



**THE REPUBLIC OF TÜRKİYE
SOCIAL SCIENCES UNIVERSITY OF ANKARA
THE GRADUATE SCHOOL OF SOCIAL SCIENCES**

**THE LINK BETWEEN BAD GOVERNANCE AND CONFLICTS IN
THE DEMOCRATIC REPUBLIC OF CONGO: ASSESSING THE
ROLE OF STATE INSTITUTIONS IN INSTABILITY IN
SOUTH KIVU**

Master Thesis

Christian Aimé Gedeon Fundy Muyumba

September 2023



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**Supervisor:
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INSTITUTE FOR AREA STUDIES



THESIS APPROVAL

This is to certify that the defense examination for the thesis titled “The Link between Bad Governance and Conflicts in the Democratic Republic of Congo: Assessing the Role of State Institutions in Instability in South Kivu” prepared by Christian Aime Gedeon Fundy Muyumba with student number 195230016 studying in the field of African Studies Program has been conducted in accordance with the related clauses of the Graduate Studies and Examination Code of YÖK (Council of Higher Education) on 29/08/2023 at 15.00, and has been approved by the ~~majority of votes~~/unanimous vote.

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ABSTRACT

The Democratic Republic of Congo (DRC) has been marred by persistent conflicts, and South Kivu, in particular, has been a hotspot of violence and instability. This thesis seeks to explore the link between bad governance and conflicts in the DRC, with a specific focus on South Kivu. The study delves into the role of bad governance in contributing to or mitigating the region's instability. It employs a mixed-method approach, combining qualitative analysis of historical data, policy documents, and expert interviews with quantitative data from surveys and reports. The investigation seeks to identify patterns and correlations between instances of bad governance and conflict escalation in South Kivu over the years. This study gives historical background of this conflict, explores the current ongoing events and proposes solutions which can help to identify best practices and potential areas for improvement in the governance frameworks. The findings of this research have shown that there have been different cases of displacement and humanitarian crisis, weak governance and security; and sexual abuses and human rights abuses. Human rights organizations have documented numerous cases of rape and other forms of violence against civilians. Also, the findings of this research have implications for policymakers, practitioners, and researchers working on significant conflict resolution and state-building in the DRC and beyond. By uncovering the links between bad governance and conflicts in South Kivu, this study seeks to inform evidence-based policy recommendations that can contribute to sustainable peace and stability in the region. Overall, this study represents a critical step towards understanding the complex dynamics that underlie conflicts in the DRC, offering insights into how state institutions can play a crucial role in addressing underlying grievances and promoting peace in South Kivu.

Key Words: Governance, Armed Conflict, Human Rights Abuses, Promoting Peace.

ÖZET

Demokratik Kongo Cumhuriyeti (DRC), sürekli çatışmalarla gölgelendi ve özellikle Güney Kivu, şiddet ve istikrarsızlığın sıcak noktası oldu. Bu tez, özellikle Güney Kivu'ya odaklanarak, DRC' deki kötü yönetim ve çatışmalar arasındaki bağlantıyı keşfetmeyi amaçlamaktadır. Çalışma, kötü yönetişimin bölgedeki istikrarsızlığa katkıda bulunma veya bu istikrarsızlığı hafifletmedeki rolünü araştırmaktadır. Tarihsel verilerin nitel analizini, politika belgelerini ve uzman görüşmelerini anketlerden ve raporlardan elde edilen nicel verilerle birleştiren karma yöntemli bir yaklaşım kullanır. Soruşturma, Güney Kivu'da yıllar içinde kötü yönetim örnekleri ile çatışmaların tırmanması arasındaki kalıpları ve ilişkileri belirlemeyi amaçlıyor. Bu çalışma, bu çatışmanın tarihsel arka planını vermekte, devam eden güncel olayları araştırmakta ve yönetim çerçevelerinde en iyi uygulamaları ve potansiyel iyileştirme alanlarını belirlemeye yardımcı olabilecek çözümler önermektedir. Bu araştırmanın bulguları, yerinden edilme ve insani kriz, zayıf yönetim ve güvenlik gibi farklı vakaların olduğunu göstermiştir ve cinsel istismarlar ve insan hakları ihlalleri. İnsan hakları örgütleri, sivillere yönelik çok sayıda tecavüz ve diğer şiddet biçimlerini belgeledi. Ayrıca, bu araştırmanın bulguları, Demokratik Kongo Cumhuriyeti ve ötesinde önemli çatışma çözümü ve devlet inşası üzerinde çalışan politika yapıcılar, uygulayıcılar ve araştırmacılar için çıkarımlara sahiptir. Bu çalışma, Güney Kivu'daki kötü yönetim ve çatışmalar arasındaki bağlantıları ortaya çıkararak, bölgede sürdürülebilir barış ve istikrara katkıda bulunabilecek kanıta dayalı politika önerilerini bilgilendirmeyi amaçlamaktadır. Genel olarak bu çalışma, DRC' deki çatışmaların altında yatan karmaşık dinamikleri anlamaya yönelik kritik bir adımı temsil ediyor ve devlet kurumlarının Güney Kivu'da altta yatan şikâyetleri ele alma ve barışı desteklemede nasıl önemli bir rol oynayabileceğine dair içgöçüler sunmaktadır.

Anahtar Kelimeler: Yönetişim, Silahlı Çatışma, İnsan Hakları İhlalleri, Barışı Teşvik Etmek.

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LIST OF ABBREVIATIONS

DRC	: Democratic Republic of the Congo
UN	: United Nations
UNHCR	: United Nations High Commissioner for Refugees
ICC	: International Criminal Court
UNGA	: United Nations General Assembly
ICRC	: International Committee of the Red Cross
IPI	: International Peace Institute
HRW	: Human Right Watch

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1. INTRODUCTION

This chapter aims at presenting the problem of the study, a brief overview, and objectives of the study, scope of the thesis.

1.1. PROBLEM FORMULATION

Over the past two decades, Africa's economy has grown significantly, and some of its nations have positive economic indicators. The discovery and exploitation of natural resources, a boost in foreign investment, infrastructure improvements, and the expansion of certain industries like banking and telecommunications are a few important factors that have fuelled this boom. Additionally, some African nations improved significantly in terms of political stability at that time. Civil wars and protracted hostilities that had impeded the growth of many countries have come to an end (Sarkin, 2009). Furthermore, a few nations strengthened their democratic institutions, held largely peaceful and transparent elections, and improved governance structures to promote greater accountability and openness. It is significant to remember that Africa is a large, diversified continent with various degrees of political and economic development among its nations. While some nation's experienced rapid growth and improved political stability, others faced challenges and remained in conflict or struggled with governance issues (Ibid). Nevertheless, instability continues to be a major problem for parts of Africa, explicitly in the Great Lakes region. Particularly, the DRC's insecurity is a significant impediment to the country's and the region's overall economic and social growth (Prunier, 2009).

The Democratic Republic of Congo is struggling to recover from a protracted period of conflict and instability as it contends with a legacy of pervasive corruption that threatens social and political institutions at all levels of society. According to a report from Centre for Global Development (2012-2021), DRC is the 11th most corrupted countries in the world. The most basic forms of corruption are embedded in the context of public rent production and distribution. In addition to this, the predation of resources contributes to the transformation of the state through the information of public services. Roberts and Muganda (2008) state the requirement of institutional opening which requires the establishment of new institutions based

on impartiality and efficiency of public services. Despite having a significant mineral richness, the mining of natural resources continues to be accompanied by rampant corruption, even in the military services, which feeds violence, insecurity, and unrest among the populace.

South Kivu, a province in the eastern Democratic Republic of the Congo (DRC), has been affected by the presence of various armed forces, including both official forces and numerous armed rebel groups. The region has experienced ongoing armed conflicts, resulting in violence, human rights abuses, and displacement of civilians. The presence of these armed forces, along with their competition for territorial control and access to natural resources, has contributed to the ongoing insecurity and humanitarian crisis in this region. Thus, the conflicts have resulted in the displacement of civilians, human rights abuses, and disruptions to essential services, such as healthcare and education (UNGA, 1998). South Kivu has been a hotspot for armed conflicts involving various rebel groups and militias. These armed groups have engaged in violent activities, including attacks on civilians, looting, and sexual violence. Efforts to address the security challenges in this region of DRC have involved various peacekeeping missions, diplomatic efforts, and humanitarian interventions from the international community (Ndikumana & Kisangani, 2005). However, achieving lasting peace and stability in the region remains a complex and ongoing process, requiring sustained efforts from all stakeholders involved.

1.2. AIM AND OBJECTIVE OF THE RESEARCH

This research will contribute to the socio-economic development, as the application of the results will serve to open the image of the DR Congo as an underdeveloped country on the international stage. It can also be a model for understanding the factors affecting the quality of public governance in DRC, especially the ongoing conflicts in South Kivu. Finally, this study advocates the promotion of the basics of human rights that are considered as universal, inalienable and indivisible.

From these perspectives, this research specifically aims at:

1. Analyzing the impact of bad governance on the development of DRC,
2. Examining the extent to which the ongoing conflicts in South Kivu has affected the welfare of the whole country and the East African region;
3. Suggesting solutions that can contribute to the respect and strengthening of the basic human rights and an efficient transparent administration.

Based on the aim of the research, the following question has been formulated:

‘How does bad governance affect the socio-political environment of the Democratic Republic of Congo?’

Acknowledging the effects of bad governance in the Democratic Republic of Congo is quite broad; sub-questions are created to narrow down the research:

To what extent has the wellbeing of the entire nation and the area of East Africa been impacted by the ongoing wars in South Kivu?

What measures may be taken to promote the upholding and strengthening of fundamental human rights, as well as an effective and transparent government?

1.3. SCOPE AND LIMITATIONS OF THE RESEARCH

The scope of the research study titled is to investigate and analyze the relationship between bad governance and conflicts in the Democratic Republic of Congo (DRC), with an emphasis specific focus on the South Kivu region. The study aims to assess the impact of state institutions on the stability of the region. It is likely to cover the following key aspects: Bad Governance and conflicts in South Kivu from 1997 to 2023 i.e. the period after the end of Mobutu regime to the current period. It is appropriate to study the relationship between poor governance and instability in this region because of its lengthy history of conflicts and insecurity. Additionally, it will concentrate on State Institutions as the study aims to assess the effectiveness and performance of State Institutions in the DRC, especially in South Kivu. This could involve examining the administration of justice, the legal system, the security apparatus, and other pertinent institutions involved in governance and preserving peace and stability. The overall goal of the project is to provide insightful information to policymakers, academics, and practitioners engaged in governance, conflict resolution, and peace-building in the region.

Naturally, this research was preceded with undeniable limitations. In fact, the first main obstacle was the language; the questions had to be translated in French, Swahili and Lingala before being asked to the participants. It is probable that the richness of the data may have been affected in certain ways. Furthermore, it is obvious that if the researcher could have met the participants, further findings would have been provided.

2. HISTORICAL BACKGROUND OF ARMED CONFLICT AND HUMAN RIGHTS

Africa has experienced tremendous economic growth over the last two decades, along with steady advancements in political stability highlighted by the end of numerous conflicts and the consolidation of the democratic process in many other nations. Nevertheless, instability continues to be a major problem for parts of Africa, explicitly in the Great Lakes region. Particularly, the DRC's insecurity is a significant impediment to the country's and the region's overall economic and social growth. In his first report on "The causes of conflict and the promotion of durable peace and sustainable development in Africa," the Secretary General of the United Nations stated in 1998, "Africa has begun to make significant economic and political progress in recent years, but progress remains threatened or impeded by conflict in many parts of the continent" (United Nations General Assembly, 1998, p. 3) (UNGA, 1998). Different reports noted that 14 of the continent's 53 countries experienced armed conflict in 1996 alone (UN, 2023). The Democratic Republic of the Congo was listed among the nations with ongoing conflicts since it was the scene of the Kabila-led uprising that ended Mobutu's 32-year rule in May 1997. According to the United Nations Secretary General's 2004 report to the United Nations General Assembly, the "gloomy picture" that had been observed in 1998 had "changed dramatically and positively," only six African countries were embroiled in conflict or "facing deep political crises," and most of the continent had "relatively stable political conditions" at the time (ibid).

According to Coghlan et.al. (2004), Prunier (2009), Roberts and Muganda (2008), the DRC is currently dealing with severe insecurity and the aftereffects of what have been called "continental wars" and the deadliest conflicts in the world since World War II. The UN Secretary General singled out the DRC as one of three African nations where there had been losses in stability and conflict resolution in the 2013 report (UN, 2013). War and conflict have always been a significant part of Congolese history. Although there are persistent efforts at the national, regional, and international levels to negotiate the end of hostilities and consolidate peace, the DRC is continuing to face crises and instability. The six-country ceasefire agreement signed in Lusaka in July 1999, the agreement between the DRC and Rwanda in July 2002 for the withdrawal of Rwandan troops and the disarmament of Rwandan Hutu militias in Eastern

DRC, and the agreement between the DRC government and rebel groups in January 2008 are all significant peace agreements (Council on Foreign Relations, 2023).

Moreover, elections were held in 2006 and 2011 thanks to the ceasefires, which also allowed for the restoration of peace and the planning of a smooth transition from the conflict. However, there is still a problem with insecurity, particularly in the East. Indeed, the inability of the successive ceasefires and peace agreements to permanently establish peace is a sign of unresolved complex issues that feed intergroup hostilities, mistrust of the people in their communities. From that context, armed conflicts are also straining relations between the DRC and its neighbors. The majority of these issues have a long history that dates back to the colonial era which had been carried out by King Leopold II to the Belgian colonial administration. The post-independence regimes were also the colonial administration's establishment of a system of state-condoned exploitation of national resources for the rulers' personal enrichment (Kisangani, 2014); (Nzongola-Ntalaja, 2002).

