment, some could still question if the principal rationale for such intervention is humanitarian in nature, since the Bank is an economically oriented institution. However, this objection should not be the sole reason to ignore or reject such encouraging global initiatives. Decision-makers must ensure that even if economic agendas are being promoted, the meaning and fundamental principles of humanitarian assistance are respected and advanced without compromise. This advancement is critical to monitor, since many international actors are slowly moving toward the development of economic projects with long-term impacts, as part of the new inclusive approach to humanitarian assistance in fragile states.<sup>196</sup> Since such an inclusive approach, which would allow financial institutions to operate in situations of conflict and promote humanitarian recovery through economic initiatives, is still at its preliminary stage and has yet to be successfully implemented, now is the time to establish strong parameters of implementation that will not jeopardize the ethic of humanitarian assistance or exploit victims of conflicts for economic and financial gain.

In the Central Africa region and specifically in the DRC, the idea of humanitarian investment in the future should be seen through the lens of regional policies that simultaneously address the problems of security, economic, and regional integration. This idea would not last long or produce positive results if the focus is exclusively on security, as has often been the case, or if these areas of intervention are approached in isolation. In fact, while political agreements have often been reason for major celebrations among

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<sup>196</sup> World Bank. International Development Association. Operational Policy and Country Services (OPCS) and Resource Mobilization Department (FRM). *IDA15: Operational Approaches and Financing in Fragile States*. June 2007.

policymakers and political actors in the region, especially if they announce the end of hostilities and create a platform for societal recovery and the potential return of refugees and IDPs, the future of the affected communities and the displaced people would nevertheless depend on the presence of an effective and inclusive humanitarian intervention framework that has been developed to improve the lives of refugees and IDPs. Additionally, the idea of investing in the future cannot be dissociated from the questions surrounding the future of the camps as physical structures. In fact, when camps are transformed into new and permanent communities or cities, it would be necessary to initiate a new economic development model that would reflect the needs and resources of the camps as new communities. While the current, traditional understanding of camps still sees them as temporary dwelling places, the increasing awareness of humanitarian crises and refugees' living conditions is leading the world to rethink and revisit the notion of humanitarian intervention and assistance.

The International Conference of the Great Lakes Regions of Africa (ICGL) seconds this idea by suggesting that stability and humanitarian recovery in the Central Africa region would require a complex, systemic approach. This approach could use the regional mechanism that was developed at the ICGL's behest as part of a multi-stakeholder peacebuilding strategy, which was championed by governments in the region. This mechanism, functioning as a regional policy framework, is known as "the pact on security, stability and development in the Great Lakes Region".<sup>197</sup> This pact, or policy, provides hope for humanitarian recovery and sustainability in the region through its economic and infrastructure development strategies. Its central objective is the creation of

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<sup>197</sup> International Conference on the Great Lakes. *Pact on Security, Stability and Development in the Great Lakes Region*. Nairobi (December 15, 2006).

*conditions of security, stability, and sustainable development between the member states.*<sup>198</sup> This concerted regional objective implies that member states within the region, including those affected by conflicts and instability, should promote an environment in which every citizen, including refugees and IDPs, is safe and empowered. The pact does not explicitly mention the issue of refugees and IDPs, or the issue of the camps; however, a suitable operational framework for these issues could be implemented as a regional economic and infrastructure development framework, which would guide the economic and investment aspect of any humanitarian effort. Enshrining this as an important and regionally accepted policy would also ensure that stakeholders within and outside the region understand the importance of incorporating economic arguments into security and humanitarian strategies.

Outside the camps, the DRC has proven unable to promote peace and economic initiatives in an integrated fashion. The obvious security consequences of this failure in the country show the importance of the use of sustainable economic initiatives for people who live in conditions of fragility, or in the camps. While the idea of return and reintegration is still being considered, the alarming regional consequences of this failure to incorporate economic aspects into the humanitarian framework have perpetuated instability and underdevelopment in the camps, making the repatriation of people to their home countries or communities impossible due to nonexistent economic structures or the lack of available resources. The ongoing economic instability affects the political situation and perpetuates a climate of fragility and social instability, which continues to be a recipe for local violent conflict.

