

**UNIVERSITY OF NAIROBI**

**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES (IDIS)**

**A CRITICAL ANALYSIS OF NATURAL RESOURCE MANAGEMENT IN THE  
CONFLICT ZONES: A CASE STUDY OF THE DEMOCRATIC REPUBLIC OF  
CONGO (DRC).**

**NAME: OUKO ANNE AKINYI  
REGISTRATION NO: R52/81682/2015**

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**2017**

**DECLARATION**

This research project is my original work and has not been presented for any other academic work award in any other institution of learning.

Signed: ..... Date: .....

**OUKO ANNE AKINYI**

**R52/81682/2015**

This research project has been submitted for Examination with my approval as University Supervisor.

Signed: ..... Date: .....

**Kisiangani Emmanuel (PhD).**

**Supervisor:**



## **DEDICATION**

This work is dedicated to my loving parents Martin Ouko and Christine Anam, and my brother Joseph Ouko, whose words of encouragement and push for tenacity ring in my ears, their patience, encouragement, love and concern made it possible for me to research pieces of my work. For the many sacrifices, you made and many sufferings you endured when I gave all my academic work. Kindly accept my work as a token of my appreciation for your support to me.

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## **ABSTRACT**

DRC has experienced conflicts that have affected the populace in various ways. Conflict in DRC has been linked with natural resources, and this has led to the use of natural resource management strategy in managing of conflict in DRC. Although, natural resource management has been used, conflicts are still experienced in DRC. Concerns have been raised on the effectiveness of natural resource managements in managing conflicts in DRC. Thus this study sought to analyze the nature and dynamics of natural resource management in conflict warring zones by taking a case study of DRC. Specifically, the study was guided by the following objectives: to assess the nature and dynamics of natural resource management in conflict Zones in the DRC, assess the natural resource conflict zones in Africa and assess whether there are any resource management models from other conflict zones that the DRC can learn from. The study was based on two structural conflict theory and environmental scarcity theory. The study was a sample size of 12 participants, with purposive sampling used to select. The study was based on qualitative research methodology, and did use document analysis as the research method. The study established that there exists many conflict zones that have experienced resource related conflicts. The study also revealed that predominantly the nature of resource management in DRC is top based. Further, the findings showed that DRC can adapt community based resource management that has proved successful in some African countries. The study concluded that natural resource management is still limited in its effectiveness to manage conflict in DRC. The study recommends the need to adopt community based resource management that fits the context of DRC.

## **LIST OF ACRONYMS**

DRC: Democratic Republic of Congo

CBNRM: Community based natural resource management

NGO: Non-governmental organizations

MNOCs: Multinational oil corporations (MNOCs)

NRM: Natural resource management

CRD: Congolese-Rally-Democracy

ICD: Inter-Congolese-Dialogue

KPCS: Kimberley-Process-Certification-Scheme

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## 1.0 Introduction to the Study

Blattman and Miguel observe that the post-World War II period has experienced civil wars, commonly known as intra-state wars that have resulted in over one-thousand battle fatalities in a single year.<sup>1</sup> They note that the last half of the 20<sup>th</sup> century witnessed a steady rise in armed conflicts which climaxed in the early 1990s<sup>2</sup>. However, in the 21<sup>st</sup> century, the trend has declined. Most of the conflicts are intra-state in nature, with the occurrence of civil war dominating Africa, which is also the poorest continent in the world.<sup>3</sup> In the last sixty years, around twenty million people have died because of intra-state war<sup>4</sup>. Armed conflicts result in destruction of human capital and physical infrastructure, mass displacement of people, weakening of the rule of law and also lead to the outbreak of pandemics. In Africa, besides being pervasive, internal conflicts over resources have been persistent<sup>5</sup>.

Natural Resources in Africa play a significant role in providing raw materials for manufactures and industries; acting as a source of income to persons and states; and accounting for around 40% of low income countries wealth, most of them located in Africa.<sup>6</sup> Instructively, however, persons coming from resource-bearing communities often do not profit directly from these resources. They, instead, often experience unnecessary hardships, conflict and vulnerabilities<sup>7</sup>. The implication of resource exploration and exploitation in Africa goes beyond the territory where they are located.<sup>8</sup>

Resource conflict can occur within the household, at local, societal, regional and international levels, some of the resource conflicts may cut across the different levels. For instance, conflicts occurring at a local level may spill to the national and international levels.<sup>9</sup>

Proper management of the vast natural resources available on the African continent is therefore, critical to spurring economic growth and development. Africa's abundance in resources is reflected in the fact that by 2009, 12.9% of global oil was emanating from the continent. This is besides the immense exploration that has since been underway in different

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<sup>1</sup> Wright, Claire, and Salvador Martí i Puig. 2012.

<sup>2</sup> Le Billon, Philippe. 2005.

<sup>3</sup> Must, Elise. 2017.

<sup>4</sup> Le Billon, Philippe. 2005.

<sup>5</sup> Bernauer, T., T. Bohmelt, G. Spilker, and V. Koubi. 2013.

<sup>6</sup> Kennedy, Joan, and Joanne Vining. 2007. "Natural Resources Conflicts".

<sup>7</sup> Wright, Claire, and Salvador Martí i Puig. 2012.

<sup>8</sup> Elbadawi, Ibrahim Ahmed, and Raimundo Soto. 2014.

<sup>9</sup> Wageningen, N, De Leeuwenborch, H Erwin, N Christa, and Hollandseweg Brunnschweiler. 2009.

parts of the continent. Despite the enormous proceeds from the continent's resources, most African countries have not witnessed a corresponding improvement, particularly in the localities where the resources are found. Instead, most of the areas endowed with resources are characterized by underdevelopment and constant conflicts<sup>10</sup>.

Countries such as Liberia, Angola, Democratic Republic of Congo (DRC), Ivory Coast, Sierra Leone and the Central African Republic (CAR) have experienced cruel civil wars perpetuated by natural resources. Several oil producing countries such as Morocco, Angola, Nigeria and Colombia have experienced civil wars associated with natural resource<sup>11</sup>. A report released by the UN in April 2001 regarding the exploitation of resources and other types of wealth in the DRC, observes that the rate of deforestation intensified between 1998 and 2001 because of Rwandan and Ugandan firms' exploitation of timber. Equally a second report released by UN on October 02 2006 on the DRC underscored the exploitation of country's natural resources as a central factor in the perpetuation of conflict in the country. It recommended the development of a natural resource management framework as part of the peace framework for the DRC<sup>12</sup>.

Places such as Cambodia, Myanmar and Afghanistan civil wars have been fueled by other forms of resources such as gemstones. Equally, drugs such as coca and opium have propagated armed conflicts in Colombia, Peru, Afghanistan and Myanmar while timber has played a significant role in the conflicts in Liberia, Cambodia, DRC and Liberia<sup>13</sup>. This study examines the question of natural resource management in the conflict zones by taking an example of the Democratic Republic of Congo.

### **1.1 Problem Statement**

The DRC has, for some time now, been dogged by wars and instability despite numerous local, national, regional and international endeavors to stabilize it. Various peace deals have been signed aimed at bringing about peace and stability including the July 1999 Lusaka six-nation ceasefire, the DRC-Rwanda July 2002 amnesty and the January 2008 government-rebel accord but the country especially its Eastern side remains predominantly plagued by

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<sup>10</sup> Kennedy, Joan, and Joanne Vining. 2007.

<sup>11</sup> Mthembu-Salter, Gregory. 2010.

<sup>12</sup> Burnley, Clementine. 2016.

<sup>13</sup> Ibid

insecurity<sup>14</sup>. The failure of numerous ceasefires to restore peace in the region is a key indicator of deep unresolved issues. The unresolved problems propagate inter-group hatred, distrust of the people and communities vis-à-vis the nation and problematic relations between DRC and her neighbors. Although most of the problems can be traced back to the colonial period, the linkage with natural resource has gained prominent attraction in various reports and studies<sup>15</sup>.

The recognition on the significance of natural resources in the DRC conflict ensued in the launch of various initiatives to address the role of minerals in spurring the conflict. The efforts have involved tracking and vetting the supply chain for minerals, governance of conflict minerals, and development of legal structure to mitigate manage resource in DRC<sup>16</sup>. However, in spite of efforts to recognize the role of minerals and their management in the conflict and conflict management process, the nature and dynamics of natural resource management in the DRC remains vague. This study thus attempts to address this gap by bringing out analyzing the mechanisms of natural resource management in conflict in the DRC and their contribution to managing the conflict in the country.

## **1.2 General Objective**

The general objective of this study is to analyze the nature and dynamics of natural resource management in conflict warring zones by taking a case study of DRC.

## **1.3 Specific Objectives**

The study will be guided by the following specific objectives

- To assess the nature and dynamics of natural resource management in conflict Zones in the DRC.
- To assess the natural resource conflict zones in Africa.
- To assess whether there are any resource management models from other conflict zones that the DRC can learn from.

## **1.4 Research Questions**

- What are the natural resources found in conflict zones in the DRC?

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<sup>14</sup> Counsell, Simon. 2008. *Forest Governance in the Democratic Republic Of Congo*.

<sup>15</sup> Mthembu-Salter, Gregory. 2010. "Natural Resource Governance, Boom and Bust.

<sup>16</sup> Ibid

- What is the nature and dynamics of natural resource management in the conflict zones in the DRC?
- How is natural resource management in the DRC conflict zones contributing to peace building?
- Are there resource management models in other conflict zones that the DRC can learn from?

## **1.5 Literature Review**

### **1.5.1 Natural resources**

Natural resources, commonly known as minerals refer to raw materials that are naturally available without human intervention. On the contrary, the WTO (World Trade Organization) defines minerals as scarce and economically viable materials that essential for consumption or production in their raw state or after processing. As such, the minerals provide essential needs for humans and support life on the planet. The World Trade Organization, defines natural resources as “stocks of materials that exist in the natural environment that are both scarce and economically useful in production or consumption, either in their raw state or after a minimal amount of processing”. In other words, these naturally occurring substances, found in the earth’s ecology, support life on earth and help to meet people’s needs<sup>17</sup>.

Natural are categorized into renewable and non-renewable resources. Renewable resources refer to replenish able substances such as water, sunlight, trees and wood. However, some of the renewable resources can be depleted. On the other hand, non-renewable or resources refer to substances that cannot be replenished. Some of the finite exhaustible resources include mineral deposits such as cobalt, coal, inter alia, coltan, crude oil, diamond, gold, natural gas and fossil fuels, among others. Economically, such resources are used in production of valuable substances<sup>18</sup>.

### **1.5.2 The geography of natural resources**

Classification of minerals in terms geographical location is still a debatable and problematic subject. While modern literature disaggregates minerals, thus, treating the resources as a single valuable, few systematic approaches have been identified to develop a classification scheme by scholars such as Lujala, Buhaug and Gates and Ross among others. Although the

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<sup>17</sup> Kennedy, Jonathan. 2014. .

<sup>18</sup> Lipow, Jonathan, and Francois Melese. 2012.

scholars focus on the physical dimension of minerals, however, the researches disconnect on how physical aspects need to be classified. Equally, the scholars disagree on the social aspects of resources.<sup>19</sup>.

Geographic concentration focuses on the dispersion or concentration of resources in a particular area, thus, determining how easily minerals can be controlled and looted. Le Billon, posits that the ease of access of resources, thus enhancing lootability, plays a significant role in funding conflicts. In terms of accessibility, extracted minerals are preferred by conflicting sides. Notably, unlike manufactured goods and agriculture, minerals are spatially fixed; therefore, they cannot be relocated. Consequently, rebels seek to establish their bases in the contested areas and attempt to control extraction points and transport routes through taxation and looting<sup>20</sup>. Besides the significance of geographical location of resources in terms of conflict, the social-historical product associated with political economy and social construction of minerals plays a significant role classification of minerals over conflict. As such, the role of minerals in conflicts is determined by social aspects such as price and value placed upon minerals. Therefore, dependence on resources should not be used as determinant to conflicts because the desirability and value of resources is shaped by commodity chains and the international market. For example, although diamonds are apparently valueless, however, the industrial use of the minerals makes them to be the highest priced commodity in the industry<sup>21</sup>.

### **1.5.3 Conflict**

Conflict is a common occurrence of human and social relations. A clash of values based on the difference in attitudes, values, interests, goals and orientation of individuals groups and nation-states mainly fuels conflicts. In particular, the inability individuals groups or countries to resolve their differences or conflict of values, notably, their incompatibility is the bottom-line of all conflicts. Therefore, conflicts designate the disintegration of interpersonal, intergroup and inter-nation relations. Some of the characteristics of conflicts include an intense interaction that supersedes normal competition. Consequently, the irreconcilability of

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<sup>19</sup> Bannon, Ian, and Paul Collier. 2003.

<sup>20</sup> Wegenast, Tim C., and Matthias Basedau. 2014.

<sup>21</sup> Lujala, Päivi. 2010. "The Spoils of Nature: Armed Civil Conflict and Rebel Access to Natural Resources".

opposing positions or objectives results in aggression or frustration, which at times may exhibit or lead to war or violence which is an extreme form of conflict<sup>22</sup>.

Conflict refers to a perceived difference of interest, or a conviction that the present ambitions of a group cannot be realized simultaneously. On the contrary, Burton defines a conflict as relationship whereby each member perceives the goals, interests, behavior, and values of others as adversative to their own. Consequently, in this research, conflict refers to a clash, struggle or interaction between at least two players resulting from the incompatibility of ideas, values, preferences and goals, whereby, one player seeks to neutralize, conquer or eliminate others so as to achieve a defined objective<sup>23</sup>.

#### **1.5.4 Relationship between Natural Resources and Armed Conflict**

Conflict can be fueled by the distribution and revenue of natural resources. As such, the motivation framework can convincingly describe the resource-armed conflict relationship. Notably, the rebel-government conflict is caused by alleged unfair access, inadequate distribution of benefits from natural resources and lack of control over such minerals. The motivation of the rebels is to enhance distribution of minerals in terms of access, control and revenue. On the contrary, the government's motivation is to use force to avoid losing control over revenue and valuable minerals<sup>24</sup>. Armed conflicts characterized by the distribution mechanism of minerals include both high value mineral conflict such as oil in Nigeria's oil Delta and land ownership conflicts in rural areas of El Salvador. Various rebel groups, including the Nepal insurgents, use the unequal distribution and ownership of revenue from minerals to validate their fighting and marshal support. In turn, the insurgents promise various transformations including land reform in case they get power<sup>25</sup>.

Distribution mechanism based conflicts usually include aspects of horizontal inequality where some religious, ethnic or geographical based groups in mineral endowed areas anticipate getting a bigger portion of the resource benefits than they actually receive. While Walter (2004) argues that the motive behind armed conflict is insignificant in terms of

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<sup>22</sup> Ashby, Nicole, and Cathrine Neilsen-Hewett. 2012.