As a result, the DRC wars are linked to the poorly regulated exploitation of the natural resource sector, which has turned into a battleground for local as well as international state and non-state players who wanted to take advantage of the regulatory void and insecurity. While the exploitation of natural resources may not be the direct cause of conflicts, it can serve as a catalyst for rebellion against the State which fuel the war machine in the absence of strong institutions to ensure effective regulatory oversight and protection of human rights (see chapter 2) why this?. The treatment of national identity has also benefited from the heritage of colonial and post-colonial governance. The root of the ongoing insecurity in the Eastern Congo and the spread of the conflicts into the DRC's eastern neighbors is, in particular, the systemic manipulation of national laws for targeting long-time immigrants from Rwanda and Burundi.

2.1. ARMED CONFLICTS

Armed conflict is defined as all kinds of fight between two or more groups using armed that could be done by power or rebels using arms. It could be included any kind of military confrontation of the power of international organizations. The Law Insider defined the term “armed conflict” as a scenario when nations or group use military force to fight against one another (Law Insider, 2023).

In the history of humankind, there are different types of armed conflicts that had been reported in mid-20th and 21st century. The studies have illustrated some typical examples of armed conflicts.

- **Inter-State conflicts:** which include conflicts between two or more sovereign States such as the Gulf War (1990-1991) between Iraq and a coalition, which had led by the USA and the Russo-Georgian War (2008) between Russia and Georgia.

- **Civil Wars:** which involve conflicts between the government of a country and one or more opposition groups within that country. Typical are described from Syrian Civil War 2011-present) between the examples of Syria with different rebel movements. In addition, another example concerns with the Angolan Civil War (1975-2002) between the Angolan government and National Union for the Total Independence of Angola (UNITA).

- **Guerrilla wars:** which involve conflicts that a non-State actor which uses irregular tactics for fighting a more powerful adversary whose examples include the Vietnam war (1955-1975) between the communist forces of north Vietnam and the Government of south Vietnam that was backed by the USA. In addition, there was the Colombian conflict, which started (1964- present) which oppose the Colombian government and different left-wing guerrilla groups.

- **Terrorism:** which the use of violence by non-state actors for achieving political and ideological goals. The typical example is illustrated by the 9/11 2001 attacks which were carried out by the terrorist group such as Al-Qaeda against the USA.

- **Insurgencies:** are the conflicts in which a non-State actor seeks to overthrow a government for establishing a control over a territory. The typical example includes the Maoist insurgency in Nepal (1996-2006) and the ongoing conflict in Afghanistan (2001-2022) which created an opposition between the Afghan government and various insurgent groups such as the Taliban.

The Geneva Convention of 12 August 1949 stipulated the term “armed conflict” as a conflict in which one or more non-governmental armed groups are involved (ICRC, 2022). Conforming to the International humanitarian law, there are two type of armed conflict, specifically: International Armed Conflict (IAC) opposing two or more stated, non-international (NIAC), among, and non-governmental armed groups, or between rebel groups only (ICRC, 2023). In concordance with the Geneva Convention, an armed conflict must fill out two main criteria to be accepted: "First, there must be a minimum level of intensity in the hostilities", when the government must utilize military force against the insurgents rather than just police troops or when the conflicts have a collective nature. Second, “Non-governmental organizations engaging in the war must be regarded as parties to the conflict", suggesting that

they have a well-developed military. For instance, this implies that these troops must be subject to a specific command structure and possess the capability of supporting military actions (ICRC, 2023). Additionally, the concept-armed conflict refers to any type confrontation that could happen among two or more groups in opposition of in rule. The concept “armed conflict” dates from long times in the history of war. It was demonstrated that the first armed conflict took place in the fight of Megiddo 1479 while the Thutmose III combated King Kadesh in Egypt (WHE, 2023).

The expression-armed conflict in international law is related to a situation happen, whenever there is a conflict among states, government's power and armed groups (ICRC, 2023). International law and international humanitarian law express the armed conflict as an action of violation in all aspect of its realization. The United Nation reported it armed conflict is the father of many kinds of humanitarian crimes, its report demonstrated that genocide, war crime are mainly remarket in armed conflict with a big case of non-countable cases of human rights violation (UN, 2023). Starting from the historical aspect of the expression to its legal meaning, the term armed conflict is referring to a direct confrontation between two group well established.

2.2. ARMED CONFLICT IN SOUTH KIVU

The South Kivu province has been continuously at war from a very long time ago; Since the First Congo Fist Congo war¹ to present, the area has never had complete calm (HRW, 2022). The first conflict in this area occurred in the year 1996, when the Laurent Désiré Kabila campaigned to return all Banyamulenge and Banyarwanda to their original homeland (Olumide, 2019). Due to his rule's policies, the region has not had a chance to pass in peace since Laurent Désiré Kabila came to power in 1997. One of the key drivers behind the formation of new-armed organizations that immediately rebelled against his force was the responsibility of sending back the foreign forces from Rwandan army that had acted alongside him while pursuing power. According to the timeline of our research, the killing of Laurent Désiré Kabila in 2001, which brought about a new type of government in the Congolese region, had pushed on the spread of armed conflicts.

¹ First Congo war: In1996 the Rwandan force comes together with LDR Kabila to combat the power of Mobutu. At this time, the anti Mobutu rebel regime under support of Rwanda with the form of AFDL had attacked the South Kivu province in first time and progress in action until the end of Mobutu rule changed by this movement.

During the first phase of Kabila's leadership, the security situation in the area had altered, and a number of agreements had been reached to uphold stability and security in the Congo. Several peace agreements have been signed from 2001, but they have all failed. Kabila tried to speed up pace in the region and promoted the idea of interacting with other parties, but such efforts were not as successful as the Congolese government had anticipated or planned (UNSC, 2001). Residents of South Kivu province have been forced to travel in difficult conditions of insecurity, vulnerability, and various situations of human rights violations because of this inability to establish durable peace in the area.

The studies have shown that violations of human rights are followed by the emergence of numerous armed groups in South Kivu province as the main causes of armed conflict and the lack of peace (UNHR, 2022); (Lewis, Schwarz, & Mupenda, 2018). Some of these reasons are highlighted as having a connection to the fighting in the South Kivu area. In his paper titled "A Growing Conflict in South Kivu, DR Congo," Floribert Kazingufu said that, in addition to the presence of numerous armed groups in the area, tribalism is also a contributing factor to the violent conflict there (Kazingufu, 2022) . There are several reasons for armed conflict in the region, as evidenced by the general focus on the violence in the South Kivu.

The redirected investigation demonstrated that the following are the main causes of armed conflict:

a. **Armed groups:** including terrorists and rebel groups realizing their activities in Congolese land.

b. **Tribalism:** Interactions between natives and outsiders of new races, this situation is generally remarked between Banyamylenge and the rest of ethnic groups of Kivu case of Babembe, etc.

c. **Neighborhood:** Integration of foreign forces from surrounding nations, these forces are generally forced by Rwandan, Ugandan and is some party Burundians (Bwire & Guensburg, 2022); (Ntanyoma & Hintjens, 2021).

The instability of peace resulted from armed conflict in the region of South Kivu province is not dating from recent time. Since the First Congo War to present, the region had been passing in different case of insecurity and war. With this reality, it is realized that the region of South Kivu has been under instability of peace and violation of human rights for more than two decade.

2.2.1. Chronology of The Eastern DRC Crisis From 1996 to Current Date

First DRC crisis from 24 Oct 1996 to 16 May 1997: rebel groups led by Kabila and backed by Rwanda, Uganda, and Angola deposed Mobutu. The AFDL has won a decisive win. Following the overthrow of the Mobutu dictatorship, Zaire was renamed the Democratic Republic of the Congo (DRC). The Second Congo War begins with the installation of Laurent Désiré Kabila as president. **Second and third DRC Crisis from 2 Aug. 1998 to 18 July 2003:** Multiple rebel forces are fighting the new administration. There are nine African countries and about 20-armed organizations involved. Plundering of gold, diamonds, timber, and coltan is widespread. On one side, Hutu-aligned forces from the Democratic Republic of Congo, Namibia, Zimbabwe, Angola, Chad, Mai-Mai, and Uganda, Rwanda, and Burundi; on the other, Tutsi-aligned forces from Uganda, Rwanda, and Burundi.

Kasai Conflict between 2012 - 2016: A battle has been raging in the Kasai area of the DRC since August 2016, on top of the ongoing violence and instability caused by armed groups in the country's east. As a result, the DRC is experiencing its newest large-scale humanitarian crisis. Jean-Pierre Pandi was appointed chief of the Dibaya territory in Kasai in 2012, which is a bastion of the main political opposition group. Chiefs in the DRC wield a great deal of power and administrative authority. The government recognizes them even if they are not political posts. However, President Joseph Kabila, exacerbating tensions between the region and the national government, never officially recognized Pandi. A full-scale battle occurred after Pandi was slain during clashes between his fighters and government forces. Over 1.4 million people in Kasai have been forced to evacuate their homes since then.

Political Instability and a new President between 2016-2019: Since President Joseph Kabila's 11-year mandate expired in 2016, political tensions have risen. He was the first democratically elected president since 1960, and he is the last of former President Laurent Kabila. Kabila stepped down in January 2019 after increased pressure, growing opposition, and more violent protests, and was succeeded by Félix Tshisekedi. The latest and most trending event is the issues of M23 rebel operation in North Kivu province and Mai-Mai operation over Haut plateau and general villages of South Kivu province.

2.3. IMPACTS OF ARMED CONFLICTS

Armed conflict has several impacts in socio-political feature, in this study mainly the impact of armed conflict will be analyzed in follow of social and human rights aspects. Herbert

Weiss argued that war has a negative impact on the promotion of human rights he also demonstrated that the existence of conflict promotes much more the upside of violation (Weiss, 2000). According to the global history, it is displayed that the world War II (1939-1945) was the largest armed conflict in the globe and had took the global recorded. DRC untitled as the focus point of the study is taking place in the foremost 12 most fatal war in the world, which explained that the region is in the main place of armed conflict globally (Borgen Projec, 2023). In this, we are going to discuss and analyzes some impacts of war in South Kivu province in accordance with negativity of its action in socio-political view and additionally its influence on human rights.

The term-armed conflict has several negative impacts in socio political life of societies, in case of DRC especially in the South Kivu province people have been suffering much more vulnerability to the repletion of armed conflict. Taking depart from the local organizations of the region to the general structure of the country have been destroyed by the incapability of stopping the continuity of armed conflicts. With the repletion of armed conflict in the region, the expectation life of people decreased connected with the inexistence of many factor of developments. The Congolese law condemned this act, as a crime against humanity unfortunately there are no well-settled strategies of maintaining people and stopping the repetition of armed conflict or applying a spy belli (conflict case) in Congolese land.

2.3.1. Armed Conflicts as Factor of Vulnerability (Lack of Liberty)

The analytical focus on the impacts of armed groups under connection of IHRL demonstrated that in the region of war generally people lose some of fundamental right in concordance with the UDHR accord. According to the third article of the UDHR, people have right to liberty; in this article, it has stated "Everyone has the right to life, liberty and the security of person" (UN, 2022). The vulnerability caused by armed conflict abuse the enjoyment of liberty in of aspect of people, all international instruments of human rights encourage the existence of livery of people in all stage of life. In consideration of the European Convention on Human right (ECHR) established in 1950 states in art 5-1 the "Everyone has rights to liberty and security"(RTMFA, 2022); (ECHR, 2022). With the existence of war or armed conflict in the region South Kivu advocate the violation the national constitution of the country, it its article 9 and 12 of title II of the fundamental rights and freedom (Constitute Project, 2022).

With the vulnerability resulted from armed conflict in the South Kivu people of this location escaped the region; the scarcity of liberty is promoting many other social incapability

to local people. Diverse research demonstrated that in the region where liberty is limited or not protected people act in running of in chase of stability. In that case, the reality of migration in the eastern Congo is getting direct motivation from that aspect. According to the record of the UNHCR the record of Congolese displaced is up than 5.6 million, this big number is a direct result from the inaccessibility of liberty followed of by total insecurity in the region (UNHCR, 2022). It was reported by the same organization that in aforementioned number of displaced over 4 million are from eastern provinces (South and North Kivu provinces) (Ibid).

In the South Kivu province, lack of freedom has a far greater negative impact on people's well-being. Due to a lack of freedom and several sociopolitical activities that are inappropriate, South Kivu residents are typically at risk of war. In some parts of the province, social activities including markets, schools, and religious activities are not conducted because people are afraid of being insecure and losing their freedom of action. According to Kazingufu, insecure situations cause people to refrain from participating in ordinary activities, which results in a ghost town (Kazingufu, 2022). Another source demonstrated how the South Kivu province's ongoing armed conflict has directly influenced young people's decision to join armed groups on a voluntary basis (Bodineau, 2014).

The study's conclusions indicate that those who believe there is a lack of trust among their fellow citizens frequently attribute it to numerous conflicts and other factors that can leave them vulnerable. Demographics, socioeconomic circumstances, a lack of access to resources like knowledge, information, and technology, inadequate access to political authority and representation, the type and density of infrastructure, social wealth like social networks and connections, people with special needs, the homeless, and seasonal tourism are all indicators of social vulnerability existing in the region (Bankoff, Hilhorst, & Frerks, 2004). The research indicated that socio-economic, political, and religious features are some of the most impoverished sectors in areas of armed conflict in terms of social vulnerability (Aicha, 2008). The existing conditions of the Congolese in the eastern region and the acts of war are directly related. The directly noted forms of vulnerability in this area serve as a metaphor for government's inability to uphold the rule of law and defend the fundamental natal human rights, which will be in-depth discussed in the following subheading.