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<sup>198</sup> Idem.



Within this context of fragility and economic instability, the World Bank and IMF have invited themselves into this humanitarian space with economic initiatives that would help promote security in camps, address the issue of infrastructure deficiencies, and enhance the ability of refugees and people in conflict situations to develop resilience within or outside the camps. To support this initiative and mitigate the risk of relapsing into fragility, new financing mechanisms approved by the World Bank include \$2 billion to support refugees and host communities, as well as \$2.5 billion to spur private enterprise. While the majority of humanitarian groups approve and support such a significant investment by the Bank, critics argue that the move would be unproductive and a waste of money if this funding is mainly spent in research and in organizing workshops in Washington, D.C. or other countries without the participation of the affected population, or otherwise without concrete action that is directed towards addressing human suffering and economic vulnerabilities. In fact, this new approach could be extremely important if, beyond infrastructure development and economic initiatives that rest mainly in the hands of foreign entities, long-term assistance is guaranteed through educational and entrepreneurial opportunities. At this stage, the synergy between the World Bank, UNICEF, and the Ministries of Education in the programs' host countries becomes crucial. Working together effectively, these organizations could address the question of funding, access to quality education, and the relevancy of the curricula that are designed and promoted. Such an approach could only be effective if the overall question of what to do with the camps was addressed at the regional level. On this note, the future of the camps should be considered from the following two perspectives.

First, camps that have lasted for decades and have seen an increase in size and population should be considered and structurally managed as new cities, meaning that they should be progressively transformed and integrated into their host communities' or countries' economies. This transition would necessitate updates in the camps' infrastructure and social services, as well as in the nature of citizenship engagement to be developed between the refugees and their host communities. This structural and systemic transformation should not be confused with the question of social identity, which is mainly anchored in political debates and historical context. In fact, many past attempts to deal with the camps and ensure the sustainability of their infrastructures were unsuccessful, because the debate was dominated by the identity factor instead of focusing on systemic and structural changes. For instance, both the Kakuma refugee camp in Kenya, which was established in 1992,<sup>199</sup> and the Bidi Bidi refugee camp in Uganda, which has become the world's largest refugee camp,<sup>200</sup> could qualify for this innovative approach whereby camps are transformed into new cities and their informal economic activities are progressively included in the formal economy. While racist or ethnicity-based opposition could still emerge as an obstacle to the implementation of such a strategy, little doubt remains that the existence of a conscious political will would be indispensable to its success. One of the advantages of this systemic approach is its transferability and adaptability to different regions and socioeconomic realities.

Second, for camps that are temporary in nature, the focus of outside investment should be directed more toward empowering refugees and IDPs by teaching them

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<sup>199</sup> UNHCR/Kenya. *Kakuma Refugee Camp and Kalobeyei Integrated Settlement*. (Accessed February 26, 2018) <http://www.unhcr.org/ke/kakuma-refugee-camp>.

<sup>200</sup> Hattem, Julian. "Uganda at breaking point as Bidi Bidi becomes world's largest refugee camp." *The Guardian*. April 3, 2017.

marketable skills that could serve their home countries as they return from the camps, or that will give them economic leverage in the countries where they eventually resettle. The regional orientation of this approach could be promoted through ICGL's regional priority list, which intends to promote the following:

*cooperation and economic integration by harmonizing and coordinating national and regional policies with relevant regional economic communities so as to improve stability and economic competitiveness, and to reduce poverty; developing common infrastructure in the areas of energy, transport and communications; promoting local regional integration by strengthening multi-sectoral cooperation and solidarity among the border' populations of neighboring States.*<sup>201</sup>