<sup>23</sup> Hegre, Håvard, and Håvard Mokleiv Nygård. 2015.

<sup>24</sup> Bannon, Ian, and Paul Collier. 2003. .

<sup>25</sup> Roy, Vita. 2016. "Managing Resource-Related Conflict".

explaining recurring conflict, however, Walter, contends that disputes over land are difficult to solve and must not be included in peace agreements<sup>26</sup>.

Additionally, mineral-armed conflict includes civil war funded by natural resources. Such resources include high value mineral such as diamonds or agricultural based resources and products. For instance, in Senegal, MFDC rebels used cashew nuts to fund their uprising. Equally, rebels have generated from export of Timber in Burma and illegal tariffs on logging in the Philippines. Furthermore, in Liberia, Angola and Sierra Leone 'Blood diamonds' are, used to finance civil wars<sup>27</sup>.

Ross, states that minerals provide financial to wage armed conflict, both for governments and rebels. Most violent conflict occurs in poor nations; access to revenue from minerals is, therefore, a significant economic tool for the insurgents. Resultantly, resource funded conflicts are always recurrent because it is difficult for the rebels to surrender such benefits. Therefore, as Stedman argues, minerals interfere with the peace process, particularly when the returns are better during wartime than in periods of peace<sup>28</sup>.

Ultimately, mineral-conflict mechanisms entail disputes where resources indirectly involved, but still exacerbate the course of civil wars by intensifying an already troublesome situation. The mechanism for aggravation entails different roles played by minerals in conflicts, but these functions differ from those defined by funding or distribution mechanisms. Some of these indirect triggers of conflicts include proximity to real or potential pipelines, environmental degradation and knowledge of mineral reserves<sup>29</sup>.

Notably, in the Caucasus region, the possibility of future revenues from oil and location of oil pipelines triggered the Abkhazia and South Ossetia conflicts in Georgia. Therefore, the determination of Russia to control Chechnya and contain the rebel groups in the area is partially motivated by the urge to guard these vital pipeline routes. Moreover, the rebellion

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<sup>26</sup> Rustad, Siri Aas, and Helga Malmin Binningsbø. 2012..

<sup>27</sup> Lujala, Päivi. 2010. "The Spoils Of Nature.

<sup>28</sup> Ibid

<sup>29</sup> Bernauer, T., T. Bohmelt, G. Spilker, and V. Koubi. 2013. "Do Natural Resources Matter For Interstate And Intrastate Armed Conflict?"

orchestrated by Tuareg's in Mali can be partially explained by the decline in living conditions because of droughts and desertification<sup>30</sup>.

In Nicaragua, rebels capitalized on the failed agrarian reforms and, thus, recruited dissatisfied peasant farmers. Consequently, such issues which are related to minerals have distorted conflicts and most likely interrupt the peace building process. Equally, over time, such indirect triggers are likely to become stronger and, thereby, accelerate conflict's course. Equally, in case natural resources do not provide opportunities for funding rebel groups or unequal distribution of mineral revenue is not the main motive for war; minerals may have a disturbing effect on a country's peace and stability<sup>31</sup>. For instance, in Congo Brazzaville, oil wells are located offshore and modern technology is required for extraction, thus, making difficult for rebel funding or mineral control claims less likely. Nonetheless, because oil revenue only belongs to the government, the fight for political control is the struggle for control over resources of oil. Resultantly, between 1993 and 2000, the Congo-Brazzaville armed conflict was on and off, with continuous shifts in government, largely because of the immense oil benefits of being in power<sup>32</sup>.

Although previous studies have been conducted on mineral-armed conflict relationship, this study supersedes previous studies that assessed if resources fuel conflicts by determining how the minerals affect armed conflict onset. As such, the thesis focuses on three primary considerations. One of the consideration involves determining what constitutes a mineral and why. Such an approach demands a profound understanding of minerals. Another consideration seeks to determine why and the mechanisms involved in minerals influencing armed conflict onset. Again, the research focuses on satisfying explanation on the relationship between natural resources and other causative factors in fueling armed conflicts onset. Therefore, this chapter seeks to explore how these considerations can be factored in the context of quantitative analysis of the natural resource-armed conflict onset relationship<sup>33</sup>.

In the past decade, availability of data and the polishing of the resource curse theory have made the mineral-armed conflict relationship to garner more attention in the scholarly world. However, there is a detachment regarding how this relationship transpires or the mechanisms

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<sup>30</sup> Binningsbo, H. M., and S. A. Rustad. 2012. "A Price Worth Fighting For?"

<sup>31</sup> Elbadawi, Ibrahim Ahmed, and Raimundo Soto. 2014.

<sup>32</sup> Ibid

<sup>33</sup> Espedal, Terje. 2017.

involved. This section focuses on examining the resource-conflict relationship. Presumably, one of the robust outcomes in the armed conflict literature is that oil abundance or wealth is connected to the armed conflict onset<sup>34</sup>.

Fearon and Laitin, advance the notion that dependence on fossil fuels exports raises the chances of conflict onset by ten percent. This outcome is particularly important in understanding conflict in Middle-Eastern oil region. Equally, while Ross, contends that oil wealth is a robust predictor of armed conflict, Hegre and Sambanis state that this theory is mainly applicable in smaller armed conflict rather than the robustness of the oil-conflict link. However, Hegre and Sambanis argue that this outcome could be caused by unsatisfactory proxy variables. Buhaug, supports the notion that conflict size moderates the outcome of oil on conflict. Other researchers question the oil-conflict relationship altogether and thus; argue that there is no distinct connection<sup>35</sup>.

The high value to weight ratio of Diamonds increases the likelihood of funding rebels and the government, thus, intensifying the role of minerals in armed conflict onset. For instance, Gilmore et al, focuses on the distinction between kimberlitic diamonds always occur in subsoil deposits and alluvial diamonds, which are found around riverbeds. Consequently, this distinction facilitates the likelihood of more systematic investigation on the role the social and physical characteristics of resource<sup>36</sup>.

The main significance in separating kimberlitic and alluvial diamonds is based on easily they can be obstructed and extracted. Unlike kimberlitic diamonds that require sizeable outlay to obtain, alluvial diamonds can be extracted more easily. This has led to the argument that areas dominated by alluvial diamonds are quick in experiencing conflict. This is as result of ease within which rebels can use rudimentary means to access such diamond for their benefit. Equally, Le Billon, focuses on three physical and social dimensions of diamond which include abundance, dependence and mode of production<sup>37</sup>.

According to Gilmore et al, diamonds coupled with the geological form of the minerals deposit plays a critical role in conflicts, particularly ethnic wars. Notably, the extractability

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<sup>34</sup> Hasan, Didarul. 2016. "Natural Resources, Conflicts, and Conflict Management".

<sup>35</sup> Kennedy, Joan, and Joanne Vining. 2007. "Natural Resources Conflicts".

<sup>36</sup> Koubi, Vally, Gabriele Spilker, Tobias Böhmelt, and Thomas Bernauer. 2014.

<sup>37</sup> Lipow, Jonathan, and Francois Melese. 2012.

of alluvial diamonds intensify the chances of conflict occurrence because they can be easily used to fund rebellion. On the contrary, Kimberlitic diamonds are likely to reduce the chances of war occurrence. Humphreys also concurs with the notion that diamonds probably intensifies the chances of armed conflict onset. However, the probability depends on abundance of diamond which is directly linked with alluvial diamond<sup>38</sup>.

Ross, argues that kimberlitic rather than alluvial diamonds are related to the onset of civil war. Notably, Ross posits that most armed conflicts occur in countries that produce substantial amounts of diamond. Equally, the distinction between kimberlitic and alluvial diamonds is most apparent, leading to debatable outcomes. Concisely, the current evidence on the role of diamonds in civil wars is inconclusive. However, there are indications, that the effects of diamonds, similar to oil, are linked to the social and physical characteristics in terms of abundance, dependence and mode of production. Therefore, in order to determine the diamond-armed conflict onset relationship, it is important to investigate kimberlitic and alluvial diamonds separately and separate between dependence and abundance of diamond<sup>39</sup>.

Based on numerous literature and popular media, conflicts are closely associated with timber, gemstones and drugs and other lootable commodities. Notably, between 1990 and 2000, conflicts occurred in five states producing diamond, three states exporting opium, three main states dealing with cannabis, and two states leading in coca trade. However, shortage of reliable data makes it difficult to determine the influence of the on the conflicts. Nonetheless, available evidence indicates that narcotics and gemstones are associated with the duration of conflict, but not to the initiation of war. Regarding the role of timber, minimal research has been conducted. Equally, there is an insignificant relationship between the role diamonds and civil conflicts<sup>40</sup>.

In addition, by examining conflicts in the 1990's various scholars established that there was no correlation between gemstone and initiation of conflict in gemstone producing countries such as Afghanistan, Burma, Sierra Leone and DRC, among others. Probably, rebels in DRC and Sierra Leone were motivated by gemstone, however, in other countries, the mineral became prominent years after the outbreak of conflict. In fact, in most situations, rather than

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<sup>38</sup> Lujala, Päivi. 2010...

<sup>39</sup> Mazin, Aleksandr. 2007. Resource Conflict in Africa

<sup>40</sup> Mazin, Aleksandr. 2007. "Resources and Conflicts". *Russian Politics and Law* 45 (6): 76-91..

initiate the war, the conflicts made warlords to depend on gemstone sales which was one of the few commodities that could be traded in the war-torn countries<sup>41</sup>. Equally, coca and opium played a similar role in the conflicts in Afghanistan, Burma, Colombia, and Peru. In fact, in Burma and Colombia, the civil conflict intensified drug production by creating an area that was outside the government's control. In Afghanistan and Peru, civil conflict and drug production were independently linked with the inability of the state to monitor remote rural areas<sup>42</sup>.

Although the minerals are not connected to the initiation of civil wars, they play a significant role in lengthening pre-existing conflict. For instance, Fearon, points that contraband resources (drugs or gemstones) are frequently found in a special class of separatist wars that usually last longer than other civil wars. Rose, lends credence to this notion by arguing that natural resource play a significant part in prolonging conflict wars, primarily by enabling the weaker party to obtain funds, thus, continue fighting. Moreover, Stedman, points that between 1987 and 2000, ceasefires were not successful in regions where valuable resources such as gem and timber were easily marketable, therefore, lootable goods lengthen conflicts<sup>43</sup>. In general, these studies show how the sale of gems or drugs allowed the weaker party to a conflict, usually but not always the rebel group to finance itself, and hence continue fighting instead of being crushed or forced to the negotiating table. Lootable resources have also made wars so profitable, thereby, making combatants to lose the incentive of reaching a peace accord<sup>44</sup>.

Although there is no statistical evidence on the significance of timber in civil wars, however, case studies indicate the extension of conflicts in Cambodia, DRC and Liberia may have been caused by timber export. However, lack of statistical exploration makes it difficult to determine whether this are isolated cases or part of larger pattern. Admittedly, between 1989 and 1995, timber and gemstone played a significant role in lengthening the civil war in Cambodia by funding the rebel Khmer Rouge, nonetheless, following a decline of timber sales in 1995, the group gradually fell apart, and by 1998 Khmer Rouge disintegrated. In Liberia, although insurgents under Charles Taylor obtained funds from timber sales, the trade

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<sup>41</sup> Ibid

<sup>42</sup> Mthembu-Salter, Gregory. 2010. Resource in Sub-Saharan Africa

<sup>43</sup> Must, Elise. 2017. Conflict Mineral and Governance

<sup>44</sup> Reuveny, R., and J. W. Maxwell. 2000. History of Conflict Resources

was only a small part of the leader's extensive diversification strategy that traded on anything that had market value.

According to Collier & Hoeffler, the link between agricultural commodities and civil wars is insignificant. Therefore, despite most civil wars occurring in poor countries that heavily rely on agriculture, it is rare for rebels to receive an insignificant amount of income from the sector. In situations where funds from agriculture have been apparent such as Liberia, DRC and Indonesia, the insurgents conducted fundraising activities across all sectors in the rural economy, thereby involving agriculture. However, agricultural commodities such as Opium and coca play a significant role in civil wars<sup>45</sup>.

Although scarce resources such as water can contribute to wars, most of the conflicts resulting from such resources are in the form of political tensions and disputes rather than armed hostilities. Results examine scarce resources show mixed results. For instance, Hauge & Ellingsen, point's freshwater scarcity, land degradation and deforestation play a significant role in armed conflicts. On the contrary, Theisen, contends that only extreme levels of land degradation increase the risk of civil conflict, whereas, water scarcity is completely insignificant. However, Hendrix & Glaser notes that land degradation is non-consequential, while water scarcity in Sub-Saharan Africa increases the risk of armed conflict<sup>46</sup>.

Urdal, points that land scarcity combined with high rates of population growth increases the risk of civil conflict to some extent. Besides, scarcity of potential agricultural land determines emergence of civil conflicts, particularly, when agricultural wages decline. Similarly, Theisen, asserts that there is no relationship between land pressure and civil war in Kenya. Moreover, Meier, Bond & Bond, point that increased vegetation instead of land scarcity increases the incidence of organized raids and by extension community conflicts<sup>47</sup>. Therefore, there is no concrete conclusion regarding the relationship between natural resource and civil conflicts.

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<sup>45</sup> Roy, Vita. 2016. "Managing Resource-Related Conflict". *Journal Of Conflict Resolution*,

<sup>46</sup> Rustad, Siri Aas, and Helga Malmin Binningsbø. 2012. "A Price Worth Fighting For?"

<sup>47</sup> Wageningen, N, De Leeuwenborch, H Erwin, N Christa, and Hollandseweg Brunnschweiler. 2009.

### **1.5.5 Natural Resources Management and Peacebuilding**

Natural resource management involves the formulation of policies, laws and decisions that guides resource use. Natural resource management development process involve the inclusion and interaction of diverse stakeholders in conflict zone. Natural resource management is thus a key player in meeting human needs. Human beings depend on natural resources and environment for their survival. As such the contribution of natural resources and environment permeate all aspects of the humans from conflict to peace building and conflict management<sup>48</sup>. Accordingly, Beevers, argues that the role of natural resource in conflict can be traced at attempts to control or gain access to limited natural resources. On the same note he argues that the role of natural resource in conflict management is linked to the level to which control of natural resource is gained rightfully and with the resources used to improve the living standards of humans<sup>49</sup>.