2.4. THE ADMINISTRATIVE AND INSTITUTIONAL CONFIGURATION OF SOUTH KIVU

Over the past 15 years, there has been a lot of insecurity in the South Kivu Province. Along with three other nations Tanzania, Burundi, and Rwanda South Kivu borders the provinces of North Kivu, Maniema, and Katanga. It has a surface size of 64,719 square kilometers (Ministère du Plan, 2005), and in 2009 (ibid.), the population was estimated at 4,687,744 people. Its industrial foundation is thin. The territory of Kabare, Walungu, Kalehe, Shabunda, Mwenga, Uvira, Fizi, and the island of Idjwi in Lake Kivu make up the province. The province layer, the intermediary layer, and the community layer make up the three layers that make up the administrative architecture. The provincial government is a decentralized organization that shares some authorities with the federal government while also having some regulatory areas that are up to the province to decide. The province legislature, to which deputies are chosen during local elections, is the principal political venue. The provincial assembly elects the governor and vice governor and has the authority to ratify their plans and/or remove them. Over the entire province, the governor assumes political leadership. The governor was recognized as the President's agent in the province from 1996 to 2006. He was in charge of all provincial services and oversaw all government agencies, including the military, police, and intelligence agencies that were subordinate to the central government. However, this position has largely been unstable since independence.

Mwami Auguste Mopipi Mukulumanya claimed that the province had 15 governors between 1966 and 2010; (Profile Palejar, 2023). South Kivu has had more than four successive provincial elections since the 2006 elections. Instability and the provincial government's incapacity to forge an independent local coalition capable of taking on insecurity and development issues have dominated the provincial political scene. Bukavu, the province's capital, is similarly a decentralized entity run by the mayor and his deputy mayors. The holding of this office depends on favors and good standing among the hierarchical levels of the province's governate, the interior minister, and the president because elections have not yet been organized at this level. Territories serve as outlying governmental entities that represent the national government. Their representatives are chosen by the state's central Ministry of the Interior and are paid for by the government. Although they are required to answer to the governor, who represents both the President in the province and the Ministry of the Interior, territorial administrators are directly dependent on the Ministry of the Interior. Territorial administrators are intended to oversee collectivities and represent the state at the local level,

although they are generally unable to work freely. Chieftaincies also referred to as collectivities, wield traditional authority at a lower level. Since the colonial era, traditional authorities have been in charge of their organizations. The collective consists of a single, culturally uniform community, whose ruler is chosen in accordance with ethnic customs and recognized or formalized by the state after the application of customary laws.

The traditional title for the collective's leader is Mwami (king, plural Bami). The collectivity is organized into Groupements, which extend traditional authority at the level of regrouped villages, which are in turn under the control of village leaders. In rural areas, territorial administrators and their aids are frequently appointed from outside the community, and if they want the local populace to obey them, they must rule alongside the Bami, the true power brokers. A number of emerging elites is challenging traditional powers. In South Kivu, the elites include professional public servants and politicians, religious leaders, well-known academics, businessmen, and representatives of civic societies, as well as members of the army and other militias who assisted in defending their territory during difficult times. They make up a diverse group with a range of life experiences and educational backgrounds. Other leadership that is now active in local governance stems from a transient or transitional presence in the area. These people include medical professionals who act as humanitarians and those who deliver other social services under pressure. Elites who engage in the governance of the province may not be residents of Kivu, but they have power over institutions that are important to the country and the province, such the armed forces, the police, the communication services, and the public administration. In this regard, each commander of the UN Organization Mission in the DRC (MONUC) and MONUSCO, as well as the directors of public enterprises, financial private and public services, tax collection agencies, etc., within his or her own domain, controls a portion of power and resources that may be utilized favorably or unfavorably, in accordance with the law or informally, to secure and enhance one's status within the local community (Ibid). The provincial judicial system ties into the state's hierarchy as well. Only in Kinshasa is the Supreme Court distinct and accessible. The Court of Appeal is the highest court in the province, followed by the High Court and the Peace Tribunal. The Prosecutor General (Parquet Général) and the Court of Appeal are both located in Bukavu.

Only two first-instance courts and prosecution offices, located in Bukavu and Uvira, support them. To make the distance somewhat more reasonable, secondary tribunals have been decentralized. Justice is administered at a lower level through the Tribunals of Peace. They are meant to eventually replace traditional tribunals in rural areas and urban and city tribunals (in

Bukavu, Kadutu, and Uvira) since they are more accessible to the general public. The roles of administrator and judge are combined simultaneously by administrative authorities such the territorial administrator, the chief (Mwami) of a collectivity, and the chief of the grouping (Groupement). In the DRC, security is primarily understood to be the protection of the country's sovereignty and territorial integrity against external threats and invasions, as well as the preservation of domestic law and order. Security-related matters are nearly entirely the President's responsibility (Ibid). The National Security Council (Conseil National de Sécurité, CNS), the National Information gathering Agency (l'Agence Nationale de Renseignements, ANR), and the police are all considered to be part of the security services in a broader sense. At the province level, other security actors might include the frontier police, military information services, and the General Directorate of Migration (Direction General des Migration, DGM).

2.4.1. Armed Conflict as Factor of Insufficient Institutions

Armed conflicts may typically create weak institutions in conflicted countries because poor situation that characterizes most of the population whose daily income is analyzed lower due to gradual war conflicts. The socio-economic is based on weak infrastructure and explained by low quality of services. Adding to that statement, the study of Alex (2016) has proved that “in conflicts regions, leaders are isolated from rural communities where other features likely limited income sources, inadequate supports from government and civil society”. This explains how economic production is related to a malicious cycle of poverty whose results increases the level of mistrust leaders and population (Braithwaite, A., Salehyan, I., & Savun, B., 2019). From that perspective, it often happen a kind of marginalization of some social groups of population, which may have correlation with collapsing ties to local institutions. This is considered as institutional weakness because socio-economic marginalization remotes from political levels as power centralization.

It is generally confirmed in armed conflicts is characterized by unequal growth between regions due to the leading marginalization which is viewed emphasizing catalyzer of institution weakness. Furthermore, this study illustrates that "degradation can be both a result of armed conflict as well as a trigger for armed conflict within and/or between states when coupled with other stress factors such as violence, poverty, unemployment, high levels of inequality, and weak governance" (Michael, 2006); (Barnett, 2007). Moreover, as it has been mentioned before, economic vulnerability has been identified as one of impacts of armed conflicts. Hanafi has

identified the fact of not going to work due to gradual armed conflicts, may cause economic collapses whose consequence is equally based on institutions that suffer from experiencing major loss of income and forcing them into debt and poverty (Blackmon, 2008). This is explained by major infrastructures and income sources are obstructed, poor access to agricultural lands, impossibility of harvesting, degradation of crops, inaccessibility of transportation of agricultural products lead to paralyzing existing institutions. From that context, population sometimes cannot respect their leaders because they have no access to daily basic needs. They cannot, even if, go shopping because armed fighting hampers markets. The districts and districts are affected in terms of frequency and intensity of armed conflicts. The dependence of communities on natural resources for income generation and economic production are also impacted not only by institutional abnormalities but also by environmental damage. This could be one of the focal point of that causing weakness of government because they are sometimes unable to offer suitable services that public deserves. However, the Hanif analysis has confirmed that trust relationships play a significant role between leaders and population during armed conflicts. As example, in Lebanon within the complex reality of armed conflicts, correlations were sought between variables, including between citizens' perceptions of whether the lack of trust among the Lebanese is a characteristic of Lebanese society and whether this lack of trust is perceived to be a result of repeated armed conflict (Ibid). In other words, armed conflicts are one of the reasons to increase public misconduct by creating lack of trust over national public stakeholders involved in administrative management process. Armed conflicts make fire on individuals' behavior within their communities and leaders. The situation of Congolese in some of South Kivu is directly out of rule depending on the existence of confrontation. In some rural places of the region, rebel control the land and all accomplished action are driven by their control. In some localities controlled by armed group, citizens are directly connected to the law of the conqueror instead of national or government power. According to Kivu security tracker, in South Kivu there are more than 20-armed group's active and occupying distinct locations and localizations of the region (Kivu Security, 2022). The fact of living under a weak government resourced from armed conflict created the concept of impunity connected with the reality of felled government and incapacity of facing perpetrators.

Impunity: Impunity is one of the most important describing inefficacious aspect. In general, the concept impunity refers to the act of not bringing actors of violation before law. In many region of war or armed conflict, people who are used as armed of war suffer from uncountable violations promoted by weak government and the direct domination of the group

in control of the region. Governments that do not feel out all the needs of citizens could not act in promoting the punishment of dramatic artist of violation. In the study of Albert Camus, nominated "The Practical Guide to Humanitarian Law" demonstrated that, the failure of government is the main motivation of impunity in all region of instability with the wrong action of local court (Médecins Sans Frontières, 2022). Referring from this passage, in the failure states, government actions are not successful in solving the right of his population and the violation of human rights become normal agenda without follow. The universal jurisdiction in operation with humanitarian law imposes of state to condemned offender even along time after its action (ibid). In this case, perpetrators do not have any kind of enjoyment directed from the existence of his power that is impossible in weak government. To support the argument of Albert in his explication, the Rome conference of 1998 had established an international Criminal court with the ad hoc tribunal to work in action of dealing the former Yugoslavia and Rwanda (Walling, 2015). Impunity in weak government is ranking from the absence of state power in the two case of law in de facto and de jure, it was explained by Jorgensen that there is impunity in the government when the violator of human rights are ignored by state or if the state do not have power of implementing sufficient punishment (Mégret & Hoffmann, 2003).. The same author demonstrated that country holding numerous of armed group is directly facing impunity due on the rule of power in place (ibid). Referring form reality and the findings of this in case literature reviews, we confirm that the ongoing situation of impunity in the eastern DRC is resulting from the weak research in the region and absence of adequate method of controlling his land and salving these citizens.

The study previews that, in the region where government do not act in his proper ways the case of impunity achieve the pic of human rights violator to continue the abuse. This has a direct meaning of explaining the multiplication of human rights violation in the all sates with weak government in operation. It was approved by the UN that in his study on the human eight violation in RDC, a big number of convict are not followed by law due on the position holding in the region or incapable government. It was reported by UNJHRO in 2019 that 1,293 case of violation was apart from security forces and 1,833 from armed groups but just 14-government officer and 75 members of armed groups were find guilty of oppression (OCHA Services, 2022).

From this passage, we concluded that in eastern DRC especially in South Kivu province there is a non-controllable repletion of human rights violation resulted from the impunity that has a direct connection to the weak government. Security forces, armed groups actors and

government's personals acting in violating human rights are limitless depending of the wrong motivation of impunity on the region. The situation of impunity in all the region of DRC has many other directivity attached to the rule of power. It was reported by the UNHR that "lack of independence" is the principal delicateness of the Congolese judicial system (OHCHR, 2022).

2.4.2. Armed Conflict as Factor of Human Right Violation

In large-scale, the frequency and intensity of armed conflicts are important factors of human right violation in terms of encompassing physical and psychological tortures such as physical vulnerability during war conflicts. The report of the UNHR (2022) has revealed, the case of Libyan war had a strong reality on the destruction of all kinds of human rights protection base (UNHR, 2022), from that aspect it is agreed by this study that in presence of armed conflict human rights are not protected and general foundation of human rights defender are faced by the violator. It has been concluded that physical, socio-economic aspects, location, nature plus the onset, frequency, intensity and proximity to armed conflicts are important indicators to determine human right as measurement of physical vulnerability. From the asserted reasons, the results showed that the Libyan regions such as Akkar and Manieh have been considered as the highest levels of physical vulnerability, with lower levels in Tripoli, Koura, and Bartoun (ICRC, 2022). Away from this, dramatic the war of Libya present a big number of human rights violation resulted from armed conflict. In the period of war in this region the first target group was of human right defender as reported by the UNHR, in the other side not all fundamental human rights were respected.

The general concept of war demonstrated that, in appearance of armed confrontation human right violation are the main pain displaying in place. In other example, the armed conflict in Libya in 2011 had numerous cases of violation. In this era people has lost life and a spread of regional migration had come in consideration. It was reported by the Amnesty International that during civil war in 2011 there were a direct lack of liberty and other deprivation of rights in Libya (Amnesty International, 2022). Away from Libya back to the location, in the region of DRC people have been victims of violation from long time as by several human right defender and other actors of human rights.

Due to the repetition of armed conflict in the eastern DRC, there is a total lack of human right protection in all field. Instead of enjoying right of human being local people are generally victim of violation. Starting from scarcity security connected with the existence of several-armed groups in the region and non-stuffiest control of government over these groups, people

do not act under freedom. In the study of Murthy he demonstrated that the scarcity of security is one of the fact that promote some of violation in the south Kivu, he also underlined that civilian are victim of all risk due on the lack of organized tool of protecting civilians and against all risk (Murthy, 2022). In the report of OCHA Service of 2021, it illustrated that in general Congolese displacement is connected to the clashed between armed group and inter communal violation (OCHA, 2021). In specific there are too much line demonstrating how the existence of armed conflict act in promoting human rights violation, according to what we collected and analyzed in this study; the case of armed conflict in the south kivu province promote much more violation of human rights underlined as example. Some of human rights violated by armed conflict in the south kivu: According to the UDHR, this phonon act in violating of all fundamental human rights without distinction. The study show that in the last two decades in south kivu province there have been a tragedy of violating al human rights as are spelled from article one to the last of the UDHR (OHCHR, 2022).