I argue that this argument can be extrapolated and applied within affected regions where humanitarian chaos has occurred. A potential pitfall of the ICGL approach is the fact that the ICGL paradigm was designed at the macro level and developed by its member states, without the participation of humanitarian agencies, local communities, or international development institutions. While macro initiatives would be suitable for situations in which camps are transformed into cities, and would attract potential investors on projects such as infrastructure development, banking, energy, and more, ensuring a sustainable livelihood for refugees and IDPs requires that micro-level initiatives be promoted among the vulnerable populations. While macro initiatives would help build systems and structures, micro initiatives would help people rebuild and recover their agency and identity, which is critical for both their social reintegration and survival after conflicts. Investing in the future therefore means investing in systems, structures, and people. The future of humanitarian action in conflicts and post-conflict regions, as well as the effectiveness of its operations, will be guaranteed if a permanent integrated

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<sup>201</sup> International Conference on the Great Lakes. *Pact on Security, Stability and Development in the Great Lakes Region*. Nairobi (December 15, 2006).

framework for stability is developed, followed, and promoted by both states and non-state actors at the international, regional, and local levels. The effectiveness and hope of humanitarian action lies in how humanitarian organizations can best address these fundamental issues of identity, institutions, military integration, and the future of the camps.

## **CHAPTER 6 : CONCLUSION**

The search for stability and peace remains central to the political environment within the DRC. Despite some positive economic progress observed in the region and in the country, the future of the region is still characterized by its fragility and the potential for a relapse into violent conflict due to many unaddressed situations, including the multidimensional manifestations of humanitarian crises. Moreover, the DRC's humanitarian crises have yet to be effectively addressed as consequences and promoters of insecurity and violence. To the question of what to do with this crisis in the DRC and the broader Central African region, I argued that stability and recovery are contingent on the use of innovative approaches to humanitarian and security issues, based on the use of the humanitarian-security-development paradigm as an inclusive operational framework. I provided a path to humanitarian recovery by arguing that effective solutions should incorporate pre-colonial security dynamics, the place and role of identity within the humanitarian discourse/strategies, the determinants of transitional public security (TPS), and the various dynamics regarding the return and re/integration processes, into one operational framework. This framework should be sustained by the effort to build strong local institutions as a critical component of the sustainability of operations. My combination of sociological and political approaches in the areas of humanitarian recovery and security dynamics departed from previous attempts in the field, which were based on and informed by national political dynamics such as the pursuit of peace agreements or power-sharing as pre-conditions (in some instances as the ultimate pre-condition) for the manifestation of peace. I demonstrated that these politics and strategies have failed to respond to the cries of those people living in camps and fragile communities, and that effective solutions must apply multidimensional and multi-layered

approaches to security and humanitarian recovery. I also argued that these approaches to security and humanitarian action should be informed and owned by the experiences and voices of the victims who are most directly affected by these crises, and who are the primary beneficiaries of these multidimensional international efforts.

### **Security and Society**

To the issue of the persistent insecurity that has led to and maintained humanitarian chaos and a state of fragility in the region, I have argued that the effective promotion of security and the restoration of stability in the DRC and the Central Africa region will require the modern security and humanitarian framework (strategies) to incorporate traditional pillars of stability and security as they existed in pre-colonial Africa. For centuries, stability in the region was guaranteed by means of traditional agreements between kingdoms and ethnic groups, as well as through cultural values and practices that lay at the center of human interaction. These dynamics of collaboration and the indigenous beliefs in local and traditional hierarchies provided stability in communities and helped maintain peace. While most of these norms were not codified, they were considered binding due to the values and consideration put into the principles of traditional indigenous agreements. Therefore, I argued that since many conflicts in the region are rooted in ethnic rivalries, as well as in competing economic and political interests between nation-states, political elites, and other local and regional actors, restoring security would also require that security and humanitarian responses be informed and developed based on a combined dynamic that unites traditional indigenous dynamics and modern strategies. This combination would be supported by an integration of the sociological and political approaches to security and humanitarian response.