Environment and natural resource issues in peace building has been ignored by international community during and after math of conflict. This has been attributed to the complex process of peace building that tends to ignore other areas that may not be considered of much importance like sustainable peace. In addition, natural resource issues are usually seen as too sensitive in peacebuilding process. As a result it's often ignored and taken aback by actors and mediators in peacebuilding process. This has often resulted in natural resource management been viewed as long-term process and hence made to wait until the phase of reconstruction is over<sup>50</sup>.

Whereas factors associated with natural resources can cause conflicts the same factors when tapped can result into conflict prevention and peacebuilding. After a conflict, natural resources if well managed can translate to significant economic recovery of community members thus mitigating against the possibility of conflict reoccurring. Thus failure to respond to the management of natural resource in conflict zones can not only complicate sustainable peace building process but also the process of reconstruction in post conflict societies.<sup>51</sup>

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<sup>48</sup> Michael D. Beevers (2015) *Governing Natural Resources for Peace: Lessons from Liberia and Sierra Leone*. April-June 2015.

<sup>49</sup> Ibis

<sup>50</sup> McCandless, E. 2012. "Resources and Conflict Zones".

<sup>51</sup> Lujala, Päivi. 2010. "The Spoils of Nature".

UN has recognized the importance of integrating natural resource management into conflict prevention and management. However, this is at nascent stages in peace building efforts with current efforts dominated by demobilization, disarmament, meeting humanitarian needs and reintegration, rule of law and restoring order. Nevertheless, over the past few years UN has recognized that natural resource considerations is important in security and development. It has been argue that the changing nature of emerging security threats necessitates that natural resource management be integrated at all stages of peace building and conflict prevention processes. As a result of UN recognition that natural resource can contribute to peace building a number of compelling reasons for natural resource management in peace building have been argued.<sup>52</sup>

According to Mazin, proper management of natural resource can enhance positive development in conflict zones by providing community members with economic activities that they can engage in thus reducing their participation in conflict. This proposition is supported by Lulaja, who emphasizes the role of natural resource management in peace building through promoting economic development and supporting humanitarian needs thus enhancing coping strategies. Similarly, natural resource management is viewed as a critical contribution to sustainable peace building process since it facilitates dialogue, cooperation and confidence-building<sup>53</sup>. Natural resources are usually the underlying cause of conflict and therefore any attempts to bring them to the center stage of peace building process addresses the interest of conflict actors. This is usually important in cases where common property resources exists such as forests, fisheries among other. In such cases conflict takes the form of trans boundary which makes natural resource management as a possible solution sustainable peace building<sup>54</sup>.

## **1.6 Theoretical Framework**

The study will be guided by structural conflict theory and environmental scarcity theory with structural conflict theory being the main theory guiding the study

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<sup>52</sup> Ibid

<sup>53</sup> Mazin, Aleksandr. 2007. "Resources and Conflicts". *Russian Politics and Law* 45.

<sup>54</sup> Lujala, P. and Rustad, S.A. (2012) High-Value Natural Resources.

### 1.6.1 Structural Conflict Theory

The study proposes to adopt Structural conflict theory also known as Structural violence theory as its theoretical underpinning. This theory argues that conflict over natural resources are occasioned by, among others power relations and socio-economic structural inequalities among the various groups in the conflict zones. This suits the study as it will situate all the study variables in the structural conflict theory. The theoretical foundation of structural conflict grounding lies in the reasoning that conflict occasioned by natural resources are linked to structural weaknesses or absence of structure to manage such resources. This is central in resource management where structure or systems to manage existing resources is key<sup>55</sup>.

The emphasis of the structural conflict theory is that behaviours of persons in communities are affected by unequal distribution of resources. The root of structural resource conflict can be traced to radical structural theory developed by the Karl Marx<sup>56</sup>. Other scholars who have contributed to the development of the theory include Ross Marc and Johan Galtung. Galtung in his 1969 piece used the term structural causes to refer to the indirect causes of conflict in communities.<sup>57</sup> These causes are not easily seen but can be traced to socio-economic structures and shows up in equal distribution of power.<sup>58</sup>

The theory shows that prolonged conflict situations like the DRC is caused by conflict actors taking advantage of the socio-economic inequalities to profit themselves at the expense of local community members. This is perpetuated through coercion or war thus breeding a cycle of conflict that is dependent on natural resource extraction<sup>59</sup>. According to Fetherston , inequality is the common strand that cuts across conflict both past and present, with the degree of conflict dependent on the level that the conflict parties can take advantage of existing inequalities. Thus when people experience unequal access to resources the result is conflict.<sup>60</sup> Giles, Wenona, and Jennifer, submits that the main tenets of the theory is that conflict is determined by the ways societies are organized and structured. His, argument

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<sup>55</sup> Barnes, C. (2005) *Theories of Conflict: Causes, Dynamics & Implication*. London.

<sup>56</sup> Wall, James A., and Ronda Roberts Callister.

<sup>57</sup> Thomas, Kenneth W. "Conflict and conflict management: 1992.

<sup>58</sup> Krasner, Stephen D. *The third world against global liberalism*.1985.

<sup>59</sup> Ramsbotham, Oliver, Hugh Miall, and Tom Woodhouse. *Contemporary conflict resolution*. Polity, 2011.

<sup>60</sup> Fetherston, A. Betts. "Peacekeeping, conflict resolution and peacebuilding, 2000.

mirrors the argument of Karl Marx's that economic structures determine how agents will act in conflict zones.<sup>61</sup>

Galtung, perspective on structural conflict theory was later developed to show that the relationship between conflict and natural resources is based on conflict triangle. Conflict triangle is a dynamic process involving structures, attitude and behaviour which constantly change and influence one another. Change in structures and the degree to which agents/actors can take advantage of change in structures are key determinants to how a conflict prolongs.<sup>62</sup> Over time this affects other agents who may engage in the conflict due to the persistent structural inequalities. The consequence of prolonged structural inequalities leads to conflictual behavior making the behavior. This will in turn lead to conflictual behaviour which subsequently grows and becomes violent. Thus, structural conflict theory demonstrates the effects of inequality in societies, and how lack of structures to manage resources leads to conflict. The presence of natural resource in DRC has changed the structure in communities. The effect of this has been the empowerment and disempowerment of the community members at the same time<sup>63</sup>.

As argued Raleigh et al., existing inequalities in resource rich areas such as DRC has been sustained by social mechanisms that exists in such as area. A case in point, they argues is in DRC where over a number of years exploitation has been perpetuated by warring loads and multinationals.<sup>64</sup> Such exploitation has been occasioned by the change in structures to the advantage of the warlords and conflict agents. The discovery of new natural resources in the DRC has further entrenched the conflict through structural inequalities. Although previous research have studied the structure of the relationship between mineral rich villages in regards to resource conflict, little has been done with regards to natural resource management in DRC<sup>65</sup>.

Broadly, mineral resources in the DRC have introduced a structural material divide within communities in village communities, leading to structural conflicts or violence as the mineral resources have favored some and disfavored other community members. The warring parties

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<sup>61</sup> Giles, Wenona, and Jennifer Hyndman, eds. *Sites of violence*.

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<sup>63</sup> Reuveny, R. And J.W. Maxwell (2001) "Conflict and Renewable Resources".

<sup>64</sup> Raleigh, Clionadh, Andrew Linke, Håvard Hegre, and Joakim Karlsen. "Introducing acled: (2010).

<sup>65</sup> Isard, W. (1992) *Understanding Conflict and the Science of Peace*.

and communities who benefit from the resources are those who perpetuate violence or the influential groups in such areas. In some situations, disadvantaged groups may benefit from proceeds that come from natural resources. However, this on most occasions happens when the community members are used as conduits, which is made possible by existence of weak structure as propagated by structural conflict theory.

Despite, the importance of structural conflict theory it has been criticized for dwelling more on material interest of conflict agents while excluding non-material interest in conflicts. However, this theory is central to this study because of its emphasis on the role of unequal distribution of resources and power.

### **1.6.1 The Environmental Scarcity Theory**

Another relevant theory to this study is the Environmental Scarcity Theory. This theory is built on the premise that causes of conflict are global in nature. Thomas Homer-Dixon is one of the earliest proponents of the theory and states that environmental scarcity can lead to violent conflicts.<sup>66</sup> Conflict associated with environmental scarcity can include but not limited to ethnic clashes, civil strife (insurgencies), and scarcity induced wars out of loss of sources of livelihoods and the negligent behaviour of the state and elite class.<sup>67</sup> Environmental scarcity theory is similar to the neo-malthusian theory that propagates that population growth as an environmental factor can lead to conflict. Although the similarity between environmental scarcity and neo-malthusian theory has been cited significant difference still exists between the two. Neo-malthusian theory argues that resource conflicts are occasioned by demographic factors. Environmental theory on the other hand argues that resource conflicts are occasioned by “environmental factors” of which demographic factors are just but one aspects<sup>68</sup>.

According to environmental scarcity theory, resource conflicts are caused by a number of environmental factors, which can be social, political and economic. These factors are moderated by demographic factors such as high population pressure thus leading conflict. Galtung, one of the strong proponents of environmental scarcity theory argues that structural violence can be explained through the lenses of declining scarce resources in communities.

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<sup>66</sup> Hauge, Wenche, and Tanja Ellingsen. "Beyond environmental scarcity"1998.

<sup>67</sup> Hagmann, T. (2005). Peace, Conflict and Development.

<sup>68</sup> Ibid

He further argues that resource scarcity is made worse by the prevailing structural circumstances that impacts on limited resources<sup>69</sup>.

Benjaminsen, argues that scarcity as a phenomena is on the increase in most communities. Scarcity in most communities is enhanced through population pressure and with absence of natural resource management structures can lead to inter community conflict between various individuals and groups. This is subtle form of conflict that is manifest in most conflict zones within the groups<sup>70</sup>. Environmental degradation may exacerbate resource conflicts because it reduces the quantity or quality of existing natural resources. Although environmental degradation can lead to violent conflict, this seldom occurs with the most common conflict been structural conflicts<sup>71</sup>. Environmental scarcity theory has three main dimensions: “Supply-induced scarcity, demand-induced scarcity, and structural scarcity”. Supply induced scarcity occurs when depleted resources lead to conflict. Demand induced scarcity occurs when population growth leads to conflict by depleting natural resources while structural scarcity occurs when resources are held by a few at the expense of other thereby resulting into resource conflicts<sup>72</sup>.

The contribution of environmental scarcity theory to conflict is mediated by inequality that exists in communities, with great scarcity in areas of high inequality leading to violent conflict as compared to areas with low scarcity and low inequality. This theory is adopted in this study since it will complement the gaps of structural conflict theory that places material interest at the center of conflicts and ignores other factors that cause conflict. Environmental scarcity theory emphasis on non-material factors will be central to understanding the causes of resources with communities in Congo, and by extension natural resource management structures that applies in DRC<sup>73</sup>. The theory will also help the researcher in understanding the nexus between material factors and non-materials factors in natural resource conflict and the existing management structures.

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<sup>69</sup> Hague, W. And T. Ellingsen (1998) Beyond environmental Scarcity.

<sup>70</sup> Faleti, S. (2006) “Theories of social conflict”.

<sup>71</sup> Homer-Dixon, T. (1994) Evidence from Cases”, International Security.

<sup>72</sup> Benjaminsen, T.A. (2008) The Case of the Tuareg Rebellion in Northern Mali.

<sup>73</sup> De Soysa, I. (2000). “The Resource Curse: Are Civil Wars Driven By Rapacity or Paucity?”

### **1.7 Justification of the Study**

The study will focus on studying the relationship between natural resources and armed conflict which is an interesting subject from both an academic perspective and policy perspective.. Conflict is dynamic in nature and such are the causes. Understanding how natural resources affect armed conflict onset can contribute to understanding why natural resource management can contribute to conflict management and peace building in Africa. Africa has been bedeviled by countless resource conflict that have limited the benefits that the general populace can derive from natural resources. This study's recommendations will contribute to the development of contextual natural resource management policies that can mitigate against resource conflicts and make the resources beneficial to host countries.

Understanding how states can manage their resources in a healthy and sustainable manner can contribute to creating policy initiatives that can help build and maintain peace. In line with King, Verba and Keohane, studying the relationship between natural resources and armed conflict onset can make an important "real world" contribution, as well as a scholarly contribution by increasing our ability to understand a relationship that is not yet sufficiently understood.

While there is a large literature on the relationship between natural resources and armed conflict, there is comparatively little work on classifying, and thereby understanding, natural resources. Secondly, by focusing on the mechanisms that have been argued to link natural resources to armed conflict onset, the thesis aims to contribute to understanding not only if, but how natural resources relate to armed conflict but the models that can be used in natural resource management in conflict zones. Thus through this study natural resource management model in conflict zones will not only be tested but developed in Africa.

### **1.8 Methodology**

The study will use qualitative research methodology with case study design used to guide the study. Specifically, instrumental case study will be used in the study. This is because it will provide insight into the study issue and even allow the researcher to redraw possible generalization. The study will use secondary data collected through document reviews from existing reports, publications, articles, magazines and any other useful document. Systematic literature review will be used in document selection to guarantee the use of quality documents

in the study. The research will use content analysis through thematic coding to analysis the data collected in the study.

### **1.9 Hypothesis**

- Conflict Zones have different natural resource management models
- Natural resource management contributes to peace building and conflict prevention

### **1.10 Scope of the study**

The role of natural resources in resource conflict has been widely studied. Over the past few years, focus has shifted to the role of natural resource management in conflict in DRC. However, this study will focus on the natural resource and conflict in Eastern Congo where resource conflict dominate. The study will focus on conflict minerals and timber, with a focus on the nature and dynamics of natural resource management in the region.

### **1.11 Chapter Outline**

This study will comprise of five chapters as structured below:-

Chapter One- Consists of this proposal. It includes the Introduction, Problem statement, Research Objectives, Justification of the Study, Literature Review, Theoretical Framework, Hypothesis, Methodology, Scope and Limitation of the Study.

Chapter Two- Natural Resource in Conflict Zones

Chapter Three- Natural Resource Management: The Case of DRC

Chapter Four- Natural Resource Management in Conflict Zones: Lessons Leant

Chapter Five-Summary and conclusion and Recommendation

## **2.0 CHAPTER TWO: NATURAL RESOURCES IN CONFLICT ZONES**

### **2.1 Introduction**

This chapter focuses on the natural resources in conflict zones in Africa. It will in particular explore the resource factor contribution in Africa with a particular focus on land, minerals and oil conflict.