2.5. HUMAN RIGHTS

Human rights refer to a set of privilege accorded to each person without any discrimination of any. according to the UN, the expression means the basic legal right that has everyone without any regardless; it is covering a wide range of right such as right to life and liberty, freedom of expression, etc. (UN, 2023). At the international stage the direct and well-recognized achievement of the UN is of established the Universal Declaration of Human rights (UDHR) adopted in 1945, and recognized as the first instrument that had illustrated the protection of human rights after its list was displayed.

Table 1: Brief history of human rights evolution as it comes out overtime

Periods	Explanation
The Cyrus Cylinder 539 BC	Cyrus the Great overthrew the city of Babylon, released slaves to go back to their homes, and proclaimed that people should be free to follow whatever religion they want. Many people believe that this occasion represented the adoption of the first human rights charter in human history.
The Magna Carta 1215	The expression translated from Latin twith the meaning of “Great Chater” was provide by King John of England in which he show the value of right to justice and fair trial
The Petition of Rights 1628	The Petition of Right, which was published in 1628, outlined the freedoms and rights of commoners in opposition to the British Crown.

The US declaration of Independence 1776	Thomas Jefferson, working with a few US legislators, wrote a letter of declaration of independence in 1776, expressing the right to life, liberty, and colonial separation from Great Britain.
The Constitution of the US 1787	This document established a citizen's fundamental right in law for the first time.
Declaration of The Right of Man and Citizen 1789	The proclamation of men's and citizens' rights included a list of inherent and unalienable rights, such as the right to property ownership and other such rights.
The US Bill of Right 1791	Ensures civil rights and liberties, safeguards fundamental liberties including speech, press, and religion, and upholds the rights of all US citizens, residents, and visitors.
The Emancipation Proclamation 1863	The US president Abraham Lincoln declared the abolition of slavery and the right to live free lives.
Universal Declaration of Human Rights 1948	The basic human rights have been adopted and are now safeguarded internationally with the support of all member states.
The European Convention of Human Rights 1950	A formalized legal mechanism for defending peoples' freedom and fundamental rights.
The Civil Right Movements in 1954	A movements established to fight for equality
International Convention on the Elimination of All Form of Racial Discrimination 1964	This convention was created as part of a political strategy to combat all racial movements and to advance the exercise of all rights without hindrance.
The International Bill of Rights 1966	This was a proclamation of the basic rights of men, inspired by the French proclamation.
The American Convention on Human Rights 1969	In addition to covering cultural, social, and economic rights, the Convention primarily concentrates on a person's political and civil rights.
The Convection on the Elimination of all form of Discrimination Against Women 1979	This convention directly guarantees the reproduction of women's rights.
The African Charter of Human Rights 1981	In Africa, it upholds and defends fundamental liberties and human rights.
The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment 1984	Strives to stop the use of torture and other forms of global punishment or cruel, barbaric, or degrading treatment.
The Convention on the Rights of the Child 1989	This convention come in action of giving children a chance of being secured and escape some wrong social behavior case of being used as a property of fathers.
The World Conference on Human Rights 1993	After the Cold War the UN planned this with the aims of establishing a strategy to advance human rights globally
The Charter of the Fundamental Right of the European Union 2000	Guarantees a number of political, social, and economic rights to EU citizens
UN Declaration on Human rights Education and Training (HRET) 2011	This was of making a spread of human rights to people and let them understand more about their fundamental liberty.

Source: USIDHR,(USIDHR, 2023).

Referring from this up designed table, the evolution of human rights had been developed with a capability of action of the UN and it has rooted from the UDHR that was the principal instrument of promoting human right in the world. Away from this regional and international convention and agreement on human rights, every state or government has its local or national legislation on human rights. In DRC away from the national constitution of the country, in protection of human right the people use the family code as the second documents describing human rights in the region. Even there are some classified documents in protecting and promoting human rights in RDC its application is not adequate.

2.5.1. Human Rights Violation in Pre and Post-Colonial Eras

The violation of human rights in RDC is referring from a long history connected on the colonial movement to present. DRC has violation long from colonial power, with the power of colony human rights was not a word of in contrast the right of life was depending on the will of the colonial power. One of the most remarked negative aspect of colony is DRC was that at first stage the colonial power has deteriorated the power of Kingdom of Congo that was the most dominant in Central Africa as reported by the Britannica (Britannica, 2023). The penetration of outside force in DRC had changed the general structure of the region and promoted much more instability of peace that promoted numerous cases of human right violation. The colonial period that have started in 1908 until 1960 had been remarked as the period of human rights violation in DRC, it was confirmed by the study of EISA that Belgium colony over DRC had very negative aspect in all aspect of life followed by human rights violation (Sawyer, 2018). It was confirmed that during the colonial ere, Congolese people were killed as needed by the king in rule and all the structure of the country was reformed under the policy of the king. It was argued by Sera Lowes and Eduardo Montero that Belgian colony was the catastrophe for Congolese and it region (Lowes & Montero, 2020).

Just after the arrival of the King Leopold II in 1885, they took the control of the country and declared it as the status libero (Free State) under his exploitation. The research demonstrated that from that period the king was the principal and main actor of DRC with the entire prosperity of the country. the rule of the king was built under a theory of eliminating Congolese society in order to prevent his rule, the fist manifested and violated rights was limiting right to life and liberty, Congolese in that pride had lived in hard situation connected with the obligation of colonial forces. Before the colonial period, Congo was built of a society with only African originality, but the policies by Belgium damaged the existence of Congolese.

It was affirmed by the research that the Belgians treated most of the Congolese as slaves. After the arrival of the Belgians in the country, they destroyed the importance of all-important assets in Congo and prevented the future of the people (Johnson , 2014). During the colonial period, the beauty of Congo was swept away by the ruling power. During this period, the Congo people could not benefit from the existing culture or anything related to the culture. Attending parties with traditional dances, music, Congolese food and clothing are among the cultural riches destroyed by the Colonization administration; people were much more connected to colonialism, and colonial changes in linguistic affiliation and other demographic aspects are challenges that endure in the region (Countries and Their Cultures, 2023). Since the values of the country have been under control for a long time, it has led to the deterioration of its ethnic structure and all the remaining values.

The violation of human rights exercised in this era by colonial power do not have a key of explaining it, but in short, we could underline that the rule colonial power had violated all fundamental human rights. There have been an influence of a new language that increased with the penetration of the King of Belgium into the Congo; it had eliminated the use of national and local language to communicate. In this situation, the freedom of people had been limited in case of applying local language; Congolese were submitted on learning French aims to serve the kingdom (Yates, 1980). Away from this direct underlined point, the king had applied a policy of eliminating the protector of the country in using some wrong politics of killing people. The colonial government had applied a policy of sending young people in military and being an object of hard labor; in other corridor, the king directly killed people in order to protect his regulation. The strategy of population shrinkage was the principal in destroying Congolese nation (Barcelona Cultura, 2023).

It was argued by the World Council of Church that, during colonial period many Congolese had been killed, muss murder and mutilation were frequently used; young age and children were recommended to work in field or participating in colony force as freight carriers (World Council of Church, 2023). It was directly argued that slaves from RDC was transferred to work in favor of the kingdom, an example of this reality was underlined on the building of Royal Museum of Central Africa that was build with Congolese slaves (Hochschild, 2020). There is no any resource demonstrating the real number of people killed or tortured by Belgian colony, according to Anadolu Ajansi up than 10 million of Congolese have been violated their right to life and liberty. Many other sources took reference on the number pre estimated (10,000,000 of people killed) between 1908 and 1960 (Korfiati, 2022).

Other estimated numbers of killed people in Congo colonial eras are (Hawaii, 2001).

Table 2: Estimated numbers of killed people in Congo colonial eras

Others	Estimation of Deaths
Britannica	Reports during Free State that there were 8 million people instead than the 20 or 30 million previously stated.
Roger Casement's	Since 1888, up to 3 million Congolese people are thought to have died.
Peter Forbath	Asserts that not less than 5 million people were slaughtered.
John Gunther	Death estimates range from 5-8 million.
Adam Hochschild	10 million is the estimated number, or 50% of the earliest citizens between 1885 and 1920.
Fredric Wertham	Between 1885 and 1920, the population of Congo decreased by 21.5 million, from 30 million to 8.5 million.

Source: Exemplifying the Horror of European Colonization Leopold's Congo, (Hawaii, 2023).

The concept human right violation in RDC is not a recent issue due on that even ancient Congolese have been victim of violation resulted from colony. After the colonial period in DRC, the armed conflict stated and promoted much more human rights violation in hand of Congolese authority of the post-colonial time. The assassination of the first president and his prime minister was underlined as the first armed conflict that driven the violation of human rights.

2.5.2. Human Right Violation in Armed Conflicts

International humanitarian law is a set of rules, which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities, and restricts the means and methods of warfare. In addition, international human rights law (IHRL) is a system of international norms designed to protect and promote the human rights of all persons. These rights, which are inherent in all human beings, whatever their nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status, are interrelated, interdependent and indivisible. The studies of OCHA illustrate that international humanitarian laws (IHL) are often expressed and guaranteed by law, in the form of treaties, customary international law, general principles and soft law.

Human rights entail both rights and obligations. IHRL with the obligations of States to act in certain ways from certain takes measures in order to promote and protect the human rights

and fundamental freedoms of individuals or group. The lack of trust among themselves is a result of the armed conflicts. This is consistent with the literature that shows that there is a link between vulnerability and trust, and that reducing vulnerability plays an important role in enhancing trust (Bidner & Jackson, 2011). Nevertheless, some research conclusion inserts that “IHL has to be applied equally by all sides to every armed conflict, regardless of whether their cause is justified. This equality between the belligerents also crucially distinguishes an armed conflict, to which IHL applies, from a crime, to which only criminal law and the rules of human rights law on law enforcement apply. As corroborates previously, during human rights there total unavailability of human rights protection that confirm the existence of its violation. In this that way, the study will try to elaborates some of repeated and direct remarked case of human rights violation observed in the south Kivu province.

2.5.3. Human Atrocities

In international law, human atrocities are referring from all kinds of crime against humanity, from this approach all form of human violation are connected with the concept in its realization. In the party three of book of International Criminal War, Schabas exemplified that atrocity crimes are taking classification from genocide, war crimes and crimes faced humanity (Schabas, 2015). The International Criminal Court (ICC) confirmed that repartition in this published document on the element of crime (ICC, 2013). The focus related on the crime against humanity in south Kivu will be explained under analytical reviews of some act of atrocities lifted out as the upwards one.

Torture and Murder: Torture and murder are some of repeated action in the armed conflict region, in this study the focus on these two violations has a big record than it was pretended. In South Kivu, province civilians who are suffering from these two atrocities are numerous according to reached information. The issues of torture were reported by the Amnesty International as one of crime that many countries have failed to control all over the world (Amnesty International, 2022). In its report, it displayed how the establishment of Guantanamo by the USA in 2002 promoted the secret torture with a gross human abuse of right organized by the government in charge (ibid). The instability of peace in this region in the long of two decade had resulted from a gross violation of human right, citizen of South Kivu are subjected by torture objected by armed groups and somehow by personals. In other report of the Amnesty International, it displayed that in south Kivu torture is used as an arm of fighting against unarmed ordinary citizens (Amnesty International, 2001).

The UN reported that, in eastern DRC civilians are generally suffering from torture whenever they are trying to complain about their fundamental rights example of peace, freedom of speech or right of detention, in this report it displayed that security persons of the Congolese government are remarked as one of part of violator of human rights. In the same report, it was recorder that 1293 cases of violation were connected with the security force while 1833 were under a record of armed groups (UN News, 2022). The result from other views of study show that people arrested by armed groups are generally tortured in case they are incapable of accomplished the needs. Away from torture, civilians in south Kivu suffer from another form of violation that has a grave distinction liable on torture. People could get chance of escaping from violation camps and get chance to life after this serious situation but some of case explained that in somehow civilians are murder by this groups.

The Human Rights Watch (HRW) and the New York University-based Congo Research Group have reported that, between 2017 and 2019, more than 1,900 citizens have been killed and armed group in eastern Kivu provinces kidnapped not less than 3300 (HRW, 2019) . Out of violation done by armed group, other tracker of research previewed that Congolese armed force are also the object of infraction. According to the expression of Anne Marie Buhoro There is a proof that lay out the murder of the journalist Charline Kitoko Safi in Kaituga by the Congolese security force, she affirmed that the journalist was killed by her husband who was a captain in DRC national force (Etahoben, 2022). The situation of human rights violation in South Kivu is not a problem dating from recent time. Civilians are paying much for theirs survive, the action of disobeying between government and other actor in the region reflect on the vulnerability of people in different places of the province. In short, the study described the South Kivu as the place where killing people is a simple issue as paying a travel ticket to someone.

2.6. CUSTOMARY LAW

Women are required to abide by taboos and prohibitions established by traditional culture in order to avoid hurting the wrath of the tradition's keepers and even their ancestors. Failure to do so will result in harsh consequences. Men are given a preference in cultural practices over women, and these reasons and justifications for the social hierarchy down to the use of labor and the consumption of certain foods remain in place today. Women are connected with uncontrollable forces from the non-human world (witchcraft and magic attack), not the ancestors and the information they passed down. The ceremony of widowhood exemplifies how

persistent customary law is. This ceremony entails the widow being interned for several weeks as her in-laws simply forsake the widow and her children while taking over the property left by their son. As a result, she carries the weight of the entire family on her back. She does not even take pleasure in the property she and her late husband worked hard to achieve. In breach of the Family Code, which safeguards the widow, her eldest son incorrectly referred to as the heir has a tendency to kick her out of the house when he is an adult? Because it is assumed that the widowed woman must be responsible for her husband's passing, she may be tortured in some cultures.