With an emphasis on humanitarian chaos as the result of insecurity and violence in the DRC, I argued that an effective humanitarian operational framework should, in addition to the sociological and political approach, be designed and implemented following a combined macro and micro strategy. From this perspective, I advanced and supported the view that the design of humanitarian policies and strategies, whether at the national or international level, must be informed by local voices (or victims' voices) and dynamics. In fact, this combined strategy is central to addressing the issues of chronic insecurity and instability that have been engendered by colonial societal destabilization and maintained by a combination of bad governance and selfish competition for economic and political interests. Societal destabilization, which consisted of an effort to remove or abolish the primary customs and institutions that existed in colonies in favor of the imported foreign mode of governance, was a deliberate strategy of colonial expansionism. This expansionism was ideologically anchored in the view that the effectiveness of the newly created nation-states in Africa would necessitate the systemic dismantling of traditional and local indigenous structures. This gave rise to my argument for reconsidering these dismantled structures and entities in the pursuit of stability. I also argued that anchoring security and humanitarian strategies in local dynamics would have the merit of providing solutions that addressed the failures of many previous security and humanitarian interventions, which promulgated strategies that were not relevant to local contexts or that ignored the place of pre-colonial dynamics in the broader security recovery framework.

In addition, the downplaying of the humanitarian consequences of local conflicts that did not generate regional spillover impacts has kept parts of the DRC in a state of

local fragility, and has ultimately fueled the increasing movement of IDPs and cross-border migrations. To this issue, I argued that an appropriate, effective response would be to consider every local conflict as a regional threat. Within this view, I argued that humanitarian crises should be viewed as maximum threats to regional stability. The merit of such an approach would be the ability of actors to mobilize appropriate resources and address the root causes of conflicts rather than just the symptoms, in addition to addressing the rising tension between regional actors. This evidences the critical need for a regional political and security framework to address humanitarian crises. To the applicability of this approach, I supported the view that the solution to these humanitarian crises and the promotion of security recovery in the DRC and the Central Africa region would be best realized within the organizational and operational context of the AU.

### **Identity in Humanitarian Chaos**

To the problem of identity crises as a result of humanitarian crises and massive forced displacement, I developed the concepts of de-nationalization, de-patriotization, and hybrid identity as a way to understand, analyze, and solve the problem of identity crises. I defined denationalization as a voluntary or involuntary social and structural circumstance that forces people to progressively lose their national identity and embrace another form of identity; in this case, the identity is that of a refugee. I demonstrated in this chapter that the failure of the DRC and the international community to guarantee safety and security for civilians in the country and the region has supported this process. As a concept and social reality, I argued that the construct of an identity crisis is orchestrated and supported by three main factors. The first is *geographic*: because the victims have been separated from their home countries and compelled to embrace the camps as their new homes,



many have mentally and emotionally disconnected from their old national identity by embracing their new identity as refugees. To address this crisis and reverse the trend by starting the mental process of renationalization, I argued that the first step would be for the DRC's government to regain full territorial control by asserting its sovereignty through effective means of coercion. The absence of sovereignty and of state authority will otherwise continue to cause forced migration and denationalization. Second, the process could be reversed, and the victims' pride in their national identity recovered, once state authority has been restored and the link between the refugees and their country of origin reestablished. If the government can successfully establish functional institutions that guarantee safety, security, and social services to its population, particularly those who have been forced to run for their lives, this link would be rebuilt and its credibility proven. The second main factor is *administrative*. In this chapter, I presented the view that from an administrative viewpoint, this process is promoted by the humanitarian agencies and host countries that have the ability to serve refugees. I argued that the process of denationalization is triggered by the act of registering and listing refugees in the camps. While this registration intends to recognize victims as beneficiaries of aid and facilitate the effective delivery of that aid, it also accelerates the victims' transition from their old identity to a "refugee" identity. I argued that long-term, strategic humanitarian interventions should provide appropriate skills to victims to help them recover their agency and self-determination, which will help to break the tie of humanitarian dependency. As long as this dynamic of dependency exists and the camps are maintained without a prospect of transformation, denationalization will be the norm, and victims will remain locked in their camps with their future in the hands of aid

providers. The third main factor is *cultural elements*, which I argued play a major role in the process of denationalization. One of the most difficult steps to undo in the process of denationalization is the part that comes from social interactions, shared values in camps, and shared pains or hopes. This cultural element reflects the sociological argument of humanitarian crisis, which unfortunately is regularly ignored in the processes and strategies of humanitarian recoveries.