### **2.2 Conflict Zones in Africa**

Majority of African states prone to conflicts are well endowed by rich Natural resources. These rich natural resources are always the cause of these conflict issues as different parties try to take control of them. Natural resources which are abundantly found in majority of Africa states may be of great benefit to the people of the continent in the event they are properly and effectively explored. However, the proceeds from the sale of these nature resources have been used in funding armed conflicts as it has been witnessed in many countries like Ivory Coast, the Republic of Congo (Congo), Sierra Leone, South Sudan, the Democratic Republic of the Congo (DRC), Liberia, and Sudan. Local conflicts can also be contributed by competition over natural resources. African states have experienced or are experiencing conflict attributed to natural resources. Few case studies are illustrated in the section below. All nineteen African states which are most affected by armed conflicts are well endowed in natural resources especially mineral resources, oil and gas.

### **2.3 Specific Case studies**

#### **2.3.1 Angola**

Angola is usually ranked at the bottom of every development index despite it being rich in diamond and oil deposits. As per the World Bank statistics, an estimated 70% of Angolan residents live on less than 2 US\$ a day. Also, statistics highlight that one out of every four children born, die before celebrating their fifth birthday. The Angolan economy depends mostly on oil as it accounted for at least 90 % of the total country's exports during the 1980s and 1990s. During the financial year 1999, statistics indicate that between 75% to 90% of the national revenue was generated through sale of oil. Armed conflicts in Angola was mainly linked to oil and diamond over a 27 year long civil war. During the war period, oil was regarded to be of great significance towards the country's political economy hence affecting Angola, affecting not only the nature of the economy, but also the course and eventual

outcome.<sup>74</sup> Therefore, oil mostly contributed towards the prolongation of the armed war. Angola, plight began with the enormously unsettled decade of the 1970s that saw the collapse of peace agreement between various rebel factions. As a result of these rebels fighting with the major cause being oil resource control, the war in Angola continued till 1990's. The end of the cold war fundamentally transformed the nature of Angolan conflict since various opposing parties instantly scrambled for the control and possession of the nature resources endowed territories of the country. The warring parties in this case were well determined to exploit any valuable nature resource as early as possible even going to an extreme of funding the conflicts in order to continue undertaking their activities. The 1990s peace initiatives that had begun under Bicesse Peace Accords of May 1991 was disastrously affected by these scramble for the possession of Angola's natural resources.<sup>75</sup>

However, the Bicesse Peace Accord finally succeeded in ending the decades long armed conflict through the adoption of a ceasefire and a "triple-zero" clause. The "triple-zero" clause made it illegal for either of the warring sides to acquire new weapons and also for international envoys from supplying such materials. Nevertheless, there were key issues. Firstly, there was no unity government which was in position to assume power after Bicesse post electoral period, thereby allowing the election winner to take full control of the state government which initially had been along matters relating to nature resources. This factor therefore resulted into a hostility and deep seated hatred amongst the warring parties. The natural resources which both warring parties used to exploit in order to finance their armed rebellion further hampered the execution of the Accord<sup>76</sup>. Oil revenue from the military was used to purchase various military hardware that included artillery, war aircraft, and vehicles from Brazil. From France, the parties acquired air-to-ground missiles, attack helicopters, and a variety of ammunition while from Russia they acquired cheap AK-47s guns, ammunitions, rocket propelled grenades, Ural trucks, motors, T-55 tanks and fighter aircraft. Nevertheless, the prolongation of the conflict was not entirely dependent on oil as there were other readily available resources also traded. Revenue obtained from sale of diamonds under UNITA also played a key role in prolonging the conflict as it substituted when the foreign militaries withdrew their assistance thus aiding rebels to withstand their military campaign. Further,

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<sup>74</sup> Alao, Abiodun, and Funmi Olonisakin. "Political Fragility and Economic Fragility: Journal of International Peacekeeping, 2000.

<sup>75</sup> Bannon, Ian. *Violent conflict and Natural resources*: World Bank, 2003.

<sup>76</sup> Ross, Michael L. *Peace Research Journal* 41, (2004).

UNITA was aided in these gold revenue matters due to weak enforced political agreements.

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### **2.3.2 Rwanda**

Rwanda is considered as an example where issues relating to natural land scarcity has caused armed conflict to a genocide level. According to a recent survey by Jean Bigagaza and others on land scarcity in Rwanda, the survey has provided particularly stunning statistics. Rwanda is the highest population density in Africa as it has a higher annual growth rate of 3.3% and an average of 271 persons per square kilometer.<sup>78</sup> The challenge of high population density on land in Rwanda coupled with elite greed were significant contributors to the Rwanda. Rwanda may have presented the extreme, case of land resource contributing to genocide. However, high population density has also been experienced in other countries though on much lower scale.<sup>79</sup> Despite the fact that natural land scarcity is still a key issue in Africa continent and has fueled conflicts in some countries, the same problem is not being experienced in all African states. However, irrespective of the predictions based on the rapidly growing population in Africa, available data doesn't mention anywhere that nature and scarcity would be a major concern of all the continent's states. Whereas in countries such as Burundi, Rwanda, and Eritrea, where all the agricultural arable lands are entirely already in use, they might thus continue experiencing the challenge of land scarcity, this problem doesn't affect the continent as a whole as it has still ample land which can still be inhabited.

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### **2.3.3 Nigeria**

Control for a parcel of land lying in the common border between Umuleri and the Aguleri communities who live in eastern Nigeria lead to a deadly conflict between 1995 and 2000. The conflict caused several hundred peoples to lose their lives. Also, ownership tussle over a land lying along the Kuteb and the Chamba borders in Northern part of Nigeria, resulted into a conflict in 1995. In Kenya, many kind of these conflicts have been recorded where the Kalenjin, Maasai, Kikuyu, Kissi, and Luo, among others, are engaged in periodic conflicts: the Kikuyu versus Kalenjins, the Masai versus Kikuyu, the Kissi versus Luo, in the coastal region between the Mijikenda and the non-coastal people, and the Kipsigi and Kissi on the

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<sup>77</sup> Herbst, Jeffrey, (2000).

<sup>78</sup> Bigagaza, Jean, Carolyne Abong, and Cecile Mukarubuga. *The ecology of Africa's conflicts* (2002).

<sup>79</sup> Musahara, Herman, and Chris Huggins. "Land reform, land scarcity and post-conflict reconstruction (2005).

<sup>80</sup> Peters, Pauline E. *Journal of Agrarian Change* 4, no. 3 (2004): 269-314

Bomet and Nyamira county border in the southwest.<sup>81</sup> In Tanzania, a number of ethnic based land ownership conflicts have also been reported mostly between Haya and Sukuma in Kagera region northern part of the country. Also, there is conflict between the Arabs and the native African coastal ethnic groups in the south. Other African states where conflicts relating to land matters have been recorded though in relatively low scale include Ghana and Guinea. In Ghana, the Nawui and Gonja were at war in May 1992 while in Guinea there has been constant land related conflicts between Peul and the Soussou.<sup>82</sup>

Oil is one natural resource in Africa which has drawn close to linkage next to solid minerals, hence perhaps generating much attention and interest in Africa. This is as a result of various key factors which include oil being highly profitable, consequences of its exploration on the environment, the politic nature of it internationally and its contribution towards the social economic and the ethno political affairs of the gifted nations. The Niger Delta which covers an estimated 70,000 square kilometers with an estimated population of around 31.7 million people as per the 2006 census report is one of the known natural resource endowed conflict areas in Africa. The Niger Delta region is mostly inhabited by minority ethnic communities with the Ijons (Ijaws) constituting the largest community. Other ethnic communities inhabiting the Niger Delta include Isoko, Ogoni, Ndokwa, Etche, Urhobo, Ikwere, Edo Itsekiri, and Ogba.<sup>83</sup>

The Niger delta is considered to be well strategically positioned region due to the fact that the region has numerous oil processing installations and also acts a key base from where many oil companies operate from with notable one being the Chevron-Texaco. Regardless of all these huge oil resources in Nigeria making the country among the major exporters of oil in the world, the country is still characterized by extreme poverty and underdevelopment. Majority of the population inhabiting the area lack basic infrastructure developments such as piped water, hospitals, power, good roads networks and other necessary amenities. While analyzing the oil endowment in the area vis-à-vis the people situation, Onduku asserts that the Niger Delta is the richest region in Nigeria in terms of natural resources endowment, but the region full potential is not yet suitably developed since the same is continuously being

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<sup>81</sup> Alao, Abiodun. *The tragedy of endowment*, 2007.

<sup>82</sup> Derman, Bill, Rie Odgaard, and Espen Sjaastad. "Conflicts over land & water in Africa." (2007).

<sup>83</sup> Idemudia, Uwafiokun, and Uwem E. Ite. "Demystifying the Niger Delta conflict, 2006.

threatened by environmental devastation and deteriorating economic conditions. Lack of the basic amenities in the Niger delta is as a result of environmental degradation.

In Nigeria, majority of oil communities are situated in rural areas hence they are perceived to be facing worse poverty conditions than the urban areas. The oil village communities of Niger Delta since they are mostly based in rural areas are classified under this category irrespective the massive wealth they contribute towards the nation's economy. According to UNDP the oil village communities of Niger Delta are rural communities, hence, they are exposed to very limited economic opportunities. For the entire region population of around 30 million people, social services and proper infrastructure and are generally deplorable and vastly inadequate. Thus leaving the oil villages to compete for these inadequate social services and struggle against exclusion from the distribution of the revenue.<sup>84</sup>

#### **2.3.4 Kenya**

The land conflicts have been a major issue in recent years in Kenya. Racial imbalance in land ownership and the manner in which the government in majority of these countries have employed in dealing with land problems are the major aspects of the problem that has attracted more attention. Despite this, there exist other numerous issues relating to natural resources management that are significant in deliberating the numerous ways of solving various issues which were inherited by these states at the time they acquired their independence.<sup>85</sup> Land conflicts among the pastoralist in Kenya is dynamic. The Pokot and Turkana sub-tribes living in northern Rift valley region of Kenya have been at the center of conflict over a long period of time. During the recent harsh dry season, the Pokot and Samburu herdsmen drove their livestock's into Laikipia district, a fact that resulted into a bloody conflict with the local farmers. In addition to the climate change that has exacerbated pastoral conflict in Kenya, pastoral conflicts have also been fueled by local politics that has played out among the communities living in the Rift valley. The neighboring Uganda, has for long employed various tactics with little success in trying to disarm the armed pastoralist's communities and especially the Pokot in particular. In Baringo, competition between herders and herders, along class lines has been a major source of conflict between turgen, pokot and turkanas over fight for land resource. In Kenya arid and semi-arid areas which are mainly inhabited by pastoralist communities, conflicts are highly complex and multi-layered which

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<sup>84</sup> Ikelegbe, Augustine. "The economy of conflict in the oil rich Niger Delta region of Nigeria, 2006.

<sup>85</sup> Ibid

in most cases are depicted in terms of cattle rustling, displacements, massacres, tribal violence, and revenge attacks.<sup>86</sup>

In Africa, these armed conflicts characterize pastoralists' conflicts, where most of the conflicts being experienced today have been going on for several decades and in some areas they have experienced the same since the time of independence. Despite few new cases of conflicts being reported, the associated scale and level of destruction as a result of these conflicts has become more intense. This has been as a result of changes in climatic conditions in various countries which has therefore affected both the agriculturists and pastoralists activities. Among Turkana and Pokot, pastoral conflict has been a major occurrence.<sup>87</sup> The nature of Pokot and Turkana history, ecology and their geographic location has been traced to be the major cause of their conflicts. As in majority of pastoralists communities all of Africa, the live hood of both Pokot and Turkana people is dependent on two major resources water and pasture. Since sources of water in these areas are seasonal and unreliable, therefore, the people are constantly in search of water, a factor that makes them cross their tribal borders are inevitably cause them to be in constant conflicts with other communities.

### **2.3.5 Liberia and Sierra Leone**

In Liberia, particularly under Taylor' administration, minerals have been a major cause of conflict in the country. Diamonds and Iron are the main solid minerals involved in the country's natural resource conflict. In particular, the management of Diamonds was the main contributor of conflict in the country. The discovery of Diamonds in the country occurred just before World War II. However, meaning discovery occurred later, though, the discoveries were less in comparison to Sierra Leone. Mining in Sierra Leone is majorly artisanal and, therefore, almost entirely alluvial.<sup>89</sup>Yengema, Tongo and Zimmi areas are the main contributors of diamond resources used to fund the war. Sierra Leone has witnessed various aspects of resource conflict including the rebellion under the late Foday Sankoh's who rebelled against four successive governments between 1994 and 2002. Foday Sankoh was the leader of the RUF (Revolutionary-United-Front). His rebellion lead to around one-hundred thousand casualties with many more thousands been displaced. <sup>88</sup>

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<sup>86</sup> Ibid

<sup>87</sup> Meier, Patrick, Doug Bond, and Joe Bond. *Political Geography*, 2007.

<sup>88</sup> Reisinger, Christian. *International Peacekeeping* 2009.

Various actors have been involved in the resource conflict in Sierra Leone including internal, regional and international players. Internally, the country's national army as well as the Kamajors (local civil defense units) have been involved in the conflict. ECOMOG (Economic-Community-of-West-African-States'-Monitoring-Group) has been the main regional player in the conflict. At the international level, the British army, mercenaries and the military team from the UN has been involved in the conflict.

Unlike Sierra Leone and Liberia, the conflict in DRC has been more complex. Notably, the continuous fighting witnessed in the country post-independence has been local and international players seeking to control the country's resources. Equally, corruption in resources obtained from minerals, which in turn has resulted minimal benefits to the population from mineral revenue, is another cause of the mineral-conflict in the country. A closer examination at the three countries leads to three major ways that the management of solid minerals has caused mineral conflicts. Corruption by governing elites is the first major cause of the conflict.<sup>89</sup> Corruption has been the main characteristic of countries endowed with minerals across Africa. For instance, in Sierra Leone and Liberia, massive corruption was witnessed just before the actual conflict commenced. In Sierra Leone, proceeds from Diamond were mismanaged by successive regimes. In particular, the late Siaka's government between 1968 and 1985 was majorly involved in corruption. While the country established the GGDO (Government-Gold-and-Diamond) office to manage collection of revenue from natural resources, most revenue emanating from natural resource was smuggled outside the country. In particular, there was a collusion between resident Lebanese business men and local politicians, who colluded with other players including petty criminals to avoid formal channels and, thus, smuggle diamonds from the country. Corruption was institutionalized by the administration through embezzlement of public funds, a patrimonial system of rationed favors, illicit bribes and payments, among other corrupt channels.<sup>90</sup>

In Eastern DRC, mining of Gold is the most important subsector artisanal mining business. Despite previous indications of massive mining of gold, current data shows mining levels that exceed any previous estimates or expectations. 3T mining used to attract more miners. However, the mining has experienced a sharp decline for various reasons including low demand and prices, international regulations, deposits depletion and the growth of a semi

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<sup>89</sup> Keen, David. *Conflict and collusion in Sierra Leone*, 2005.