The custom of bride inheritance, which forces the widow to wed a typically extremely elderly relative of her late husband, is widespread in different societies. A widow who objects to this practice faces retaliation, including losing custody of her kids, being forced to pay back the dowry right away and being forced to vacate the house with no rights. The idea behind this custom is to keep the widow company and thereby protect her. Nevertheless, doing so is against everyone's rights to freedom, including the right to marry whoever one chooses. In the DRC, there are other traditions that discriminate against women and girls. Women, for instance, cannot inherit and are not permitted to own land. Additionally, the dowry of a boy's sister determines his marriage, which forces women to get married rapidly so that the son can also be married.

2.6.1. The feminization of poverty and Access to Education

The feminization of poverty, which has been made worse by violent conflict, characterizes the DRC. The shift in gender roles is one of the most important consequences of this age of unrest, though. The fact that women today are responsible for maintaining 80% of houses serves as an example of this (source). Women still have significant difficulties getting access to resources, basic amenities, and social services despite their clear importance to the survival of the majority of the people. Women who live in poverty are likewise unable to access the court system. According to studies on poverty in North Kivu, 61.2% of women and 59.3% of males are estimated to live below the poverty level. Rural and semi-urban areas have significantly greater rates of this fraction. In addition, 61.15% of homes with women as the head of household experience poverty, compared to 54.32% of households with males (Mukengere, Cirimwami, & Musafiri, 2021). Discrimination in all spheres of development, including government, decision-making, employment, the environment, health, education, and law, is to blame for this feminization of poverty.

It is guaranteed under Article 45 of the Constitution in an inclusive environment free from prejudice. The percentage of girls who attend school, though, is still low. According to data from North Kivu, 52% of girls attend basic schools, 39% attend secondary schools, and less than 20% attend colleges. With the expansion of the school curriculum, the gender gap widens. As a result, at the primary level, the male to female ratio is 1.2 and at the secondary level, it is 1.9. According to data from North Kivu, the ratio of male to female students at the undergraduate and graduate levels is 3.5 in the public sector and 1.6 in the private sector. 2 The absence of nearby schools, tuition costs, adolescent pregnancies and marriages, and the attitude that women are less than males, which is ingrained in young girls from a very early age, are the causes of this poor school attendance by girls. Parents also favor boys and are more interested about their education than they are with their daughters' education. Many women are illiterate, especially in rural areas. Compared to adult men, one in five adult women are illiterate. 3 In 2007, the literacy rate for people aged 15 and older was 58.9% for women and 14.2% for men. Women had a higher illiteracy rate than men did 41.1% compared to 14.2%. Because they lack access to education, Congolese women and girls are left without knowledge of their rights and are not included in any decision-making processes. In short, the fact that women are not solarized at big number as men, it pushed the social contrition as economic to be under control of men and the appearance of shortage of women contribution in many sectors of the country's development (Adelman, Trako , Goër , & Sallami, 2021).

2.6.2. Employment and Political Representation of Women

The Labor Code has advanced since 2002, when men were no longer allowed to object to their wives signing employment contracts. However, compared to 12% of men, working women make up only 2.8% of salaried employees. They only account for 2% of miners, 3% of industry workers, 3% of service providers, and 8% of business owners (North Kivu data). 70% of working women are employed in traditional agriculture, and 60% work in the unorganized economy, which includes commerce. The real economy, which supports the majority of Congolese citizens, is centered on these two sectors, in which women are the primary protagonists. In addition, the disparity in how boys and girls are assigned household and academic responsibilities from a young age contributes to the persistence of gender stereotypes. Within the family, women are more likely to be in charge of raising the kids. Men do not share this duty with them.

There were no registered female candidates among the eleven men running for president in 2011. Since the 2006 elections, when four women were registered as candidates (12.12%), compared to 29 men, this constitutes a move backward. 47 out of the 483 elected deputies, or around 9% of the total, are women, according to the preliminary results provided by the Independent Electoral Commission (formerly the Independent National Electoral Commission - CENI). 4 Of the 32 seats allotted to South Kivu, the CENI registered 881 candidates, with 76 women (8.6%) and 805 men (91.4%) among them.

Only two (6.25%) of these 32 seats, according to results released by the Supreme Court of Justice, were won by women. The CENI registered 1,459 candidates for the 47 seats given to the province of North Kivu, including 145 women (9.9%) and 1314 men (90.06%). Women won only three of these 47 seats (6.25%), according to the results announced by the Supreme Court of Justice. The engagement of women in public life and their representation at senior decision-making levels remain extremely low notwithstanding the standards outlined in section 14 of the Constitution. Out of the more than 400 political parties that are now active in the DRC, only one woman, the head of the Popular Movement of the Revolution (Mouvement Populaire de la Revolution), is a woman. This quota has not been met despite the equality law's enactment, which says that women should hold 30% of the seats. Women are still underrepresented at administrative levels where decisions are made. In addition, women are hardly ever represented in the following fields:

- Out of 39 ministers, there are three ministers and three deputy ministers.
- National Assembly: 52 of the 500 MPs are female.
- No women are govern.

2.6.3. The Status of Women in the Peace-building Process

All nations and armed groups are required by United Nations Security Council Resolution 1325 on women, peace, and security to secure the safety of women and their full participation in peace talks and post-conflict reconstruction. Unfortunately, women in the DRC participate very little in the peace talks. In delegations of more than 50 persons, just two women one on each side of the government and the March 23 Movement (M23) participated in the Kampala negotiations (UN Women, 2023). Notably, no women took part in either the Kampala I or Kampala II negotiations. Finally yet importantly, no woman participated in the recent negotiations that took place in Addis Ababa in February 2013. Women's difficulties have not

been taken into consideration because of their exclusion from politics and the peace discussions, which has contributed to the denial of their human rights.

2.7. WOMEN RAPES AND ENFORCED DISAPPEARANCE

The violation of human rights in South Kivu province has no control concrete solution in case of solving and protecting civilians, instead of dealing with the main reasons of the problem in some case there is a hidden reality continuing in this situation. As argued before there are many cases of violation exercised by armed group and security force in this area. Starting from enforced disappearance of people in the region of conflict or armed conflict, it was reported by the team of Doctor without border that, in general cases of enforced disappearance people lose traces and in some situation there are not identified when found death (Doctors without borders, 2022). Related with the situation citizens who are forced for disappearance are difficult to identifier or determine. In the UN General Assembly held in 1992 this phenomena was specified as a crime against humanity in under resolution 47/133 (ibid).

Aimed on protecting persons from all form of enforced disappearance the United Nation General Assembly (UNGA) had adopted law in 2006 and come in force in 2010, in June 2015, the convention upside to forty-six states grouping. From the first article of this convention, to the last one the convention is describing the way of protecting people from that violation (ibid). According to the Art: 1/1 one of these conventions of December 2010 it states that “No one shall be subjected to enforced disappearance” (OHCHR, 2022). In the report of Webber and Shetani, they demonstrated that this phenomenon is connected not only with armed conflict situation but also in case of arbitrary dentations and deprivation of liberty people could be subject of this violation. Moreover, they argued that non-state actors and state actors are the principle objects of this kind of violation in general (Webber & Sherani, 2022). The problem of enforced disappearance dated from long time ago, people in rural places has been losing life due on identified reasons, from that aspect the views of disappearance changed the meaning that had promote a line of human disappearance. In 2006, several cases of violation The mission of the UN in protecting human right in the region had reported that 53 percent of abuse was from FARDC with an arm of human right violation in all stages (UN, 2007). Some report displayed that people of South Kivu suffer from enforced disappearance due on the lack of the use of law and insufficient juridical system, in other fact the exultancy of numerous armed group and limitless conformation promote the upsizing to the enforced disappearance of people.

The issues of enforced disappearance have a correlation with the repletion of women rapes in the region of eastern DRC, women who are violated are in these areas disappear for a while when serving the groups. In South Kivu the report of violation over women are featured by women rapes and especially genital penetration. As confirmed by many studies in South Kivu women are used as the arm of conflict and the main motivation to all groups in case of sexual needs. Not only in DRC and its targeted location, the report of the UN show that in 2020 in 18 country 2,500 cases of sexual violence against women were recorder (EEW, 10). In the same report in Afghanistan, a big number of women have been victim of this kind of violation, it was reported that 62% of local women have victim of physical, sexual and psychological abuse (ibid).

All instruments of human rights condemn this violation against women, in the recent Human Right Council held in Geneva on June 2021 the UN specialist on women issues Dubravka Šimonović had reported that all countries have to deal with impunity of auteur of rapes and reorganized justice for victim of that violation (OHCHR, 2021). Dealing with this agenda in field of international law, there have been several treatments in defending the women from sexual violence. In 1863, the Leiber Codes was established and signed by the US president in treating sexual violation, from this time to present much treatment have been signed in promoting and protecting women against sexual violation.

In the part of eastern RDC women are subject of sexual violation related from the absence of peace and repetition of war, from this aspect women are generally raped by armed groups and some government personals. In the article of Rodriquez there is a confirmation that between the period of 1996 and 2003 more than 3.8 million of people were victims of rape in generally women (Rodriguez, 2007), (Zongwe, 2012). The research of Steiner at all, deducted that between 2005 and 2007 a number of 20,517 case rapes were recorded in the South Kivu (Steiner, et al., 2009). It is not suppressed to a region declared as the world capital of rape to register even a big number of rape cases, in the report of the UN specialist on Sexual violation in conflict Margot Wallström, she denominated Goma the as capital of rape in the globe (Trinidad, 2020). In the RDC there is no special and confirmed number of women rapes in the region resulted from social criticism, the report of HRW 50% of Congolese women are victims of sexual violation (UNICEF, 2023). According to the documentation of the MONUSCO in 2020, there were 1,503 case of sexual violation under a subdivision of 675 women, 370 girls, 3 men and 5 boys. In that documentation many case was attributed to rebel groups while 239 was directed from Congolese security forces (UN, 2022). The lack of adequate law of protecting

women in war and existence of chronic situation of conflict in the South Kivu promote much more the repletion of the abuse of human right and its development. In this situation, the Congolese member failed in controlling this issue due to its insufficient in action as enplaned previously.

2.8. CAUSALITIES OF HUMAN RIGHTS IN SOCIO-POLITICAL LIFE

According to this study (Abbas et al., 2014), the ongoing armed conflict in Lebanon is one of the factors contributing to an increase in people's susceptibility to sociopolitical life, which has a negative impact on citizens' trust in one another as well as in the national public stakeholders involved in the development and management process. People are currently less likely to volunteer for environmental causes or follow the law, for instance. However, other factors, such as corruption, prior experiences, high inequality, marginalization of specific groups or communities, personal gains, a lack of environmental understanding, and social and political tensions, may also be to blame for the shift in an individual's behavior. The investigations show that a large number of Lebanese individuals cited the country's ongoing-armed conflicts as a cause of Lebanon's generally subpar management procedures, particularly its subpar environmental management. A proper decision-making process is lacking because of the government's and its institutions' weaknesses as well as a lack of confidence among decision-makers. The majority of environmental projects, according to the citizens surveyed, are planned individually rather than as a part of a larger strategic plan. The citizens are deterred from taking part in the efforts by this circumstance. In other words, in Lebanon, individuals' perceptions indicate that a lack of trust is one of the factors that prevent them from cooperating with and taking part in environmental activities (Abbasa, Molenb, Nader , & Lovett, 2014).

Beyond these fundamental guidelines, there are some differences between how international humanitarian law and human rights law should be applied. A very broad variety of rights, including the right to be free from torture and the right to an education, are expressly protected by international human rights law and may be harmed either directly or indirectly by armed conflict. The State as a whole is subject to these human rights obligations, whether they are favorable or unfavorable, regardless of its internal institutional structure or the allocation of duties among various agencies. As it was explained from the example of Lebanon, the situation of Congolese is much more touchable than the one of Lebanese. In DRC especially in South Kivu citizens are traveling dangerous situation promoted by the lack of human rights protection. The UNHR report from 2016 stated in its annex number I that there is a persistent condition of

human rights violation in the eastern (DRC), which is making inhabitants vulnerable and leading to a poor quality of life (MONUSCO, 2016).

2.9. TRANSITIONAL JUSTICE FOR CRIMINAL RESPONSIBILITIES

Human rights treaty bodies, such as the Human Rights Committee (HRC) and the Committee on Economic, Social and Cultural Rights (CESCR), which were established to oversee the implementation of fundamental human rights treaties, regularly provide general comments that interpret and clarify the nature and scope of specific norms, principles, and obligations set forth in the pertinent human rights conventions. In light of this, the ICJ's jurisprudence, which the Court's Statute recognizes as an adjunct method for determining legal principles, is increasingly, alluding to States' duty to respect human rights during armed conflict. These rulings have significantly clarified concerns like how international human rights legislation should be applied consistently during armed conflict.

The Hague Regulations are typically seen as being equivalent to customary international law (IL) and as such binding on all States regardless of whether they recognize them. The Geneva Conventions have been ratified by every country. Numerous clauses from the Geneva Conventions and their Protocols are considered as being part of customary international law and are therefore applicable in any armed conflict. IHRL and IHL have developed specific particularities aimed at imposing certain types of obligations on others, including individuals and non-State actors, while international law in general has developed to regulate primarily the conduct of States in their international relations. Recent advances in international criminal law, for instance, have recognized that individuals may be held accountable on a global scale for egregious human rights abuses and grave transgressions of IHL, which are equivalent to crimes against humanity, war crimes, and genocide.