De-patriotization is another concept and reality that I developed and analyzed as part of the identity crisis construct. De-patriotization is frequent among IDPs, who feel most comfortable retreating into social structures such as their clan, tribe, or ethnicity due to the manifest lack of protection by their national government. The lack of adequate support for IDPs in the camps continues to reinforce their feeling of national rejection and therefore fuels the promotion of selective identity, which shifts from their national identity to their tribe and ethnicity. This growing sentiment of disconnection from pride in one's national identity, and the consequent shift to more selective, less inclusive group identities, constitutes a potential threat to the security and long-term stability of the DRC. Similar to denationalization, a solution to the de-patriotization process would also have to start with the restoration of state authority and its ability to serve victims and render justice. This identity crisis can be fixed if the government engages in effective institutional recovery. Failing to stop this retraction into ethnic groups and tribes will continue to weaken the existing state of fragility in the DRC, which partly emanates from ethnic rivalries. I therefore contended that it is critical, within the perspective of humanitarian recovery, for strong national institutions be rebuilt to stop denationalization or de-patriotization before they occur. In cases where these processes are already

happening, rebuilding these institutions would be critical for reestablishing people's trust in the government and in constructing a platform for social reintegration. On the security front, I advanced the view that individual and societal risks that could emanate from both processes, such as refugees and IDPs' recruitment into various armed forces or the risk that they may commit 'lone wolf' acts of terrorism, must be acknowledged and addressed within the humanitarian response framework. In other words, identity crises that manifest in the forms of denationalization or de-patriotization must be addressed as part of the broader humanitarian and security crisis.

The other manifestation of identity crisis is what I called the *hybrid identity crisis*. This crisis manifests primarily among those people who were born in the camps and who now live without a nationality or social affiliation. Apart from the real security threat that many of these people could pose, I argued that it is more constructive to look into ways of addressing their emotional and mental struggles, which mainly occur due to their non-existent identity. An operational response to this issue would be to provide social and psychological support designed to bolster their humanity and sense of identity. To reconstruct their citizenship, I argued that adding ethnic and sociological determinants of identity into the DRC's humanitarian assistance framework would help move thousands of people from a state of "hybrid identity" toward a well-recognized identity. This would build up a strong mechanism of inclusion that would mitigate the security threats and other major negative consequences that occur as a result of identity crises. As opposed to nationality and patriotism, which are constructed based on administrative affiliations and emotional (moral) attachments, I argued that the use of ethnicity as a factor of inclusivity

and identification would be suitable for the case of hybrid identity, since ethnic affiliations are automatically gained at birth.

I also argued that the spillover effects of these identity crises constitute an important security issue to be addressed. Issues of cross-border migration, the transference of vulnerability, the depletion of resources in host communities, the perpetuation of the cycle of poverty, and intercultural or social conflicts are all threats to regional peace and stability that come with humanitarian crises. Within the broader context of the humanitarian and security crisis of the DRC and in the Central Africa region, it is critical to depart from previous strategies that narrowly focused on addressing political issues, and to also include the social and economic consequences of violence as principal areas of the crisis. While the old approach helped provide logistical support to victims and restored political institutions, it is unfortunately true that it has failed to provide sustainability and long-term recovery because it did not consider identity factors to be an integral component of humanitarian and security solutions. To ensure peace and the restoration of stability, I contended that relying on Pan-Africanism would be the best approach to the issue of identity crisis and humanitarian recovery. Pan-Africanism encapsulates a suitable regional identity, “African”, which could be easily embraced and accepted by people in the region despite their national or ethnic differences. In fact, beyond political and economic factors, the construct of social identity created through the Pan-Africanism approach could strengthen people’s sense of an individual social identity, apart from the part of their identity that is based on their nation. This approach would address all three types of identity crisis that I highlighted above, and would provide a

continent-wide response to what otherwise would be seen only as a local issue, or to some extent a regional one.