<sup>90</sup> Samset, Ingrid. *Diamonds & war in the DRC*. 2002.

industrial mining sector. The shift from 3T mining to gold has had significant consequences on the financing of criminal networks and armed groups in the country. Notably, in Eastern DRC, gold is widely available and, therefore, armed groups have ample opportunities in terms of taking their share, especially through taxation. Different reforms from the army tend to have to inadequate results on revising the behaviour of units deployed in mineral-rich areas. Illegal taxation by the Congolese army is more frequent than armed group interference in artisanal mining.<sup>91</sup>

In Angola, just like in Sierra Leone, Diamond is the main solid mineral. Over 50% of Angola's foreign earnings emanate from diamond sales. As such, together with South Africa and Botswana, Angola is one of the main producer of Diamond in Southern Africa. However, the role of diamond in Angola's economy was slightly reduced after the country discovered oil in the 1980's. Nonetheless, like many natural resource rich countries in Africa, the natural resource endowment in Angola has been characterized by civil wars. In particular, the conflicts have been between UNITA (National-Union-for-the-Total-Independence-of-Angola) and MPLA (the Popular-Movement-for-the-Liberation-of-Angola). The conflict between UNITA and MPLA is considered as the longest and bloodiest civil war in Africa. While both parties controlled diamond rich territories, most of the diamond deposits were in areas controlled by UNITA. As such, UNITA used finances from diamond sales to fund the conflict.<sup>92</sup>

In countries such as Angola and DRC, among others, where solid natural resources play an integral role in fueling civil conflicts, control of resource endowed territories is usually belligerents' prime target. For instance, the RUF in Sierra Leone, controlled the main gold mines. However, the group dislodged after intervention from the Nigerian-led ECOMOG and mercenaries. Unlike other countries with single rebel movements, various armed groups were groups the DRC conflict. The conflicts first phase involved less resource control politics, mainly because of because of few parties involved in the war. With most of the resources still under the central government, a number of rebel faction have used illegal mineral mining to fund war in Congo.<sup>93</sup>

### **2.3 Natural Resource governance and Conflict**

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<sup>91</sup> Maystadt, Jean-François, Giacomo De Luca, Petros G. Sekeris, and John Ulimwengu. Conflict Resources. 2008

<sup>92</sup> Cilliers, Jakkie, and Christian Dietrich. "Angola's War Economy, 2000.

<sup>93</sup> Clover, Jenny. "The role of land as a site and source of conflict in Angola, 2010.

The governance challenge in Africa has also been demonstrated through the conflict-mineral connections. As such, governments are usually weak or they refuse to exercise their oversight abilities on various parties involved in mineral extraction. This has been demonstrated in the parties' financial activities as well as through the extraction process. In particular, foreign MNCs and nationals have capitalized on the opportunity to further deteriorate government powers across the countries producing solid minerals.<sup>94</sup>

In various cases, foreigners and political elites have colluded to defraud the state proceeds emanating from mineral extraction. Additionally, the activities of some of the players in the conflict, particularly mercenaries and warlords demonstrate great weakness in the affected countries governance. The fact that some of the players are either officially invited by the government or operate on level ground with the government demonstrates that the government's ability to discharge its duties has been eroded. Additionally, most countries lack effective policies to deal with the interests of local mining communities.<sup>95</sup>

Equally, policies dealing with environmental pollution are often lacking and where they are present, they are usually ignored. Fourth, the resource governance policies in most countries are usually confused, particularly, in proceeds management and the artisan operators' activities. While various efforts are been undertaken to deal with the challenge, some groups are working tirelessly to frustrate the efforts by the government. Government failures related to minerals are also recurrent in management of oil resource.<sup>96</sup>

Oil is usually dominates a country's economy and, is therefore, crucial to governance. Indeed, in case a country's economy relies on a particular natural resource, then, the government's ability to control mineral extraction MNCs is greatly weakened. This is because the company and government's future is closely linked and, everything is undertaken for mutual strengthening and benefiting of both parties. Consequently, oil producing communities are usually the victims. The determination to maximize profit is the reason why oil firm continue exploration and mining ventures despite serious security problems.<sup>97</sup>

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<sup>94</sup> Basedau, Matthias, and Jann Lay. "Resource curse or rentier peace? 2009.

<sup>95</sup> Arthur, Peter. "Avoiding the Resource Curse in Ghana, 2012.

<sup>96</sup> Basedau, Matthias, and Jann Lay. "Resource curse or rentier peace? 2009.

<sup>97</sup> Ikelegbe, Augustine. "The economy of conflict in the oil rich Niger Delta region of Nigeria, 2006.

In Nigeria, for instance, Shell Company has been mentioned on numerous scandals because the firm's main agenda is profit maximization. Mismanagement of oil resources is the most predominant governance issue in most countries endowed with the resource. The convergence of oil MNCs, the government and local power elite have made corruption in terms of oil-resource management possible. Increasingly, the association between the stakeholders is becoming more challenging because of a rise in the number of demonstration from mining communities, thereby, increasing divisions among the players.<sup>98</sup>

The near-autonomous state enjoyed by most oil MNCs in some oil producing countries in Africa and its effect on local oil producing communities is another issue in the oil-governance conflict. Unlike other mineral, oil exploring MNCs are usually dominant in oil producing host countries. Most of the MNCs live a luxurious lifestyle that is similar to most capitals in Western Europe. This is attributed to the weak governance mechanisms that exists in oil countries where multinational have significant influence.<sup>99</sup>

Although other African countries exhibit different levels of corruption in terms of oil-resource management, oil-management corruption is highest in Nigeria. Water related conflicts are of a very different classification vis-à-vis governance. Since water offers minimal consideration in terms of personal ownership, the elite have minimal interest in water resource. However, the trend is currently shifting as some countries seek to privatize the water resource. Despite numerous arguments contending that future conflicts will focus on the water resource, water as a resource attracts minimal interest and, therefore, few wars occur are caused by water disputes. Since water has minimal personal interest among the political and economic elite, it has been easier for governments to manage water resources including international rivers.

Changes resulting from the end of the cold war and which completely altered the nature of conflicts are now properly documented. While contention between superpowers regressed, the international community encountered new challenges in the developing world. Notably, third world countries were faced with the challenge of human rights abuse, ethnic conflicts, self-determination struggles and economic pressure. Above other places, the challenges in the developing world were more conspicuous in Africa. In particular, state institutions that

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<sup>98</sup> Ibid

<sup>99</sup> Besada, Hany. "Doing business in fragile states, 2013.

are fragile and weak economies made the challenges more profound in Africa. Consequently, natural resources have been exploited by armed functions and governments, which use the resources to advance their agendas in conflicts rooted in socioeconomic, political and ethical differences.<sup>100</sup>

Generally, three main factors lead to mineral-conflict in Africa. In the first situation, minerals either cause conflicts directly or remotely. The second instance entails the use of minerals to ignite or maintain wars. The third scenario involves use of minerals to resolve conflicts.<sup>101</sup> However, minerals are not regarded as the core cause of conflict at the national level. Nonetheless, qualitative and econometric analysis obtained in the recent past show that minerals are core cause of conflicts. Mostly, minerals are considered integral in conflicts caused by other factors including religion, ideological and ethnic disagreements. However, when open wars occur, even warring factions cannot hide the role of minerals in their activities.<sup>102</sup>

After the cold war, minerals have become controversial causes of conflicts, especially, because of an increase in the number of persons involved in exploitation of natural resources to fulfill the self-determination urge or seek other selfish tendencies. Although the practice is not completely new, the practice has increased remarkably in the recent past. Armed groups in countries such as DRC and Angola, among others, have increasingly capitalized on minerals in their respective countries to rebel against their governments.<sup>103</sup>

The international community, through agencies such as the UN and other global NGOs has been attracted by the integral role of minerals in conflict prolongation in civil wars in countries such as Angola and Sierra Leone. MNCs that exploit minerals have also become increasingly conscious of their impact in the involvement of exploiting minerals engulfed in controversies.<sup>104</sup> As a conflict resolution mechanism, natural resources have played a critical role in two different ways. First, minerals have been included in peace agreements, particularly, for conflicts rooted in governance and ownership of natural resources. The logic behind this approach is that peace covenants can be used to appease belligerent groups or

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<sup>100</sup> Koubi, Vally, Gabriele Spilker, Tobias Böhmelt, and Thomas Bernauer. "Do natural resources matter for interstate and intrastate armed conflict, 2014.

<sup>101</sup> Van der Ploeg, Frederick. "Natural resources: Curse or blessing? (2011).

<sup>102</sup> Otsuka, Keijiro, and Frank M. Place. *Land tenure and natural resource management*:2001.

<sup>103</sup> Ibid

<sup>104</sup> Larson, Anne, and Jesse Ribot. 2004.

enhance the management of minerals. For instance, in 1999, minerals were include in peace agreements to resolve the Sierra Leone conflict. While the initiatives was not successful, it formed the ground for the role of minerals in solving conflicts.

Moreover, the second approach focuses on the present efforts conducted to frustrate warlords, rebel groups and others from mineral exploitation in their territories. The aim of this initiatives to end conflicts by frustrating rebel groups. The diamond embargo in Angola is one of the most profound example of this approach. Equally, the Kimberly process is another example that facilitates peace by frustrating rebels and warlords exploiting minerals. Although some of the efforts are not successful, their integration in wider conflict resolution efforts forms a basis for resolving the wars.<sup>105</sup>

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<sup>105</sup> Jensen, Nathan, and Leonard Wantchekon. 2004.

### **3.0 CHAPTER THREE: NATURAL RESOURCE GOVERNANCE: A CASE STUDY OF THE DEMOCRATIC REPUBLIC OF CONGO (DRC).**

#### **3.1 Introduction**

This chapter explores the governance of natural resources. The history of DRC (Democratic-Republic-of-Congo) in terms of governing natural resource will also be articulated in the section. Besides, the section will cover various resource governance theories applicable in DRC.

#### **3.2 History of Conflict and Natural Resource Linkage in Democratic Republic Of Congo**

DRC's evolution from colonial to local leadership, since the 1960's has been characterized by numerous conflicts. Immediately after independence, the main cause of conflicts in the country was internal differences among the political elite. Some of the factors that fueled the differences include the country's political configuration, particularly, the debate over whether the country should employ the centralized or federal approach. Equally, ethnic and regional conflicts in DRC fueled the post-independence conflict. Furthermore, despite the independence, the colonizers were still controlling the resource rich country and using it as the communism expansion base in the region, which in turn, worsened the situation.<sup>106</sup>

The present wars in DRC are mainly an extension of the conflicts of the past. The current conflicts in the country are sufficient proof that, until now, DRC has failed to comprehensively deal with the conflict's structural causes. Consequently, various periods of peace experienced in the country, including the 1970-1980 periods under president Mobutu were acts of conflict repression rather than conflict resolution through peaceful means. The country, though richly endowed with minerals, experiences an unequal distribution of the resources throughout her regions. Over 70% of the country's cobalt and copper, for instance, is located in Katanga. As such, seventy-five percent of the country's national income during independence was obtained from Katanga while the returns funded 20% of government expenditure.<sup>107</sup>

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<sup>106</sup> Ross, Michael L. "How do natural resources influence civil war? Evidence from thirteen cases." *International organization* 58, no. 1 (2004): 35-67.

<sup>107</sup> Fairhead, James. "International dimensions of conflict over natural and environmental resources." *Violent environments* (2001): 213-236.

Similarly, most gem and industrial diamond in the country is located in the diamond state of Kasai. Kivu, which is one of the country's eastern region provinces is highly endowed with enormous reserves of coltan, gold and tin. Immediately after independence, leaders from these resource rich regions advocated for secession. Notably, leaders from thus regions were dissatisfied how the central government located in Kinshasha was managing the natural resources. While the government's expenditure was subsidized using funds obtained through the regions resources, the leaders felt that the mineral rich areas received minimal benefits from the central government.<sup>108</sup> As a result, the first secession war in DRC occurred in Katanga between 1960 and 1963. Subsequently, in 1977 and 1978, secession conflicts occurred in the Shaba I and II wars respectively. Resultantly, the secession wars set a proper ground for understanding 1960-62 secession war that occurred at Kasai and the 1964-66 eastern rebellion.

In DRC, before the 1990's war occurred, the country country's public sector witnessed a gradual deterioration, particularly, because of polices that ill-advised and erosion of transparency and accountability institutions. In turn, corruption became endemic in the country and the country's macroeconomic environment was drastically affected. Equally, instead of effectively and efficiently redistributing revenue and expenditure, the public sector was hijacked and used as a channel for personal enrichment by economic and political elites. The middle class and private enterprises, on the other hand, were over-burdened with generation of revenue.<sup>109</sup>

Under the presidency of Mobutu, corruption and embezzlement of public resources became common practice. In addition, capital flight intensified and, simultaneously, the country was over-burdened with repayment of massive external debts. Equally, provision and maintenance of public service and infrastructure was poor in the country. In fact, although DRC had vast amounts of natural resources, public infrastructure in DRC was one of least developed and degraded in the continent.<sup>110</sup>

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<sup>108</sup> Alao, Abiodun. *Natural resources and conflict in Africa: the tragedy of endowment*. Vol. 29. University Rochester Press, 2007.

<sup>109</sup> Maystadt, Jean-François, Giacomo De Luca, Petros G. Sekeris, and John Ulimwengu. "Mineral resources and conflicts in DRC: a case of ecological fallacy?." *Oxford Economic Papers* 66, no. 3 (2014): 721-749

<sup>110</sup> Le Billon, Philippe. *Fuelling war: natural resources and armed conflicts*. No. 373. Routledge, 2013.