Additionally, it must visit details, plan relief efforts, aid in family reunions, and carry out a variety of humanitarian tasks during international armed situations, according to the Geneva Conventions. They also permit it to provide similar services in armed conflicts that are not international. The International Committee of the Red Cross is tasked with interpreting IHL, ensuring that it is faithfully applied in armed conflicts, reporting violations of the law, and assisting in its knowledge, distribution, and advancement. As a result, more and more principles of IHL, particularly relating to basic rights for everyone under the control of a party to a conflict and those governing non-international armed conflict, those are in terms of subjective rights,

such as the right of Those whose freedom has been restricted to receive individual or collective relief or the right of families to know what happened to their loved ones.

2.10. STRATEGIC IMPORTANCE OF THE CONFLICTS

At the regional and international levels, the conflicts in the DRC are quite important from a strategic standpoint. The African Great Lakes region has had a number of violent conflicts that have crossed international borders in its post-independence history. The DRC therefore became the scene of the worst hostilities since World War II not long after the slaughter in Rwanda. Without considering the regional context, it is rather challenging to comprehend the underlying reasons of the current conflicts in the DRC. In the words of René Lemarchand, "only through a regional lens can one bring into focus the violent patterns of interaction that form the essential backdrop to the spread of bloodshed within and across boundaries" (Lemarchand, 2009). Given the detrimental effects of these conflicts on their economies and political stability, the neighbors of the DRC have a great interest in the resolution of these conflicts. For instance, refugee movements not only place a financial strain on the country that is hosting them, but they can also contribute to political and social unrest. In fact, future wars in the DRC were significantly sparked by the flood of refugees after the Rwandan genocide (Kisangani, 2014); (Lemarchand, 2009); (Prunier, 2009). In addition, rebel groups opposed to the one in Rwanda, Uganda, Burundi, and Sudan has used and continue to use the DRC as a staging area (Prunier, 2004).

Therefore, for the sake of their own domestic peace, these bordering nations have a clear stake in ending the hostilities in the DRC. The wars in the DRC have negative direct economic effects on the Great Lakes region as well, most notably through lost chances for cross-border investment and commerce. The DRC is a sizeable market for the imports and exports of its neighbors. The region's extensive informal commerce network provides a window into the potential for trade. For instance, informal commerce between Uganda and the DRC was \$80 million in 2006 compared to \$44 million in formal trade, about twice as much (source). Prior to the global financial crisis, it reached its peak in 2008 at \$198 million, vs \$129 million for conventional trading (Ibid).

It is obvious that the DRC's wars cause a significant amount of trade, employment, and growth possibilities to be lost in the DRC and its neighbors. The wars in the Congo are strategically significant for the region from a political standpoint. They specifically pose a reputational risk to these nations and the continent as a whole. It is a significant test of the

regions and the continent's ability to come up with African answers to African problems. It is difficult for the close neighbors who are frequently charged with having a direct hand in the disputes (Prunier, 2009). Whether or whether these claims are true, they are likely to persist as long as there is instability. The efforts of the countries in the sub-region and the international community towards a coordinated response to the conflicts have been inspired by the strategic importance of the conflicts in the DRC. As part of a goal of economic development, a wide stability, and regional integration, the stability in the sub-region have embraced a regional approach to the conflicts.

African Union et al., 2004, p. 3, money. 14, displayed the Dar Es Salaam Declaration, which was released after the first summit of the eleven nations that make up the Great Lakes region in November 2004, stated their "collective determination to transform the Great Lakes Region into a space of sustainable peace and security for States and peoples, political and social stability, shared growth and development"(African Union, 2004).

The Heads of State and Government in 2006 to carry out the goals of the Dar Es Salaam Declaration, with a focus on multi-sectoral cooperation and solidarity among member states as well as economic development through infrastructure and regional integration, including policy coordination and trade facilitation, adopted the Pact on Security and Development. To help with the Pact's implementation, the Special Fund for Reconstruction (SFR) has been created. The Peace, Security and Cooperation Framework (PSCF), a joint initiative of the African Union, the International Conference on the Great Lakes Region (ICGLR), the United Nations, the Southern African Development Community, and the International Community (group of friends of the Great Lakes region), was signed as a result of the mobilization of the international community for an integrated approach to resolving the conflicts in the DRC. The World Bank committed \$2.2 billion to the execution of the infrastructure projects mentioned in the Pact in this context. The conflicts in the DRC also have significant strategic consequences for the rest of the world from an economic and security standpoint. Economically, the DRC is greatly wanted by commercial interests due to its rich natural resource endowment and the rising worldwide demand for and price of primary commodities. The importance of the DRC's links to the outside world through the eastern corridor is increased by the gradual shift in the balance of economic power toward Asia. As a result, insecurity in the eastern DRC hinders both economic integration with its neighbors in the east and the country's potential to benefit from globalization.

From the standpoint of international security, the DRC's protracted wars make the nation a possible breeding ground for terrorist groups as well as rebel movements that destabilize the bordering countries. Due to the effectiveness of international procedures for conflict prevention, war resolution, and post-conflict reconstruction being called into doubt, these conflicts also raise reputational issues for the international community. There is a lot of hope for an end to the conflicts, sustainable post-conflict recovery in the DRC, and consolidation of peace and stability at the regional level if ongoing efforts at the regional, global, and especially through an integrated regional approach to conflict resolution and post-conflict reconstruction are coordinated. The final obstacle is effectively carrying out obligations made at the national, regional, and international levels, particularly when financial donors step forward with pledges to support the PSCF and pledges to the SFR.

2.11. STATE INSTITUTIONS

In the several crises that the Democratic Republic of the Congo (DRC) has experienced, state institutions have played a complicated and frequently difficult role. Armed wars, political unrest, violations of human rights, and resource exploitation have all been aspects of these crises. The role of state institutions in these crises is as follows:

Armed wars and Instability: Many of the armed wars that have afflicted the DRC have involved state institutions, such as the military and security forces. These institutions' members have occasionally been charged with violating human rights, including using violence against civilians. The security forces' inability to maintain discipline and effective control has led to continuous clashes and an atmosphere of unease.

Resource exploitation: The DRC is endowed with a wealth of natural resources, including diamonds, cobalt, and minerals. State institutions have frequently participated in the unlawful exploitation and exchange of these resources, fueling conflict and serving the interests of influential people and groups at the expense of the general populace. Instability and corruption have been fueled by this.

Weak Governance and Corruption: Corruption, a lack of transparency, and weak governance are problems that state institutions in the DRC have had to deal with. The country's challenges have been made worse by corruption, which has damaged the efficiency of government institutions and taken funds away from vital services and development programs.

Human rights violations: including as extrajudicial executions, torture, and forced evictions, have been committed by several official entities. A weak judiciary and a lack of accountability measures have made it possible for offenders to escape punishment.

Election Crises: The DRC's electoral processes have been heavily reliant on state institutions, most notably the electoral commission (CENI). However, political tensions and ongoing instability have been exacerbated by election-related issues, accusations of fraud, and scheduling delays.

Lack of Basic Services: Governmental organizations in charge of delivering necessities like infrastructure, healthcare, and education are frequently underfunded and badly run. Many Congolese individuals are now unable to receive essential amenities, which has led to discontent and social upheaval.

Suppression of Civil Society: Some official institutions have made an effort to repress civil society groups, human rights advocates, and independent media. As a result, there is less room for advocacy and accountability, which has fueled a culture of fear.

Leadership Transitions, Power Struggles, and Constitutional Issues have all been focal points of political crises involving state institutions, such as the presidency and parliament. Violence and additional instability have frequently resulted from these crises.

In spite of these difficulties, the DRC has made attempts to develop and reform its state institutions. Initiatives for strengthening capacities and reforming the security sector have been supported by international partners and organizations. However, it has been challenging to bring about lasting change due to the problems' ingrained character, persistent hostilities, and disputes over resources.

To address the crisis in the DRC, comprehensive actions are needed that address the root causes of war, corruption, and instability in addition to modernizing state institutions. For the nation to experience long-term stability, international cooperation, effective governance changes, and persistent investment in the rule of law and human rights are necessary.

3. ANALYTICAL AND THEORETICAL FRAMEWORK

3.1. STRATEGIES OF POLITICAL ACTORS IN ARMED CONFLICTS

Various tactics are employed in armed engagements to halt hostilities. It is clear that impacts might occasionally be considered useful for making decisions. The Geneva Convention and other international humanitarian accords are constantly used as a guide of facing armed groups and human rights. However, peacekeeping forces from the UN and other regional security cooperation could be sent into troubled areas aimed to solve or deal with maintaining stability in the confrontation locations. In several conferences, literature and methods related to war crises have been considered as means of bringing durable peace in conflict-ridden areas likely South Kivu. Numerous legal instruments pertaining to the handling of armed situations may influence the deployment of troops as Special Forces. This party will start by introducing the principle of international human rights and international humanitarian law as a strategy.

3.1.1. Principles of International Human Rights Law and International Humanitarian Law

The principle of international human rights law (IHRL) and international humanitarian law (IHR) are of protecting the dignity of person without any distinction. All people have the right to human rights, regardless of their race, gender, national or ethnic origin, color, religion, language, or any other status. These rights are all interdependent, indivisible, and related to one another. They are frequently stated and upheld by legal conventions, such as treaties, general principles of international law, and other sources of international law. IHRL outlines States' obligations to take specific actions or refrain from taking specific actions in order to advance and defend the fundamental freedoms and rights of individuals or groups. Human rights include both obligations and rights. According to international law, states are obligated to respect, defend, and uphold human rights(UN, 2023).States are required to respect human rights by abstaining from interfering with or restricting the exercise of those rights. States have a duty to protect people and organizations from violations of their human rights. States have a duty to fulfill by acting responsively to promote the enjoyment of human rights (ibid).

All human beings have the freedom to exercise human rights as individuals, but we also owe it to one another to respect the rights of others. IHL restricts the use of force in armed situations in order to protect individuals who do not or are no longer actively involved in hostilities and, at the same time, to the level required to degrade the enemy's military might. IHL achieves a balance between humanity and military necessity by regulating the use of force and limiting it, as well as by regulating how people who have been impacted by armed conflict are treated in other ways. While IHL and IHRL have quite distinct outward appearances, they are very similar in their core principles and provide similar forms of protection for people. The most significant substantive difference is that IHL protects people primarily based on distinctions that do not exist in IHRL, particularly those between civilians and combatants.

IHRL is generally expressed as subjective rights of the person relative to the State, as opposed to IHL, which is expressed as objective standards of conduct for States and armed organizations. Today, a growing number of IHL principles are expressed in terms of subjective rights, such as the right of those whose freedom has been restricted to receive individual or collective relief or the right of families to know the whereabouts of their loved ones. These principles include fundamental protections for all individuals under the control of a party to a conflict and principles of IHL in non-international armed conflict. In contrast, the United Nations General Assembly's decisions have transformed subjective rights into guidelines for behavior for government authorities.

For example, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, offer an authoritative interpretation of the principles authorities must respect when using force to ensure the right to life is not violated. To "give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk, pose a risk of death or serious harm to other persons, or would seem clearly inappropriate or pointless in the specifics of the incident", they also instruct law enforcement officials among other things (OHCHR, 2023). When comparing the standards of IHL to those of international human rights law, it is clear that the latter only safeguards some human rights and only to the extent that these rights are specifically threatened by armed conflicts. As such, it is not incompatible with the very fact that an armed conflict is taking place. Therefore, IHL does not apply to the rights to social security, free elections, thought freedom, or self-determination. On the few matters they address, their laws might in some cases be better suited to the unique concerns that arise in

armed conflicts. Additionally, while certain provisions of IHL regarding the treatment of those under the control of the enemy may be understood as implementing their human rights while taking military necessity and the unique characteristics of armed conflicts into account. Other provisions deal with matters not covered by human rights, such as who may directly engage in hostilities and how such individuals must distinguish themselves from the civilian population. A number of civil and political rights (such as the right to life of enemies placed hors de combat or judicial guarantees), economic, social, and cultural rights (such as the right to health and the right to food), and group rights (such as the right to a healthy environment) are all protected by IHL. This is especially true for the injured and the ill, which need to be respected, guarded, gathered, and cared for.

3.1.1.1. Modes of Protection

All human rights are subject to duties under IHL legislation to be respected, safeguarded, and upheld. It is feasible to establish whether IHL responsibilities have been broken using these three terms. IHL does not typically employ this terminology, although its regulations' responsibilities can be categorized in ways akin to them. States can be held accountable for a violation of IHRL and IHL by action, omission, or insufficient action since they have obligations under both branches to do something (positive obligations) or to refrain from doing something (negative obligations). In accordance with IHL, they are obligated to respect and to uphold respect. According to IHRL, States are obligated to refrain from taking any actions that might deny people access to a particular right. For example, the individuals who have it through their own economic and other activity must principally realize the right to sufficient food. States have a responsibility to prevent excessive interference with those activities. Both natural and man-made disasters are subject to this duty of respect derived from human rights law. In a similar vein, they are required to respect the right to appropriate housing by refraining from carrying out or otherwise supporting the arbitrary or forceful eviction of individuals or groups. The right of individuals to construct their own homes and to manage their environs in a way that best reflects their culture, abilities, needs, and preferences must be respected by states. Many prohibitions in IHL, such as those against using physical or moral force against protected civilians and prisoners of war, against using violence against people who are not actively engaged in hostilities, against seizing food and medical facilities in occupied territories, and against attacking things necessary for the survival of the civilian population, operate in a similar manner. As part of their responsibility to protect, States are required to stop, look into, punish,

and ensure restoration for human rights breaches done by third parties, such as private citizens, businesses, or other non-State actors.