### **Institutions and the Crisis**

The lack of viable institutions or the illegality of the existing ones continues to undermine the effort to develop strong humanitarian strategies, as well as the process of ensuring that humanitarian aid sparks a long-term societal transformation. Institutional deficits also serve to reinforce humanitarian dependency. On this issue, I argued that effective recovery and long-term sustainability are strongly associated with the nature of institutions and the role of actors that are involved in communities during and after conflicts. These diverse institutions include organizations in civil society, government entities, church and traditional leaders, humanitarian agencies, and armed groups. This last group deserves special mention. While their complex, diverse roles, their unconventional *modus operandi*, and their often antagonistic agendas can block the implementation of effective strategies for peace and recovery, I developed the concept of *humanitarian legitimacy* as a way to recognize their presence, influence, and role during conflicts, and to establish mechanisms of cooperation that would help humanitarian agencies save lives and promote stability. Humanitarian legitimacy is therefore articulated around three major factors: legitimacy based on action, legitimacy based on territorial control, and legitimacy based on legality. While these forms of legitimacy confer recognition upon actors, I considered them to be “circumstantial legitimacy”, which cannot be transposed outside the places and communities where they are applied.

I contend that legitimacy based on action would elevate the humanitarian conversation to the level where policymakers and humanitarian actors who are involved

in and help decide the fate of conflicts reflect on whether it is still morally and practically acceptable *not* to grant temporary or circumstantial legitimacy to both negative and state forces, knowing that such legitimacy would save lives and avoid the perpetration of crimes and the prolonging of humanitarian crises. Since granting such legitimacy without preestablished conditions will only exacerbate the situation, I suggested that legitimacy based on action be granted only once the following criteria are satisfied: (a) respect for humanitarian law, (b) the protection of civilians, (c) facilitation of access to vulnerable populations under siege, and (d) cooperation with local, national, and international humanitarian organizations to ensure that necessary assistance is provided to the population. I argued that this approach would have the merit of focusing exclusively on humanitarian agendas and the neutrality that is implicit in such work. At the same time, it will also minimize the never-ending political discussions about the legitimacy of state and non-state actors during conflicts, which is especially salient in the DRC due to the sheer number of armed groups operating there.

The second aspect of humanitarian legitimacy is based on territorial control. I argued that in this context, the focus should be on finding ways to engage and cooperate with armed groups (including militias), as well as other legal and non-legal organizations (institutions) that have effective control of the territories and communities where people need assistance. The effectiveness of this legitimacy will be built upon the following matrix: (a) acknowledging the actor who has territorial control as the main interlocutor, (b) avoiding the promotion of legal and international norms as prerequisites for humanitarian assistance and/or cooperation, especially when the lives of civilians are in danger and the actors with full territorial control do not show flexibility in embracing

humanitarian laws, and (c) focusing on requesting access to the site for only one purpose: “saving lives and providing necessary assistance to the population”. Even though there is a moral argument to be made regarding the practice of humanitarian legitimacy based on territorial control, I supported the view that it is imperative, based on the security and humanitarian dilemma in the DRC, to make deals with negative actors for the sake of stability and the protection of civilians. This innovative approach to humanitarian issues expands our understanding beyond the narrow, old-fashioned ideology that the state is still the only legitimate actor with a monopoly on the power of coercion and territorial control. While legality can be challenged, territorial control is a fact and a reality that cannot be ignored.