DRC's current conflicts are majorly a reincarnation of the 1960's and 1970's wars. However, the present conflicts occur in a geopolitical environment that is more intractable and violent. In the 1960's and 1970's, resource nationalism was the main cause of the conflicts. The wars of the 1960s and 1970s were, to a large extent, due to resource nationalism. While divergent views prompted leaders from Kasai, Katanga and the Eastern region to advocate for secession, however, the motivation to control natural resources and the resistance to the one-way wealth transfer of wealth from the affected regions to Kinshasa was the main cause of the wars.<sup>111</sup> High value minerals enabled leaders from the regions to mobilize fighters and easily obtained the necessary equipment used in the secessionist wars. Generally, grievances were the main cause of the wars, however, the conflicts funds obtained from exploitation and sale of natural resources made the conflicts to be practically possible. During Mobutu's reign, although the country experienced episode of peace, resource management systems created Under the Mobutu regime, from the 1980s, while there were no secessionist wars, the system of management of the resource sector established by the regime created an environment that was conducive in terms of fueling conflicts.<sup>112</sup>

In the 1960's Minière was among the top five global companies for mining copper that was operating in DRC. As such, the company was nationalized by Mobutu in 1967 when its name was changed to Gécamines. In 1973, Forminière, which was the leading producer of industrial diamond was also nationalized and renamed as Miba. As such, Mobutu, together with his associates used the firms as their main cash cows to finance from the government. While the pressure of privatizing mining firms was strongly resisted, Mobutu relied on opaque joint contracts and ventures, revising existing mining codes and providing tax holidays to companies that were friendly to the regime.<sup>113</sup> Over time, a framework for exploiting natural resources was established by the Mobutu regime through corrupt state and foreign corporations. Notably, Mobutu was identified as King Leopold II faithful. The conflict and natural resource link came to the fore front during the anti-Mobutu war. The regime of Laurent Kabila perpetuated Mobutu's opaque resource exploitation system.<sup>114</sup>

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<sup>111</sup> Haye T, and Rachel P. " Artisanal mining in Eastern Congo." *High-value Natural Resources and Post-Conflict Peacebuilding*; Routledge: New York, NY, USA (2012): 529-544.

<sup>112</sup> Laudati, Ann. "Beyond minerals: broadening 'economies of violence' in eastern Democratic Republic of Congo." *Review of African Political Economy* 40, no. 135 (2013): 32-50.

<sup>113</sup> Maystadt, Jean-François and John Ulimwengu. "Minerals resources in DRC and conflict nexus?." *Oxford Economic Papers* 16, no. 3 (2014): 721-749.

<sup>114</sup> Christopher W., and Dawn L. Rothe. *Blood minerals in the Democratic Republic of the Congo* . .

Between 1997 and 2010, the country lost over \$10 billion through capital flight. This figure was equal to around \$765 million per annum in comparison to \$924 million per year president Mobutu's government. Capital flight in the mineral sector is usually associated with unusual mineral exports, improper invoicing of international trade and pilfering of proceeds from export. Other losses occurred through evasion and avoidance of tax by multinational corporations that were involved in business practices that were unethical including pricing transfer, thereby, reducing their tax liabilities.<sup>115</sup> The 1996-2002 conflicts were distinct because besides being directly involved in the wars, foreign states had close connections with natural resources. In fact, exploitation of minerals was the main reason why the foreign governments intervened in the conflict.<sup>116</sup>

Immediately after assuming office, Laurent Kabila took initiatives to protect DRC's economic interests by nullify mining treaties that had been endorsed by previous regimes. However, at the practical level, the president capitalized on cancellation of the deals to control the flow of mineral related finances to his favor. Nonetheless, the influence of foreign governments on the country's resources were beyond the control of Kabila, which in turn resulted in Kabila's death. Enhancing transparency in the natural resource sector is one of the main challenges that Joseph Kabila's regime experienced. Unlike the previous regimes that relied on ideology to mobilize support from the international community, the new international geopolitical environment made it impossible for Kabila to use a similar approach.<sup>117</sup>

In contrast, international geopolitics was now controlled by financial and economic interests. In fact, the scene was controlled by natural resources linked multinationals which received massive support from influential politicians, which in turn, altered and slowed down changes in mineral management. Therefore, breaking the mineral-conflict nexus has become difficult in DRC.<sup>118</sup>

### **3.3 Natural Resources Governance in Democratic Republic Of Congo**

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<sup>115</sup> Swit, Jason. Natural resources and armed conflict." *London: International Institute for Environment and Development* (2001)

<sup>116</sup> Billon, Philippe. *Fuelling war in DRC*. No. 373. Routledge, 2013.

<sup>117</sup> Sam, Ingrid. "Conflict of interests in DRC in the DRC." *Review of African Political Economy* 29, no. 93-94 (2002): 463-480.

<sup>118</sup> *Ibid*

The main cause of the natural resource-conflict in DRC is directly related to the country's failure to institute effective institutions and establish a strong regulatory natural resource management framework in the sector. Nationally, despite numerous efforts of the country's subsequent governments in terms of reforming the minerals sector, the endorsed changes including revision of the mining codes have failed to deal with numerous challenges affecting DRC's mineral resource sector.<sup>119</sup> In fact, most observers argue that instead of enhancing long-term development, mining code reforms tend to favor inward foreign investment.<sup>120</sup>

Regionally, institutional frameworks have been established to avert conflicts that are prompted by conflicts. For instance, DRC has signed bilateral agreements with countries such as Angola, Burundi, Congo-Brazzaville and Uganda. The treaties direct natural resources located at common borders including oil reserves should be shared. Failure to adhere to such treaties can ignite or worsen tensions and even open conflicts, particularly, with countries such as Angola, Uganda and Burundi that currently have a fragile relationship with DRC. The relationship between DRC and Angola is particularly delicate considering the fragile relationship that exists between the two countries.<sup>121</sup>

It is estimated that approximately 10% of conflicts in DRC relate in fight over natural resources. Following the end of official conflict in DRC, the main priority in DRC has been on post conflict reconstruction, and this has predominantly focused on the conflict-mineral supply chain.<sup>122</sup> The year 2002 marked a turning-point for the mining sector in DRC as it was the year that led to the enactment of a new Mining Code, signed by the President Joseph Kabila into law. The mining code created legal framework that allowed foreign investment in DRC Congo, more so in Katanga province.<sup>123</sup>

Before the Mining Code 2002, the existing mineral code was viewed as deficient as it vested more powers on the executive as set out in it and the investor pursuant to the rules set out in the Mining Law 1981. The mining law of 1981 dwelt on land occupation, relationship

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<sup>119</sup> Burnley, Clementine. "Natural resources conflict in the Democratic Republic of the Congo: a question of governance." *Sustainable Dev. L. & Pol'y* 12 (2011): 7.

<sup>120</sup> Ibid

<sup>121</sup> Utas, Mats. *African conflicts and informal power: Big men and networks*. Nordiska Afrikainstitutet; Zed Books, 2012.

<sup>122</sup> Ross, Michael L. "How do natural resources influence civil war? Evidence from thirteen cases." *International organization* 58, no. 1 (2004): 35-67.

<sup>123</sup> Nest, Michael Wallace, Francois Grignon, and Emizet F. Kisangani. *The Democratic Republic of Congo: Conflict dimensions*. 2006.

between communities, granting of title deed and. The mining law also covered certain aspects of employee relations in mining sectors and labour issues.<sup>124</sup> Apart from the Mining laws, different transparency initiatives, traceability initiatives have sprung up. Examples include: Tin supply chain initiative, the German Federal Certified Trading Chain Initiative (CTC), and the ICGLR Regional Certification Mechanism (RCM).<sup>125</sup>

Another example of global national governance that has had an impact on the governance of minerals in DRC is the US Dodd-frank wall street reforms and consumer protection, which requires all companies participating in mineral extraction to ensure that minerals does not contribute to conflict. This was to be done through companies setting up a process of traceability and transparency initiatives.<sup>126</sup> Besides, the various transparency initiatives that have impacted the conflict minerals management in DRC, conflict mineral management was greatly affected by the ban of 2010. This ban was followed by a de facto embargo on “conflict-minerals” in the spring of 2011, and this resulted in DRC losing substantial income from the ban and embargo.<sup>127</sup>

The de facto governance of natural resources in North Kivu is still reliant on actors that range from traditional institutions, armed groups, local and provincial authorities, and other informal stakeholders. Depending on the mining areas, different actors control the mineral zones in DRC.<sup>128</sup> The sphere of influence of customary institutions in managing mineral zones is limited to the degree to which they can enforce their authority.<sup>129</sup> The governance of forests in DRC, it has been reported still remains weak with illegal logging and trade in wood products, corruption, unclear tenure, lack of coordination of institutions and violation of indigenous rights facing the forestry sector can be used as possible indicators of the state of forest governance. In DRC, particularly in Africa, majority of the timber trade is produced from logging concessions on government-owned land.<sup>130</sup> Licenses and concessions are often assigned through public tendering processes and concentrate power in the hands of those who

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<sup>124</sup> Ibid.

<sup>125</sup> Turner, Tom. *The Congo wars*. Zed Books, 2007.

<sup>126</sup> Barma, Naazneen H., Kai Kaiser, Tuan Minh Le, and Lorena Viñuela. *Rents to riches? The political economy of natural resource-led development*. 2012.

<sup>127</sup> Ibid

<sup>128</sup> Ibid.

<sup>129</sup> Geenen, Sara, and Klara Claessens. "Disputed access to Gold Mines in DRC." *The Journal of Modern African Studies* 52, no. 1 (2013): 85-108.

<sup>130</sup> Mwitwa, J., L. German, A. Muimba-Kankolongo, and A. Puntodewo. "Governance and sustainability challenges in landscapes shaped by mining: Mining-forestry linkages and impacts in the Copper Belt of Zambia and the DR Congo." *Forest policy and economics* 25 (2012): 19-30.

award them and are highly lucrative to the companies that win them. Such contracts pose a high risk of corruption, particularly in countries that suffer from deep-rooted governance and accountability challenges. Furthermore, conservative estimates suggest that the Democratic Republic of Congo losses €3.6m through illegal logging.<sup>131</sup>

In the DRC forest sector, corruption has taken numerous forms such as the lack of proper public procurement practices in the awarding of licenses and concessions; the lack of both accountability and transparency in contracts; political leverage and regulatory capture in timber-producing countries; non-compliance with procedures and legal requirements; inadequate consultations with landowners, civil society and forest dependent communities and land grabbing; as well as inadequate corporate accountability of multinational companies due to opaque chains of subcontracting; and the lack of annual financial reports. This is often attributed to lack of institutional capacity to monitor and enforce existing legal and policy frameworks, low transparency and accountability, low or non-existent civil society inclusion and participation, and overall weak governance.<sup>132</sup>

Artisanal mining and small-scale mining are recognized under the 2002 DRC Mining Code and the 2003. The mining code guide the practice, locations and operations of artisanal mining. The provisions of the Mining Code are expanded in the Artisanal Miners Code of Conduct. The law also explicitly recognizes artisanal mining and states that artisanal mining is determined by ministerial decree.<sup>133</sup> Further, the mining code recognizes the right of artisans to form cooperatives. These cooperatives can thus officially work in these zones designated as cooperatives. In addition the mining sector is governed by the following institutions: Ministry of Mines, Directorate of Geology, Directorate of Mines, and Directorate for the Protection of the Environment and Mining Registry and the Provincial Mining Division<sup>134</sup>

The President of the Republic has the sole authority to declare minerals as 'reserved substances. This is relevant to artisanal mining as, in Katanga, artisanal miners are actively mining radioactive substances. The Provincial Governor has the responsibility for issuing

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<sup>131</sup> Ibid

<sup>132</sup> Nas, Rob and Nathalie van Vliet. "Forest conflict in DRC." *Forest Ecology and Management* 268 (2012): 103-111.

<sup>133</sup> Geenen, Sara. "A dangerous bet: Artisanal mining in DRC." *Resources Policy* 37, no. 3 (2012): 322-330.

<sup>134</sup> Cuvelier, Jeroen, Koen Vlassenroot, and Nathaniel Olin. Resources and governance: *The extractive industries and society* 1, no. 5 (2014): 343-350.

traders' cards for artisanal exploitation products. One of the issues highlighted in the consultation process on the artisanal mining legislation is that the 2002 Mining Code came into force before the process of decentralization commenced; therefore, the role of the Provincial Mining Directorate is not included. This creates national-provincial tensions on a range of issues and also impacts on the operations of national services at provincial level. Ministry of Mines.<sup>135</sup>

There are a range of government departments and actors involved in the management of artisanal mining in the DRC. These include state-Owned Enterprises (SOEs) such as Générale des Carrières et des Mines (Gecamines), Office des Mines d'Or de Kilo Moto (OKIMO), Societe Miniere de Bakwanga (MIBA), Societe de Developpement Industriel et Minier du Congo (Sodimico) and Societe There is no role defined for the state owned enterprises in the Mining Code or Regulations.<sup>136</sup> Typically, these SOEs rely heavily on artisanal miners, creating arrangements whereby artisanal miners can work on their concessions and purchasing their material. These arrangements can be casual purchases, informal site sharing, or highly formalized relationships through signed contracts. The SOEs establish a 'product sharing' arrangement whereby the artisanal miners must give a percentage of their material to the company's agents each day.<sup>137</sup>

### 3.5 Conclusion

From the above discussion it can also be contended that people go to war over natural resources, and weak natural resource management can only exacerbate conflict situation since supervisory structure fail below expectation. Specifically indicted in this regard are political elites who control the mining regulation through regulations that vest more power in the executives. While many of the countries including DRC are trying to address the gaps created by the weakness of governance institutions in the continent, there still exist challenges in regard to natural resource management in Africa broadly and in the DRC specifically.

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<sup>135</sup> Geenen, Sara. "'Who seeks, finds': How artisanal miners and traders benefit from gold in the eastern Democratic Republic of Congo." *The European Journal of Development Research* 25, no. 2 (2013): 197-212.

<sup>136</sup> Geenen, Sara. "Constraints, opportunities and hope: Artisanal gold mining and trade in South Kivu (DRC)." In *Natural Resources and Local Livelihoods in the Great Lakes Region of Africa*, pp. 192-214. Palgrave Macmillan UK, 2011.

<sup>137</sup> Cuvelier, Jeroen, Steven Van Bockstael, Koen Vlassenroot, and Claude Iguma. "Analyzing the impact of the Dodd-Frank Act on Congolese livelihoods." (2014).

## **4.0 CHAPTER FOUR: IMPROVING RESOURCE GOVERNANCE IN THE DEMOCRATIC REPUBLIC OF CONGO: A CRITICAL ANALYSIS**

### **4.1 Introduction**

The preceding chapters focused on conflict zones in Africa and on the dynamics of natural resource governance in the DRC. This chapter looks critically at resource governance in the DRC and its contribution to peace building. It also draws lessons from other contexts resource governance DRC.