The Human Rights Committee has emphasized that in this regard, "the positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State. Not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights insofar as they are amenable to application between private persons or entities" (UN, 2022). According to IHL, prisoners must be fed and housed, the sick and injured must be gathered and treated, and an occupying power must use all of its resources to secure food and medical supplies, public health, and hygiene in the region it occupies (UN, 2023). In relation to the right to food, the Committee on Economic, Social, and Cultural Rights has provided examples of how these three ideas are really put to use. An obligation to facilitate and an obligation to give are both included in the commitment to fulfill. States parties must refrain from taking any actions that might prevent people from having access to appropriate food under the need to respect current access. The State must take action in order to prevent businesses or individuals from denying people access to sufficient food as part of its duty to protect.

The State has a responsibility to actively engage in initiatives that would improve people's access to and utilization of resources and means to maintain their livelihood, including food security. This is known as the obligation to fulfill (assist). Finally, States have a responsibility to directly fulfill (supply) a person's right to adequate nourishment if they are unable, due to circumstances beyond their control, to do so. The obligations of belligerents towards the adverse party's educational system serve as an illustration of how the three modalities of protection interact in IHL. Schools are considered to be ineffective targets for military action and cannot be targeted. The occupying Power must arrange for the maintenance and education of children who are separated from their parents, if possible by people of their own nationality, language, and religion, as well as for the re-establishment of family hyperlinks and the reunification of families, should local institutions be insufficient once the enemy has taken control of an occupied territory. These two instruments of human rights work in need of defense of individuals; and limitations on the tools and tactics of war.

3.1.1.2. The Principle of Distinction in International Humanitarian Law

IHRL and IHL are two different but related fields of law. The preservation of life, health, and dignity is a priority for them both. Human rights law is always applicable, in both peace and war, but IHL only applies in armed conflict. The substantive protection that a person receives under IHL law depends on the category to which they belong. The protection of civilians and the protection of combatants are two distinct concepts in IHL. There is a basic difference between civilians and combatants, as well as between military objectives and civilian objects, and this distinction is particularly important when conflicts are being conducted. Civilians cannot be attacked unless and until they directly take part in hostilities, and they are protected by the principles of proportionality and precaution against the collateral damage of attacks against military targets and combatants. Combatants may be attacked until they surrender or are otherwise hors de combat. The protection of those under the enemy's control is likewise impacted by the difference. Under Geneva Convention III, prisoners of war are not afforded the same level of protection as protected civilians are under Geneva Convention IV (UN, 2022).

The former, in instance, may be detained without following any specific procedures, whereas protected civilians may only be deprived of their liberty within the context of criminal proceedings or upon an individual's choice for critical security concerns. IHL also makes a distinction between protected civilians (essentially those of enemy nationality) and other civilians, who are merely entitled to more limited fundamental protections, among those under the control of a party to an international armed conflict. Additionally, compared to an occupied region, the protection of protected citizens on a belligerent's own territory is less extensive. Each category of people does not have fundamentally different rights, according to IHRL. It rather adjusts everyone's rights to the unique requirements of those categories, including migrants, indigenous peoples, women, children, and people with disabilities.

3.1.2. Advanced Strategies Applied During Armed Groups

3.1.2.1. Establishment of Special Forces

To maintain peace and security of a territory, states general apply special force unit of fighting enemy. This establishment is composed from specially formed soldier who participated in combating enemies and establish peace in the region. Most of countries that are engaging to address to States parties to armed conflicts related to the Geneva Convention that imposes

obligations on forces participating in armed conflicts, which increase accountability for violation active partaker and civilians in admissible decisions. IHL additionally obliges in regulation of respecting and protecting people. This regulation continues to work in general existence of cooperation between people, government and other collaborators. In these cases, states are mainly coordinator and supervisor of making sure all obligations of human rights are followed under concordance of global principles, in particular human rights and its regulation. The State's obligations under international human rights (IHR) and humanitarian law include the duties to investigate alleged violations of IHR and humanitarian law, and to prosecute and punish those responsible. Before the power of IHR and humanitarian law states are protector of human rights and first defender of all types of violation against human rights, additionally states have power of following HR abuser and punish them according to law. It was confirmed by the OHCHR that away from international organization, national and international organization are the main player of protecting and promoting human rights (United Nations, 2004). In the same study, it was also argued that the establishments of special force in conflict areas help in maintaining peace and stability followed by protecting civilians (Ibid).

In somehow, the peacekeeping operations may be used in the peace process and could be used in supplying importance formation relating to act of IHR and as applied by the UN forces in conflict areas that could promote much more protection and its promotion. Connected with this, peacekeeper must be the most remarkable actors of protecting human rights and civilian during confrontation and capable to apply all measure of promoting the existence of people protection against any kinds of violation that could happen. In short, the existence of special force as of peacekeeper must be designed under a policy to encouraging the existence of followed rule and develop the civilian protection.

3.1.2.2. Regional Troop Deployment and Peace Negotiation

In the situation of armed conflict, citizens are generally the main victims, the study of the ICTC previewed that more than 60 years ordinary citizens have been the principal subject of conflict (ICRC, 2022). To fight against those kinds of violation, regional troop are deployed in protecting civilians and mating welfare of people. These issues of deploying regional troop are generally applied when the national army becomes incapable in controlling the situation or in somehow when the enemy is more power and active than the governmental forces. For example, due on non stoppable armed conflict in eastern DRC, Uganda had deployed more than 1000 soldiers to support the Congolese government as regional force (France 24, 2022). Some policy

Kenya had recently sends hundreds of military to join the regional force in solving eastern DRC security dilemma (Al Jazeera, 2023).

The abuse of law and repetition of armed conflict followed by the violation of human rights are direct phenomena observed in all armed conflict. In that condition the existence or appearance of armed conflict, lead to crimes against humanity, genocide or unexpected war, in the report of the UN between 1993 and 2003 it demonstrated that the repetition of war in DRC for decades had pushed the forenamed phenomena in the region (UNHR, 2022). Related on that, states form a regional emergency unit that acts in need whenever there is a situation of confrontation to any of this member. Followed in organization of dealing with armed group, a national or regional supporter must be established to make sure all circumstance are directly controlled and supervised. Even this might have a negative impact of civilians, due to the object its foundation and modalities of operation the deployed troop must work in follow of its regulation and omission of all kinds of advantages that could be away from the mission.

It was stressed by António Oliveira that troop deployment could be address in case of examining the kinds of conflict and the categories of armed conflict are in the focus region. he also demonstrated that military group deployed in protecting civilians are generally formed by national and international cooperation (Oliveira, 2018). In several researches, it was underlined that, international instruments of protecting human rights require establishing some steps ahead or succeeding conflict. For instance, government must organize instruction related to IHR to all his security forces in preventing any kinds of abuse, in other hands government have to develop education in IHR to civilians. Moreover, states have to set adequate provision of preventing war in his national area and guaranty a staff of personals able to fight against these violations committed to civilians. Finally, with the power of justice committee, law in respecting IHR and state's legislation must condemn objects of violation. In the study of Sari (2014), it was argued that in the use of "Jus post bellum" that the cooperation allying national and international law in applying both legislation of peace and armed conflict (Sari, 2014). There are some approaches developed by UN as additional protocol 1 and 2 of the Geneva Convention of 1949, which stipulates strategies of protecting civilian's victim of armed conflict and important assistance. In this report, the UN had focused on developing efficacies tools to protect people subjected from war and all the band of peace and human rights protectors. it demonstrated that case of violation the object must be punished without taking consideration of his geographic location but the use of law on time.

The policy of establishing regional force in solving conflict must be under control of the regional security body in case of acting under follow of IHL and HR obligation. Peacekeeping personnel have to be enough educated on how to protect civilian and deal with rebel in case it is needed. In some circumstance where peacekeepers are obliged to participate in conflict, they are automatically treated at the same value with other actors in action. In case there are violation committed by this group, law must follow them as it works for all, in conclusion when protectors are intervening in a conflict they have to act to their self-defense and do not forget to work under the mission of protecting civilians and respecting law and other organized standards. In conflict region, government in cooperation with international actors must come together in organizing sufficient policies of preventing the violation of human rights and deployment of qualified personnel in order to guarantee a stable and best environment of life.

Even how it takes, every event has the starting and the closure, armed conflicts refer on the same classification. During armed conflict groups use, diplomatic bodies, rebel peace negotiation as one of the tool of fire case. This method is one of the most useful between party in solving confrontation in reference of IHL and the peace stabilization process of UNHRC. Generally strong states do not agree to negotiate with terrorist groups in contrast they directly apply hard power to fight them. NGOs are the directors of negotiation between actors in chasing peace and protection of HR, IHL and IHR. This international organism work in collaboration with the group commander who is responsible of maintaining defense and protect their interest in case of peacekeeper. As was already mentioned, regarding international human rights obligations (IHRO), state accept to apply negotiation when it does not have enough power of acting in confrontation. That explain when a region is under control of non-governmental force and the government is not able to remove them in that place it apply peace negotiation under a body of international or regional mediation. It was also perceived in the peace negotiation held in Nairobi between Congolese government and the rebel leader Mr. Nkunda in 2008 that in some case government could accept to negotiate not due on its incapability but in the aimed of promoting peace and security of people (Clarke, 2022). In 2008, Kabila was capable to combated Nkunda force and take total control over the region but he accepted negotiation in order to make sure people are safe and securitized (Reuters, 2022). Peace negotiation is one the most important strategy used by parties in solving the conflict by specially used but government when it does not have adequate capability of becoming the Vincor of war, moreover states undertake peace negotiation while thinking on the protection of IHR and HR.

3.1.3. Governments Strategies During Armed Conflicts

During armed conflicts action have some of strategies of dealing with enemy or other party in. These strategies could include peace conferences, regional peace making agencies, diplomatic dialogues, etc. It was demonstrated that mainly applied some of this strategy just to make sure that the tension of conflict is not attaining to any kind of abuse in the region. These strategies are applied to make sure the protections of fundamental human rights are defended and advancing political agendas. In addition, the objectives of this master plan are generally applied in maintain the protection of civilians, decrease the case of abuse, preventing conflict, reinforce security, support national rule to handle its managements (UN, 2022). Away from diplomatic resolution, appeal the exterior power of support in solving the situation. In this case, collaborate with the United Nation in demanding the support of peacekeeping operation. Critics claim that during the past 20 years, peacekeeping operations have too frequently been used as last resorts in situations when there is no active political process, acting more as Band-Aids than as planned moves toward a political resolution. In the DRC, it is apparent in operations where the protection component has taken precedence since there is not a clear political strategy for how to resolve the conflict. The political role of the mission can appear unclear, but its protection objectives might seem to be a top priority and an operational necessity. It should be emphasized that the words primacies of politics and political strategies have not been thoroughly investigated. Politicians frequently use the word political to refer to things like strategy, the big picture as opposed to the technical, the specifics of programs, high-level participation as opposed to local civil affairs work, and interest-driven decision-making as opposed to principle-driven decision-making.

For a deeper comprehension of this concept together with significance about political tactics, that UNDPDPO is now working on, political strategy is a genuine and significant aspect of mission activity that is frequently contrasted with the obligation to protect civilians. The missions in the DRC show how highly military missions run the risk of losing sight of their political objectives. As the nation heads toward its worst political crisis in a decade, the UNOSM in the DRC's focus at length fighting armed groups in eastern Congo has left it with little political influence to safeguard civilians. Force is required for peacekeeping, but when the military apparatus controls political strategy, it becomes problematic. This is a risk in any military operation, but it is especially true when civilian protection is a crucial component of a government's political agenda. Due to the seemingly never-ending list of dangers facing citizens in conflict-affected nations, missions may have open-ended objectives and run the risk of trying

to use their troops in place of those of the government. To prove this, in 2013 the UN established a special force of supporting the Congolese government named "the intervention Brigade" that had been acting in directly with Congolese army to promote much more security and apply advanced strategies of eliminating rebels influence over the region (IPI, 2013). It demonstrated that in some specific and need situation peacekeeping operations applies power to protect civilians as determined in their objectives.

Missions should be deployed based on a political strategy, with their capabilities and activities suited to achieving that plan, according to the UN High Level Independent Panel on Peace Operations (HIPPO). In addition, it presented suggestions to improve the protection mandate while acknowledging that operations would still be required to protect people and argued that as primordial responsibility. There is a claim that the conflict between political goals and the protection of civilians is unimportant, when political processes stall while violence against civilians persists, there is a greater conflict between politics and the protection of civilians. In south Sudan and Darfur, where long-term state building aims do not address current protection issues, this dynamic, which is all too frequent in contemporary peacekeeping scenarios, is clearly visible.

The mandate for the protection of civilians is framed in apolitical terms as a humanitarian or categorical need rather than a strategic choice, which contributes to the tension. The history of the protection of civilians mandate in peacekeeping, which sprang from the terrible crimes perpetrated in Rwanda and the Balkans, is a clear example of this framing. When politics are separated from the issue of safety, we risk developing unduly simplistic explanations. For example, attackers of civilians can be given credit for their actions based on racial animosity while actually having more complicated objectives involving patronage and power. When the political process is halted yet military objectives must still be completed, it is extremely difficult to maintain a mission's military activities as being driven by its political strategy. The difficulty is exacerbated by ambiguous directives, poor coordination between military and civilian staff, and the military's substantial logistical and financial impact. In short, the development of political world, do not normally take engagement in war but push diplomacy at the first stage of solving the problem in all stages. In case that group did not arrive at the conclusion of the case, government decides to apply the use of force in solving the problem.

3.1.4. Justice During Armed Conflicts

Justice is described as the upholding or administering of what is right, particularly through the unbiased resolution apropos of competing asserts otherwise the imposition of deserving recompense or penalties. A range of strategies is followed in addition to violence that affects the course of war and its effects, even if the core of armed conflict is the violent engagement between belligerent factions. The employment of judicial and quasi-legal amnesties, purges, or exiles is one underdeveloped area that is intimately connected to the wrongdoings of the conflict itself. The institutions put in place during the post-conflict period have been the subject of research operating for application about equity procedures in conflict situations. This research made the implicit or explicit assumption that these measures are provided and implemented after violent incidents have stopped. during armed conflict, identical organization that was identify with intermediate equity, as restoration, are frequently carry out; This occurrence is known as during-war justice" (DCJ). An attempt to remedy wrongdoings that have occurred or are occurring as part of an armed conflict is made by a legal or administrative procedure known as DCJ that was started during that conflict.