The third aspect of humanitarian legitimacy is the one based on legality. I established this legitimacy based on the argument that the lack of legal status for many organizations, mainly local ones, constitutes a major obstacle to their operations and effectiveness. This lack also hinders the progress of humanitarian efforts conducted by international humanitarian agencies who cannot find formal/legal local partners to work with. I therefore contended that in places where some organizations have been granted the legality to operate, humanitarian actors should embrace them as potential partners in hope of filling the gaps left by institutional deficits. As opposed to the previous two forms of legitimacy, this last one is unlikely to meet with much resistance, since it is based on formal recognition by states or any other competent authority.

Furthermore, while humanitarian legitimacy as discussed would facilitate the provision of appropriate assistance to victims and devastated communities, the sustainability of operations and the trend toward long-term recovery also depend on the restoration of

critical societal infrastructure, principally human capital. In fact, addressing institutional deficits from this perspective would help overcome the complexity of humanitarian crises, establish a new path in the philosophy of humanitarian engagement, and minimize the negative effects of labels (such as negative forces) put upon actors by and within the arena of nation-states. This would also lead to new dynamics of humanitarian and security engagements between government entities, armed groups, and other formal and informal actors in conflicts as a means to restore security and build peace.

### **Transitional Public Security in Humanitarian Recovery**

The DRC and its international partners have relied mainly on political solutions to violent conflicts, rather than investing in the ability of the national armed forces to win wars and stop insurgencies. This lack of victory in the field and the use of military integration as part of political deals to end conflicts has not led to sustainable peace and continues to exacerbate the DRC's status of fragility, as well as humanitarian chaos in the country. Approaching the DRC's crisis through the lens of TPS, I argued that while political will and agreement are both important determinants of peace and stability, the operationalization of military integration and the application of TPS mechanisms in humanitarian recovery is critical. These mechanisms should be based on the following parameters: (a) the logic of rebuilding the army, (b) the issue of military behavior after integration, and (c) the consideration of mechanisms for the provision of justice and their institutionalization.

Following the logic of rebuilding the army, which focuses on the administrative, logistical, and political factors that surround the work of military integration and structuration, I argued that it is imperative for a centralized chain of command to be



established in the newly formed brigades. Doing so would progressively establish mechanisms of accountability, promote order and discipline among the troops, and mitigate the use of child soldiers and other human rights violations, such as the use of rape as a weapon of war. This structural restoration of the defense forces should be complemented by a strong approach to military behavior post-integration, which would focus on behavior toward the hierarchy or structure, the psychological well-being of the military, and behavior toward civilian communities. While the merging of armed groups as a security and humanitarian strategy could standardize the military structure and provide a professional *modus operandi* for the troops, I have argued that civilian-military relations must be at the center of this new structure and its military guiding principles. The restoration of a healthy civil-military relationship could be aided by assisting former militia members/fighters in the recovery of their moral and mental stability, while at the same time placing an emphasis on reestablishing the social bond with communities in which crimes were committed or facilitated by those in the army. In the DRC, civilians see their relationship to the military as a relationship of oppression or terror, instead of safety, trust, and protection. I stand therefore on the view that applying the behavioral approach to military integration would help restore this broken relationship. Until this dynamic is reversed, humanitarian stability and public security will not be fully established.

Additionally, in the pursuit of political agreement and stability, one of the least effective aspects of the past security framework was the promotion of military integration at the expense of justice. Peacemakers had promoted the view that peace and justice were incompatible in humanitarian recovery mechanisms in the DRC. I rejected this view and

argued that even though justice is still a struggle and a sensitive issue to be carefully tackled, the application of TPS in humanitarian recovery processes must be supported by a strong, apolitical justice system that can promote accountability for crimes and provide reparations in communities. In the DRC, this should be implemented following unbiased mechanisms of transitional justice that are based on principles of restorative justice.

Addressing humanitarian and security issues by integrating the practice of TPS into the operational framework is critical, since it will enforce the provision of security beyond structural changes, and it will minimize political manipulations and external influence in the pursuit of stability and peace in the country and region.