### **4.2 Resource governance and Peace Building in Democratic Republic of Congo**

DRC's peace process has primarily focused on military integration and power sharing. In the Ceasefire Accord held in Lusaka in 1999, Kabila's government acknowledged that some of the country's territories were under the control of rebel groups. However, the advance of rebels was restricted to the town of Mbuji-Mayi, which is a critical site to the government because its endowed with diamonds and is closely linked to Katanga province which is key source of copper. While the opposition's frontline was frozen by the accord, rebels, particularly from the CRD (Congolese-Rally-Democracy) capitalized on the opportunity to establish parallel administrations regulating and taxing artisan mining operations and even offering concessions to foreign investors.<sup>138</sup>

After the Lusaka Accord, the ICD (Inter-Congolese-Dialogue), which was held in February 2002 in South Africa, resulted in the signing of the December 2002 transitional government accord between the main parties of rebels and the government. As part of the political accommodation, Lutunda commission was formed to give recommendation on resource governance in DRC.<sup>139</sup> However, this was not to be as the commission's recommendations to were ignored by the parliament and executive. This was among the first government initiatives that focused on resource governance as a peace building strategy. Nevertheless, this was not to be as the government was not proactive to push the process through parliament.<sup>140</sup>

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<sup>138</sup> De Koning, Ruben. 2008. Resource Governance and Peace Building in DRC

<sup>139</sup> Oweka, Ime. "Resource Control and Political Development in Africa: The Cases of the Democratic Republic of the Congo and the Republic of Botswana." (2013).

<sup>140</sup> Johnson, P. E. T. E. "A comprehensive Approach to Congo's conflict minerals--Strategic paper." (2009).

In 2003, Joseph Kabila created the SAESSCAM (Service-d'Assistance-et d'Encadrement-du-Small-Scale-Mining-or-the-Small-Scale-Mining-Technical-Assistance-and-Training-Service) initiative. SAESSCAM's main aim to provide direction and guidance to the country's small scale mining sector and, enable the sector to be slowly integrated into DRC's economy, organizes and assists the small-scale mining sector in order to gradually incorporate it into the economy. The organization helps miners create cooperatives, obtain a basic education about mining, and obtain small loans. By 2005 the organization was working in central DRC where it had been credited with allowing many young people to join cooperative thereby forsaking rebel groups. Although, the impact of this initiatives was felt in central DRC it never extended to eastern DRC.<sup>141</sup>

The KPCS (Kimberley-Process-Certification-Scheme) which is a global government accreditation scheme was established in 2003. The KPCS primarily focuses on resource management by averting diamond trade that funds wars in DRC and other parts of the globe. As such, besides pressuring the government to determine the source of rough diamonds, KPCS places effective controls to ensure that diamonds do not enter conflict supply chain. The scheme has succeeded in some nations associated with conflicts over diamonds. In turn, the countries' official diamond income has drastically increased. However, as some critics such as Global Witness and Human Rights Watch posit, KPCS's initiative have failed to bear fruits in DRC. Natural resource conflicts are still rampant in DRC and most companies do not adhere to KPCS's process.<sup>142</sup>

After the state failed to fully execute the recommendations of the Lutunda commission, the government embarked on a new mining review, which was completed in March 2008. Despite renegotiations and clarifications of mining contracts that were promoted under the new mining review, the government still faced accusation of bending some of the rules to favour some mining companies'. Thus the mining review of 2008 did not result to its intended objectives as expected.<sup>143</sup> As a result the mining review of 2008 did not achieve its intended objective of promoting inclusive development in DRC. The review led to resentment among Kasangas who felt that their interests were not catered for in the review

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<sup>141</sup> Ibid

<sup>142</sup> Seay, Laura (2012). Global Resource Governance

<sup>143</sup> Perks, Rachel. "How can public-private partnerships contribute to security and human rights policy and practice in the extractive industries? A case study of The Democratic Republic of Congo (DRC)." *Resources Policy* 37, no. 2 (2012): 251-260.

and negotiations of contract thus affecting the peace building process in the region. <sup>144</sup> Traceability process is another resource governance process that has impacted on the peace building process in DRC. Traceability was a key process that the Kimberly process emphasized, and traceability to some extent resulted in reducing the illicit money that rebels got from sale of minerals. As a results some of the rebel groups were forced to enter into peace negotiations resulting in conflict management in certain areas of DRC. <sup>145</sup>

Traceability process is another resource governance process that has impacted on the peace building process in DRC. The traceability process involve were available to improve traceability and ‘clean’ minerals at the point of extraction, implementation deadlines and actual achievements. Traceability was a key process that the Kimberly process emphasized, and traceability to some extent resulted in reducing the illicit money that rebels got from sale of minerals. As a results some of the rebel groups were forced to enter into peace negotiations resulting in conflict management in certain areas of DRC. <sup>146</sup>

#### **4.3 Challenges that have limited the use of Resource governance in the DRC**

Although there are a number of resource governance initiatives, DRC still experiences various challenges in terms of exploitation of resources. Most of the challenges are difficult to deal with. However, DRC is capitalizing on its sovereignty through the mines ministry to monitor national resources exiting the country’s borders. Nonetheless, monitoring the natural resources leaving the country is difficult because around 70% of the DRC’s diamonds are smuggled out of the country.<sup>147</sup>Notably, neighbouring states including Rwanda are involved in massive smuggling of minerals from DRC, which in turn, has placed the countries in an opposing position with KPCS.

After the fall of Mobutu’s regime, Uganda and Rwanda enhanced mineral extraction in DRC by creating their personal firms which were closely connected to the military and government. Based on one of the reports from the UN, Rwanda was used a transit for minerals from DRC by around 34 foreign multinationals. <sup>148</sup> In July 2010, the Dodd Frank Act was endorsed by the US congress. The purpose of the Act was to ensure that armed

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<sup>144</sup> Mazalto, Marie. "Governance, human rights and mining in the Democratic Republic of Congo." *Mining in Africa: regulation and development* (2009): 187-242.

<sup>145</sup> Ibid

<sup>146</sup> Ibid

<sup>147</sup> Paul Yenga. Resource governance in Conflict Zones " 2013.

<sup>148</sup> Bakewell, Oliver, and Ayla Bonfiglio. DRC conflict problem" 2013.

groups from the great Lakes region, including militants from Congo were deprived the main source of funds. Based on the Act, companies from the US are required to undertake due diligence in the supply chain. Despite the Act been ratified in 2010, the final rules highlighting the expectations from US-based firms had not been published.<sup>149</sup>

Firms that failed to undertake due diligence in the supply chain were not punished accordingly by the Kabila government. Furthermore, on October 2011, a letter was issued by the country's Army Chief of staff prohibiting all soldiers from taking positions near site mines as well as ensuring that soldiers sensitize fellow soldiers regarding the same situation.<sup>150</sup>

The government of Congo does not have sufficient sway over Kivu and adjacent provinces that are endowed with natural resources. In fact, significant discrepancy exists between the legal mechanisms used to manage mining and trade in the country and actual practices. Despite the 2002 revision and harmonization of the Mining Code in Congo with the international standards, the code is highly disregarded in eastern DRC. Besides, the code is used by some stakeholders in the mining business for exploitative and exhortative purposes.<sup>151</sup>

While expertise and resources, particularly finances, are required by the government to ensure that the state as well as residents rather than armed groups reap maximum benefits from mineral wealth endowment, capacity is not the only necessary requirement. In fact, based on a 2002 UN report, DRC can effectively stop illegal exploitation of minerals through the political will of persons that protect, support and benefit from the networks. As such, the political will can only be realized through the amalgamation of the business community, civil society and government.<sup>152</sup>

### **Natural resource governance Model Principles**

Based on the World Bank, minerals can be managed through effective and sustainable utility of the main natural resources including land, minerals and water, among others. As such, the resources must be utilized efficiently by enhancing and protecting their unique characteristics

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<sup>149</sup> Paul Yenga. Resource governance in Conflict Zones " 2013.

<sup>150</sup> Ibid

<sup>151</sup> Ibid

<sup>152</sup> Bouvy, Alexis, and Maria Lange. Resource governance in War zones 2012.

including landscapes, wildlife and averting pollution. Equally, societies can enhance sustainable development by activating the inherent tools in human beings.<sup>153</sup> As such, the intrinsic knowledge inherent in human beings needs to use to extend social capital and the knowledge stock as well as ensure that minimal natural resources are utilized. Consequently, resource management must be based on principles that involve secure adequate supply and efficient use of materials. Equally, the principle must be based on energy and land resources as a reliable biophysical basis for creation of wealth and well-being in societies and for future generations.<sup>154</sup>

The sustainability of natural resources should be enhanced by applying more efforts in the application of the aforementioned principles. The World Bank framework provides a resource sustainability framework that shows the correlation between the environment and the economy. On one hand of the framework lies the production of artificial goods and services, which in turn, enhances the well-being of people. On the other hand lies the resources that maintain production as well as make direct contribution to the well-being of households.<sup>155</sup> Therefore, besides the monetary and physical resources required in such frameworks, intangible assets such as human capital and natural resources are equally essential. Just like use of resources by households involves exhaustion of resources, equally resources are exhausted in the production process. However, other resource uses such as production through agricultural land is non-exhaustive. Consumption as well as production usually lead to waste and pollution and, therefore, modification of natural resources. Consequently, to enhance sustainable development, the current unsustainable consumption and production process require radical changes.<sup>156</sup>

Management of natural resource is a mutual challenge that needs various players including communities, governments, businesses, NGO's and farmers. As such, the players can enhance natural resources by integrating their activities. Through modern governance methods, various participants in the management of natural resources have the capability of engaging with and value a greater variety of knowledge. Therefore, new modes of governance create opportunities that can be utilized to deal with complex, unpredictable, interdependency and deficiencies challenges in capacity. In order to govern natural resources

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<sup>153</sup> Bannon, Ian, and Paul Collier. Resource Management 2003.

<sup>154</sup> Tsani, Stella. 2013.

<sup>155</sup> Ibid

<sup>156</sup> Matiru V. Community resource management .2000.

effectively, central and local government institutions must provide democratic and mutual support.<sup>157</sup>

Decentralization, which entails power transfer from the central government to subsidiaries including institutions and lower level actors, is democratic in case authorities from the lower levels have a formal downward accountability to constituency. Nonetheless, it is difficult to realize decentralization and, therefore, most parts of the globe require to improve integrated democratic governance both at the local and national levels. Based on various case studies conducted globally, decentralization usually leads to power transfer to customary authorities, private bodies and NGOs, thereby, revealing issues of legitimacy, accountability and inclusiveness. This experience adds weight to the need for normative guidance in the design of decentralized governance systems.<sup>158</sup>

According to Murphree, governance of natural resources assumes the form of integrated management of natural resources, co natural resource management, and community based management and adaptive co-management. In the context of governance of natural resources in Africa, the approach suits the geological context and, simultaneously, recognizes all the interests of stakeholders. As such, various resource management models have been used in Africa including the bottom up, top down and customary theory, among others.<sup>159</sup>

Various countries in Africa including the Sahel have been used the customary mechanisms for a long time. However, there is a broad mutual experience of conventional institutions for management of resources being weakened and undervalued by present policies of the state that fail to recognize the approaches or give them a critical role. Despite the apparent encouragement of recognition of tradition institutions through the current rhetoric. The customary resource theory has also been used in Darfur. In Darfur, a system of local administration to oversee natural resources has been provided by the native administration. As such, various groups were able to live harmoniously until the breakout of conflict in Darfur. Therefore, this was a shared management of natural resource approach that has been weakened over time and its effectiveness brought into question.<sup>160</sup>

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<sup>157</sup> Sachs, J.D & Warner M. Natural resource conflict 2001.

<sup>158</sup> Ibid

<sup>159</sup> Jackson, Paul. Natural resource Management and Conflict 2003.

<sup>160</sup> Fabricius, Christo, Eddie Koch, Stephen Turner, and Hector Magome, eds. *Rights resources and rural development: Community-based natural resource management in Southern Africa*. Routledge, 2013.

The customary approach usually relies on local agreements to govern natural resources. Local agreements as used in Sahel involve members of a community formulating legislations to enhance natural resource management. As witnessed in the Sahel, local legislation usually faces numerous challenges which frustrate local treaties through legislations. Local arrangements are mostly generated after degradation of natural resources and, therefore, are used by the community to deal with the emerging issues. The emergence of local agreements as witnessed in Sierra Leone and Nigeria, is an innovative reaction towards the conflict break downs.<sup>161</sup>

Various states in Nigeria experience the oil wealth governance challenges. Nations like Nigeria, which are endowed with natural resources and other emerging economies, usually have a natural resource management model that is centralized.<sup>162</sup> In Nigeria, the federal government usually manages resources such as gas and oil, particularly by providing corporate partners with exploration and production rights. In return, the governments usually receives a benefits such as profits from the proceeds, and mutual businesses with MNOCs (Multinational-oil-Corporations). Mismanagement of resources is the main cause of the current debacle in the Niger delta.<sup>163</sup> Accumulation of sizeable wealth by repressive governments, corruption and neglecting people for many decades in the area has resulted in marginalization of various groups in the region. In return, conflict arises in the area as the groups redress the unequal distribution of resources and the injustices. Existing and emerging legislation usually affect models dealing with governance of natural resources.<sup>164</sup>

Various Acts such as 1969 petroleum Act, the 1978 Act on land use and the 1971 Act on Offshore Oil Revenue are some of the legislations that affected governance of resources in Nigeria. Laws in Nigeria dealing with governance of natural resources usually favors multinationals operating in the country. The multinationals usually use the rent they provide to the Nigerian government to influence decisions regarding the gas and oil resources, which leads to the neglect of the local people. Notably, the multinationals usually rely on joint

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<sup>161</sup> Sala-i-Martin, Xavier, and Arvind Subramanian. Niger Delta conflict Problem 2008.

<sup>162</sup> Nelson, Fred, and Arun Agrawal. Multinationals and Conflict resources" 2008.

<sup>163</sup> Ibid

<sup>164</sup> Ribot, Jesse C. Role of Multinationals in Conflict 2003.

venture agreements, risk sharing contracts and production-sharing agreements to form unequal partnerships.<sup>165</sup>

The governance of natural resources framework in Kenya is principally centralized and restricted by the country's institutional and legal framework. Institutions such as tribunals created through various Acts, law courts, NEMA (National-Environment-Management-Authority) among other informal community bodies with the duty of governing resources. The existing legal mechanism for managing natural resource conflicts as enshrined in the environmental law statutes include the courts of law both under civil and criminal law, the National Environment Tribunal (NET), National Environmental Complaints Committee (NECC), Arbitral tribunals, Statutory tribunals set up under various laws (such as the Land Adjudication Boards) and customary law systems of conflict management.<sup>166</sup> However, with the establishment of devolution, natural resource management is a shared responsibility of both County and National government, and this has moved resource control closer to the community.

In the meantime, as various countries in Africa are exerted to privatize various extractive industries, other parts of the globe are focusing on nationalization of their natural resources. In countries such as China, Russia, Venezuela and Russia among others, exploration and extraction of two-thirds of the oil is under national rather than private firms. However, private companies which remit tax to the governments are the main players in the mining activities of most African countries. Consequently, most national economies in African are unable to realize maximum benefits from the vast resources. In spite of an upward surge in mineral proceeds and profits, the people, particularly mining communities have not realized the real benefits from the mining activities. Various factors including inexperienced politicians in the mining sector negotiating dubious deals, secretive contracts, the government and mining companies failing to be transparent transfer pricing, evading tax and corruption have resulted in reduction of the income that governments receive and, therefore, amount of finances required to support crucial socio-economic programs on development.

Moreover, the CSR (corporate-Social-Responsibility) of most mining firms are usually charity acts rather than a concern to enhance the mining communities' socio-economic well-

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<sup>165</sup> Ibid

<sup>166</sup> Nelson, Fred. Traditional conflict resolution systems 2010..

being. Consequently, mineral resource in Africa require a new approach. Accordingly, various stakeholders including the civil society and governments are contemplating on the state of the present mining industry and chatting various approaches to ensure Africa's natural endowment benefits the continent. The nationalization debate has been rife in South Africa for the past few years. However, the country has explicitly declared that such a path will not be pursued in the country. Rather than focus on nationalization, the ANC is focusing on the introduction of the Super tax. At the moment, an indigenisation policy has been introduced in Zimbabwe. As such, natives in Zimbabwe are required own 51% shares in mining firms. Although the policy has received intense criticism, most governments of SADC are mining firm's partners.<sup>167</sup> For instance, 25-30 percent shares of mining companies operating in DRC are controlled by the country's government. Equally, 20-25% shares of firms operating in Zimbabwe are owned by the Harare government. Again, the government of Zimbabwe owns 50% of shares in 2 mining firms operating in the country. In Botswana, the government owns 51% of Debswana's shares while fifty-one percent of NamDeb's shares are controlled by the Namibia government.<sup>168</sup>

Generally, natural resource ownership is bestowed official state declarations. For instance, the 2006 Act 703 of Ghana's section one's mining act recognizes that all minerals in the country are the property of the government. Equally, the Ghanaian government is empowered by the second section of the same Act to acquire any land endowed with minerals for the purpose using or developing the natural resources.<sup>169</sup> The president, based on Zimbabwe's Mines and minerals act section 2 is vested with power in terms of mining as a representative of all Zimbabweans. <sup>170</sup> In the three nations, individuals and groups obtain exploration and mining rights from the state once they comply with the stipulated requirements.<sup>171</sup> Nonetheless, politicians and bureaucrats are the ones usually governance of minerals on behalf of the government. As such, the locals lack a voice in the management of natural resources. Notably, in DRC, the president has the power of classifying, declassifying and reclassifying natural resources as quarry products or mines or vice versa. Equally, the president can classify or declassify whether an area is a prohibited or permitted for mining or quarry activities. Moreover, the president can determine whether a mineral is a reserved

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<sup>167</sup> Ushie, Vanessa. Resource Governance in Namibia 2017.

<sup>168</sup> Ribot, Jesse C. Resource Management and Conflict Resolution 2003.

<sup>169</sup> Ibid

<sup>170</sup> Sachs, J.D & Warner, A.M, Conflict Resources 2001.

<sup>171</sup> Ibid

substance based on various regulations including the radio-active minerals stipulation. The head of state can also sanction the reservation of a deposit which is subject to tender pursuant to a Ministerial Decree.<sup>172</sup>

These colossal powers were exercised by decree at the personal discretion of the President or on the recommendation of the Minister of Mines. Since the 2006 constitution was introduced, the powers are now exercised by the president after prime minister countersigns the ordinance. After the prime minister, the mines minister is the third most influential person of the mineral sectors administrative structure. As such, the minister can use decrees to verify, grant, reject or nullify mining rights. The province Governor is the fourth most powerful person in the mining sector. The main responsibilities of the governor include quarries and work permits on public land and trader delivery licenses.<sup>173</sup> The delivery of permits on the lower levels particularly some quarries and artisans is the duty of the head of provision division. Among all the political officials, it's only the president who is democratically elected by the people. As such, the other officials are cannot be directly held accountable by the people, since they are either appointed or elected indirectly. All bureaucracies without loyalty or representative role to the citizens are also involved in mines regulations. Community involvement with licensing and regulation in the mining sector is largely limited to issues relating to the environmental impact assessment of proposed of mining activities.

The bottom-top natural resource governance approach including management of conflicts creates an opportunity for local people involvement who, in turn, could have a better understanding of the emerging issues. As such, this research recommends the use of approaches for managing conflicts that facilitate participation by members of the public. Litigation is an approach that is sponsored by the government. However, the approach does not provide the afflicted parties with an opportunity to develop and participate in an enduring solution to the conflict. This is because, besides the coercive nature of litigation, the effectiveness of the process is affected by the bureaucratic procedural technicalities.<sup>174</sup>

### **Advancing the need for a 'new' Model in Natural Resource Governance in Democratic Republic of Congo.**

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<sup>172</sup> Ibid

<sup>173</sup> Johnson, P. Community Resource Management System. 2009.

<sup>174</sup> Ribot, Jesse C. 2003. Resource Governance Model

The community based management of natural resources including wildlife resources, water and forestry assumes communitarian models. However, though the model has been largely used in the management of such resources, the approach has not been fully embraced in the governance of mineral resources. Based on communitarianism, communities entail persons who are unite to consider and settle on values pertaining their well-being. In forest, wildlife, land and water governance, CBNRM involves the collective resource management by local institutions for the well-being of the local community.<sup>175</sup> However, biophysical and socio-physical contexts determine the form assumed by CBNRM. Equally the form of the project including whether it is subsistence or commerce determines the form taken by CBNRM. Some of the common forms assumed by CBNRM include management of buffer zones, wildlife, indigenous resource communal areas, among others. <sup>176</sup>

Irrespective of the form or context, some of the CBNRM's common characteristic include pledge to involve members of the community and local institutions in natural resource governance and conservation. In countries such as Botswana, CBNRM has realized considerable success. However, CBNRM has been mainly applied in the renewable natural resource sector. The current CBNRM's operational arrangement in various nations is elitist, as communities are supposed to be able to deliver on scientifically specified NRM (Natural-Resource-Management) principles, which are by definition seldom, if ever, community-constructed or local. Thus, outsiders usually develop the terms for managing minerals by local communities. However, the outsiders are not conversant with the experiences and needs of the local people and their land. <sup>177</sup>

Participation in decision making in terms of the governance of mineral resource governance involves extensive reforms that are radical like transaction transparency, about the management of natural resources requires a wide range of quite radical reforms, including downward accountability, transparency in transactions, the granting of a considerable degree of local discretion over environmental decision making and a degree of competence, confidence and political sophistication by local institutions. Capacity development and building of institutions is critical in the Decentralisation process. However, failure to establish institutions and capacity development leads to CBNRM failure in some places.

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<sup>175</sup> Soto Soler, Yanelexy. 2014. Conflict resolution and Governance

<sup>176</sup> Ibid

<sup>177</sup> Oweka, Ime. " 2013. Resource Governance in DRC

Therefore, Communitarianism, portends benefits to natural resource management in nations such as DRC.<sup>178</sup>

In its current status, the basis of CBNRM the lop-sidedness of the partial or distorted communities in dealing with and determining all the needs of members. In fact, the CBNRM plays the role of implementing programs and policies of the government instead of forming and pursuing joint interests of the community. Accordingly, mining communities are frequently involved in obdurate conflict even when there is no recourse to armed violence. The lack of agreement among stakeholders in the mining sector, for example, is closely connected to the prevalence of illegal mining.

Based on communitarian approaches, governance of minerals by community based bodies is extensively accepted in renewable resource management including forestry, water and wildlife resources, but are yet to find a place in the management of mineral resources. In the governance of natural resources such as water, forests, water, land and wildlife, a collective resource governance approach through local institutions for the good of the natives has been embraced through CBNRM.<sup>179</sup> However, the bio-physical and social-political contexts usually determine the form of CBNRM embraced. Equally, the ventures purpose determines the CBNRM used. The CBNRM have taken different forms including community and social forestry, cooperative or co-management, buffer zone management, community wildlife management, participatory multipurpose community projects and communal area management for indigenous resources. According to Kellert et al in spite of context or form differences, the obligation involve local institutions and members of the community in natural resource governance and conservation is the main characteristic of the CBNRM.<sup>180</sup> Decentralization of power is another main characteristic. As such, persons are closely linked in terms of integrating the socioeconomic and environmental protection and conservation objectives. Equally, it has the propensity to legitimize and defend the property right of indigenous resources. Nonetheless, irrespective of the CBNRM form and type, various assumptions are used to anchor the models.<sup>181</sup> The CBNRM's main assumption enhances development and sensitivity of local planning experiential knowledge, is more responsive to local priorities and context imperatives, and provides greater efficiency in plan

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<sup>178</sup> Ibid

<sup>179</sup> De Koning, Ruben. Resource Management in Conflict Zones 2008.

<sup>180</sup> Ibid

<sup>181</sup> Oweka, Ime. (2013). Link between Conflict and Resource Management

implementation by recruiting local communities. In Botswana, governance and resource utilization has been realized through the CBNRM. However, the CBNRM is usually used in the renewable resource context.<sup>182</sup> The current arrangement of CBNRM's operational in various nations is elitist because, most communities are supposed to be able to deliver on scientifically specified NRM (Natural-Resource-Management) principles, which are by definition seldom, if ever, community-constructed or local.<sup>183</sup> Thus, outsiders usually develop the terms for managing minerals by local communities. However, the outsiders are not conversant with the experiences and needs of the local people and their land. Consequently, members of the community are regarded as subordinates in relations with other agencies involved in the CBNRM practice.<sup>184</sup> Unequal distribution of power among stakeholders in the relationship leads to insider-outsider contradictions. In turn, only decentralization and participation can be used to deal with the contradictions.<sup>185</sup>

Capacity and institution building are essential for participation and decentralization. However, absence of institution building and capacity results in CBNRM failure. Equally, making decisions and formulating policies through the top-bottom approach as well as communities' lack of authenticity are other factors that lead to CBNRM failure. The current form of CBNRM is lopsided in terms of dealing with members needs because it is founded on distorted communities.<sup>186</sup> Instead of focusing on formulation and pursuing mutual interests of communities, CBNRM acts as a channel for the programmes and policies of the government. As a result, mining communities are involved in endless conflicts even in situations where armed violence is unnecessary. For instance, illegal mining pervasiveness is usually associated with various players in the mining sector failing reach a consensus. Of the countries that have embraced CBNRM Ghana is a unique case as they are yet to suffer from natural-resources related conflict. The presence of organized mining communities in the country is one of the reasons why there is no armed conflict in Ghana. Resultantly, organized communities provides members with a channel for airing their views nationally. However, even in Ghana, mining companies face constant demonstrations.<sup>187</sup> Communitarianism's main element should be the mutual ownership and authorship of processes, procedures and policy with respect to social relations of exchange, including the use of nature's endowments

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<sup>182</sup> De Koning, Ruben. Resource Governance and Conflict Resources

<sup>183</sup> Ibid

<sup>184</sup> Ribot, Jesse C. Conflict Resource in Sub Saharan Africa 2003.

<sup>185</sup> Ibid

<sup>187</sup> McFerson, Hazel M. " Communitarian Resource Management 2009.

on a community. As such, all members common humanity must be recognized by each person that has an interest in community and the formation of responsive communities. In turn, all members must participate in the naming of their world, as the denial of voice to any constitutes a denial of their humanity.<sup>188</sup> Consequently, restructuring of the mining industry as well as a nations political and constitutional systems will enable communities to obtain a voice.

#### **4.4 Conclusion**

From the above discussion in the chapter it can be concluded that natural resource management has been used in managing conflicts in DRC. However, it emerged from the discussion that the use of natural resource management has not been without challenges in DRC. The findings concluded that natural resource management has been used in management of conflict in DRC with limited effectiveness. Natural resource management used in DRC is predominantly top based with most decision undertaken by the central government. It was evident from the findings that there is need to adopt community based resource management systems.

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<sup>188</sup> Ibid

## **5.0 CHAPTER FIVE: CONCLUSION AND RECOMMENDATIONS**

### **5.1 Introduction**

This section presents a summary of the study key findings, a conclusion and recommendations.

### **5.2 Summary of Findings**

The study findings indicated that conflict occurs in a many African counties including DRC. Conflict zones in DRC cuts across the country, with the eastern parts of the country dominating in terms of conflicts. From the findings it was evident that natural resource management has been used in managing conflict in DRC but with limited effects on conflict management. The study revealed that the contribution of natural resource management in conflict in DRC has been limited with challenges such as lack of political will and model of natural resource management limiting the effectiveness of natural resource management. Finally, the study findings show that the dominating form of natural resource management in DRC is still top based resource management, where most of the decisions are still centrally determined by the national government. The study findings revealed the need to adopt community based natural resource management in DRC.

From the study findings, the role of resource management in peace building in DRC has been highlighted. Resource governance mechanisms have been developed in DRC, with the government and the international community have developed resource management mechanisms all aimed at addressing the role of conflict resources on DRC. However, the natural resource governance strategies has resulted in minimal impact on peace building process in DRC. The effectiveness of resource governance in DRC has been limited local factors and regional factors. From these findings it can be suggested that resource governance can contribute to peace building in DRC when strengthened with other institutional, regional, political and economic factors.

Regulations in the mining sector typically impose requirements and restrictions on mining companies. Consensus has emerged from the findings that the enactment of regulations in the mineral sector require both the involvement of local and national stakeholders. Lack of involvement of local community in the governance of natural resources in DRC emerged as a source of tension and conflict in Katanga province, where local politicians feel that they have

not been involved in the management of the minerals. This indicates that the governance of natural resource is still top-down and not bottom-up as this is the surest ways of involving the local community.

### **5.3 Conclusion**

The conception of mineral governance as a set of linked obligations upon mining companies, the state, and ultimately citizens and civil society is a running theme in governance of natural resources. An important conclusion is that state accountability is a central component of mineral governance, closely correlated with state capacity and with monitoring and enforcement. The centrality of accountability shows that state officials are most diligently keep track the activities of mining companies when they know that that citizens and civil society are keeping track of them. Although adopting appropriate policies and building administrative capacity are important, the study suggests that laws and institutions that give voice to the ostensible beneficiaries of mineral extraction are perhaps the most fundamental bases for the effective.

### **5.4 Recommendations**

This study recommends:

- The need for an integrated and comprehensive natural resource management strategy in the DRC that relies on enabling the army to gain control over its territorial boundaries, and a sound resource governance approach.
- The DRC government needs to review badly negotiated mining contracts and involve the local community in such renegotiation.
- The DRC needs to introduce a windfall tax which has seemingly worked well in Zambia and Botswana in encouraging the involvement of community in reaping the benefits of resources.
- The study also recommends a communitarian model of natural resource management that requires constitutional devolution of powers such that decision centres are very close to the communities they serve.

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