### **Camps: Our Home for Now**

Beyond humanitarian crises and all the major political, institutional, and security mechanisms developed to restore peace and stability, I stand by the view that the future of humanitarian assistances and operations in the twenty-first century will be determined by the services provided to the displaced people living in camps or other communities where they have taken refuge. Traditionally, the guiding philosophy of camps was based on a short-term concept of their existence, even though the reality and ramifications of conflicts have lasted longer than expected, which has led to the maintenance of camps beyond their initially projected lifespans. This philosophy and the consequent short-term operational planning have failed to provide a path to effective humanitarian recovery. To reach a sustainable solution, I have argued that it is crucial to first articulate the philosophy and dynamics of the camps from the perspective of the victims.

Beyond the perception of camps as physical infrastructure designed to house the displaced, victims of violence and conflicts embrace the camps as shelters from violence,

persecution, and vulnerability. For them, the camps are spaces where their mental well-being can be progressively restored, and their inner safety is guaranteed. This leads to the view that it is important, if not imperative, that the nature of the assistance provided and the programs that are developed for refugees and IDPs be directed toward their emotional well-being in addition to their physical safety. This should be on the agenda of all actors involved in providing support and funding for the camps. Doing this would support the ethical and vital trend of making humanitarian action a people-centered pursuit.

While examining the idea of return and re/integration, which is seen as a potential solution to humanitarian recovery, I developed an assessment whose parameters are seen as important for the future of the camps, but more importantly, which are embraced as a foundation upon which the mechanisms of return or the re/integration process should be built. These parameters or determinants include the parameter of home country governance analysis, the logic of midway intervention, the dynamics of security parameters, and the logic of agency recovery.

I argued that in the parameter of home country governance analysis, one should look at the nature of the governance system in the displaced people's countries or communities of origin by using the *sustainability of institutions* and the level of *political will* among actors as the principal factors of analysis. The strength or weakness of both factors would serve to inform decision-makers about whether the time is right to start the process of repatriation or re/integration. Second, using the logic of midway intervention, I argued that it is critical to take a long-term perspective on the *planning* and *development* of intervention strategies that include relief mechanisms, with a clear path toward transitioning from humanitarian crisis response to development and recovery processes.

This strategic planning has been missing in humanitarian philosophy, since traditional perceptions and operational planning have focused on short-term fixes of what unfortunately happen to be long-term, multidimensional issues. Similar to home country governance analysis, I also argued that the dynamics of security parameters should help in the assessment of the security conditions of refugees' home countries/communities, before the process of dismantling the camps or returning refugees begins. Lastly, I argued that once the institutional parameters are all in place and the security assessment has been completed, the practice of humanitarian recovery, especially at the level of re/integration, should be highly informed by the parameter of agency recovery. While in certain instances this could mean retrieving refugees/IDPs' ability to be self-sustainable, in this context I argued that agency recovery must be measured based on the mental and psychological predisposition of refugees and IDPs to the idea of returning to their home countries or communities of origin. Their levels of readiness should be the determining factor in the final decision to move forward with the process, as well as any decisions affecting the future of the camps.

### **What's Next?**

Embracing humanitarian efforts in the 21<sup>st</sup> century means being willing to embrace the complexity of issues that conflicts bring. Beyond the political and security dynamics that have been at the center of humanitarian debate and practices for so long, it is crucial that an integrated approach to humanitarian issues be developed. This approach, the humanitarian-security-development paradigm, could serve as an umbrella under which security factors, identity crises, institutional deficits, TPS, and camps' issues are tackled as part of an overall humanitarian framework. While there is hope for long-term stability

through this innovative framework, it is also important to keep in mind that the road to humanitarian recovery is a long one with many steps, and only courageous leaders manage to stay on it beyond the early excitement and praise generated by media attention and public advocacy. This critical time in humanitarian action calls for a multidimensional, multi-stakeholder, and participatory approach to the provision of sustainable humanitarian and security solutions.

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