The six commonly used as DCJ methods are amnesties, exiles, trials, truth commissions, purges and reparations (Loyle & Binningsbø, 2018). The very important legal alternatively quasi-judicial alternatives for leadership and ultimatum to confront violence are these types of DCJ. Administration is in long way the biggest users of DCJ, but insurgent organizations use it differently. For instance, rather than more resource-intensive procedures like reparations and truth commissions, rebels are more prone to adopt tribunals, purges, and amnesty. The most typical kind of DCJ is a trial of alleged offenders. This is the official investigation of alleged misbehavior by judicial processes inside of a legal framework. We could like to say that injustice, two main instruments are applied in dealing with the application and respect of law in all case; university and regional instruments are principal in all application (OHCHR, 2023). The most successful and applicable instruments of are down dominated (Ibid).

Trials may be conducted in local courts, military tribunals run by governmental or non-governmental organizations, ad hoc tribunals, either foreign court. For instance, the Shining Path guerrillas (48 of 82) conducted the bulk of trials in Peru (Washington Post, 2023). Specifically during the first decade of the 1982–1999 war, this group organized a number of people's courts trials. Trial is much more successful when victims get chance to participate to the trial but inconstant victims neither does nor even get information about the trial. It was

mentioned in the study of Kyomuhangi (2015) that trial of Lord's Resistance Army (LRA) in Uganda had previewed a believer to victim in case there was an opportunity participating the local trial court but after its transfer to the Hague it was not the same due on that only victims with internet access had change to follow it on line (Kyomuhangi, 2019). Regarding to this it demonstrated that whenever victims get chance to participate at legislative process it push then to recognize what and how justice work in solving problem and protecting abuses.

Truth commissions are transient investigative bodies that concentrate on an abuse pattern over a specific period. Both formal truth commissions and commissions of inquiry fall under this category. These frequently labor-intensive procedures require the selection of commissioners, the gathering of testimony and other types of evidence, and the creation of a report or presentation outlining the results. Commissions are not like trials, reason why they could not apply similar requirements regards to the significance of authentication or the rules of law, which can occasionally compromise the rights of the accused. Instances where there may be a lack of evidence, it could be challenging to determine culpability in preference to where questions of thinking and intents are supplementary important for overall apprehension of incident are frequently the subject of systematic investigations by commissions.

Reparations generally related to compensation offer as part of reparations to a person or group who were injured because of the dispute. Included in this are monetary reparations, property transfers, skill-building programs, support for education and employment, as well as general compensation to war-affected communities. Civilians may also receive reparations. For instance, in 2008, Ugandan President Museveni established a fund to compensate residents for cattle and other animals confiscated during the conflict by the Ugandan military or the LRA rebels; moreover, in 2021 a number of 30 billion was supplied for caste compensation to people of Acholi, Lango and Teso (Independent, 2023).

Amnesty is described in the matter of commitment, either party of circumstances in formally enacted laws, on the side of a conflicting faction refrain from pursuing or punishing those who have allegedly violated domestic laws or human rights in the past or present. Only individuals who did not harm civilians or who did not hold leadership positions within the rebel group may be granted amnesty. There are also unconditional amnesties, in which the amnesty is granted without any limitations or restrictions and without requiring any action on the part of the target. In the Bangladeshi government offered the Shanti Bahini rebels an amnesty in exchange for a liquidation, a year's worth of nourishment allowance, and land property in an effort to encourage rebel rehabilitation (Amnesty International, 2023).

Purge is defined as removal of public officials, participant of military power, judges, or other people in the community for their purported involvement in either collusion with dispute plus the corresponding limitation of their power. Purge is employed to identify distrusted members acting in opposition or their supporters as well as a whole organization like the dissolution of the army. The opposition is more prone to purges.

Exile, often known as expulsion, is the term used to describe a time of forced absence from the target nation. The government starts most exiles but rebel class can employ to eliminate challenges from within their institutions, though it infrequently occurs within application because rebel organization act with an absence of organizational arrangement with law of takeoff someone out of the state. As an example, three detained army commanders who were reportedly behind a coup d'état in 1989 were deported from Haiti by the government (OAS, 1989). DCJ implementation patterns change throughout time and space. Regime type is the most important indicators of how will act in times of conflict. Because these tactics will be consistent with that nation's judicial system and may be compliant with international law, in times of armed conflict, democratic administrations are very inclined to use peaceable tactics, case of legal and official methods. Comparatively to other regimes, during times of conflict, democracies are supplementary anticipated to observe IR and are rarely suitable to punch civilians.

In all governmental authorities, however especially in democracies and heterogeneous rule as opposed to authoritarian, government-initiated trials are rather prevalent. This hypothesis that uphold the rule of law may employ trials more frequently than with weak legal traditions. Democracies are also more inclined to look into and recompense victims of crimes against people. During an armed struggle, all types of internal violence regardless of how they are run to pardoning crimes. However, in regimes rather than in democracies, amnes are started more frequently along with purges. This implies that judiciary with mixed regimes decide to introduce DCJ outside of the current system.

Governments typically more frequently use trials than amnesties, but this tendency changes when weak regimes go off against powerful insurgent. States are further prone to employ placatory tactics, like amnesties, in circumstances where the power dynamic favors the rebels, perhaps in an effort to indicate a desire to talk. Purges are also utilized when rebels are considerably more powerful, indicating that they could be used as a last option tactic by a weak administration.

3.1.4.1. Human Right During Armed Conflicts

Under armed conflict, one of actors taking part in the conflict mostly limits human rights. In this situation, human rights abuses are more observed than its protection. As it is confirmed in the UDHR that all human being has the right to some basic liberties and rights, from creation to passing, this must be protected without any discrimination. Simultaneously to the UDHR all human being must be protected and his rights may not be restricted. In this case, right to liberty is one of the most underlined rights that could not be limited. In the ECHR art.6, it states the ability of promoting liberty and security of people, in this article the convention demonstrated how liberty must be protected and in which case it could be deprived (ECHR, 2023). These essential rights are based on values that are shared by all people, such as self-rule, equity, impartiality, respect, and nobility. Laws have been passed that set forth and protect these tenets. It is frequently believed, during armed conflict, targeting issues are directly controlled with law of armed conflict (LAC) due on that HRL is in somehow irrelevant either superseded. The situation becomes more complicated after ICJ's jurisprudence that upheld the continued implementation of HR legislation during armed dispute and launches the notion that HR standard can reach the limitations. This is partially because several HR agreements forbid the informal detention or wrongful death, which leads to logical conclusion that illegality, including illegality under IHL, must be included in the definition of arbitrariness.

It is important to call attention to two specific controversies. Primary, the ECHR decided that armed conflict does not affect the procedural aspects of life rights. In some ways, this means that while the situation forces the government to employ less successful inquiry techniques, there may still be a duty to hold an investigation into a killing. The second point of contention is that human rights law protects all lives, not just civilian and outside of conflict ones. Even while the murder of party of the body of the enemy force in action during hostilities may not always be a breach of IHL, might it still be considered a violation of their human rights? For example, what if there were less harmful ways to accomplish the same military goal? On the other hand, what about situations when one prohibited operation more body of IL, such as when it happen a result of antagonism or an inordinate applied of oppression in self-defense? If validity is a requirement for non-arbitrariness, at that time HR to life is constrained side by side with adherence to IHL and by force usage regulations, and possibly drawn laws on non-interference.

The laws of war need to advance beyond the idea that killing is just a matter of status and begin valuing the lives of troops in accordance with the ideas that they represent, fighters, and even terrorists may not be taken solely based on status determinations, it is argued from within the field of law of armed conflict. Other authors, however, have questioned whether when there is a targeted killing depending on status; HRL should be used as an additional layer that would seem to meet the requirements of IHL. Everyone agrees that the argument for the concurrent application of humanitarian law and human rights maybe made the distinction between war and non-war hazier. Human rights law looks at the situation from the victim's perspective; if there is a death otherwise, property compensation, it has to be explained in compliance with the strict legal requirements. In contrast to IHL, this acknowledges that lives will be lost in conflict but tries to lessen the loss of innocent lives, HRL starts with the idea that any wrongful death must be highly justified. The burden of proof rests with the assailant, and the death itself establishes a case at first glance. The respect and protection of human right during war is one of the most important issues facing civilians in several place of conflict, not only from non-government organization but in some ways government fell in protecting people in case of armed conflict. Human rights do not have to be restricted even during armed conflict; in contrast, there must act with high protected people traversing conflict in order to safeguard people and rights.

3.1.5. State Responsibility for Violations of International Human Rights Law and International Humanitarian Law

International law has been built on the principle of state long liability for violations of international human rights and humanitarian law. The concept *pacta sunt servanda*, (Agreement must be kept) which states that every treaty in force is binding on the parties to it and must be upheld by them in good faith, is the foundation for state accountability. Beyond obligations imposed by treaties, the draft articles on state responsibility by the International Law Commission cite the general rule of international law that states are responsible internationally when they violate their international obligations (draft articles 1-2). In this regard, it is important to remember that a State is accountable for violations of international humanitarian law and human rights committed during armed conflict if those violations are attributable to it, including:

- Violations committed by its organs, including its armed forces;
- Violations committed by individuals or groups with the authority to exercise certain governmental functions;

- Violations committed by individuals or groups acting in fact on its instructions.
- A State may also be responsible for lack of due diligence if it has failed to prevent or punish violations of international human rights and humanitarian law committed by private actors.

A finding of State responsibility for violations of international human rights and humanitarian law should result in the adoption by the State of measures to undo any harm it may have done and to prevent similar violations in the future, according to both international and regional jurisprudence. Such actions can include making restoration to the victims and their families, assuring against future abuses, and even passing laws to stop them. While there is no debate regarding the State's responsibility to make amends for a breach of international humanitarian law, numerous domestic courts have rejected the victim's right to request such compensation based on international humanitarian law. The International Court of Justice determined that Serbia had broken its responsibilities to stop and investigate acts of genocide in *Bosnia and Herzegovina v. Serbia and Montenegro*. The International Criminal Tribunal for the Former Yugoslavia will try those accused of genocide or any other crimes. Serbia must "take effective steps to ensure full compliance with its obligation under the Convention on the Prevention and Punishment of the Crime of Genocide [...] and to transfer individuals accused of genocide or any of those other acts for trial by that Tribunal, and to fully cooperate with that Tribunal". The ECHR and the Inter-American Court of Human Rights both refer to international customary principles regarding the obligation of States to order the payment of compensation to victims of human rights violations.¹⁰⁶ It should be highlighted that, in accordance with international law, the conviction of a person for flagrant violations of international human rights and humanitarian law does not absolve the State of its international obligations¹⁰⁷.

3.1.5.1. Peacekeeping Missions in Conflict Zones

When international military troops enforce a cease-fire between hostile organizations or nations, the activity of maintaining peace by armed forces is referred to as a "peacekeeping operation". One of the most useful tools the UN has to help host nations travel the challenging road from violence to peace has proven to be peacekeeping. One of the distinguishing features of peacekeeping is the capacity to deploy and maintain military and security forces all over the globe while combining them with non-armed pacificators to move along diverse agendas. Other strengths include legitimacy, burden sharing, and these capabilities. UN peacekeepers offer protection, political support, and assistance in peace-building to help nations make the

challenging early transition from conflict to peace (UN, 2022). Three fundamental tenets form the basis of UN peacekeeping: The parties' agreement; objectivity; and not using oppression unless necessary while protecting oneself or carry out a mandate.

Today's multifaceted peacekeeping missions are needed to help electoral organization, protecting moreover advance human rights, help restore the rule of law, safeguard citizens, and serve in the demobilization, former combatants' reestablishment in addition to preserving peace and security. Success is never guaranteed because UN peacekeeping missions nearly always take place in politically and physically challenging areas. However, during the course of our 60-year existence, we have established a record of accomplishment of success, including receiving the Nobel Peace Prize. The field of peacekeeping has always been very dynamic and has changed as a result of new difficulties. Peacekeeping has distinct advantages, such as high levels of international legitimacy and the ability to integrate international police and military forces with citizen's pacificators to promote multifaceted agendas. Pacifists assist nations in navigating the challenging transition from conflict to peace. In addition to stabilizing conflict zones and separating combatants, today's peacekeeping missions are also expected to safeguard civilians, aid in demobilization, and reinstallation of ex-soldier, help the holding of vote, uphold and advance HR, and help restore the legal system. The US acknowledgment of UN peacekeeping's value includes (Guéhenno, 2023);

Effectiveness of peacekeeping: The Astonishing Success of Peacekeeping article in Foreign Affairs from November 2021 states, "Decades of scholarly research has proved that UN peacekeeping not only works to halt hostilities, but works better than anything experts know"(Foreign Affairs, 2023). Civil wars can be ended, combatant casualties are reduced, wars are less likely to repeat, and state institutions can be rebuilt thanks to peacekeeping. In preventing sexual and gender-based violence and preserving the lives of civilians, it is successful.

UN Operations Are Less Expensive Than Other Types of Military Intervention: According to two studies by the U.S. Government Accountability Office that were released more than a decade apart (in 2006 and 2018), the cost of a UN operation to American taxpayers is one-eighth that of sending a comparable U.S. force. Overall, UN peacekeeping accounts for over \$6.5 billion annually, or about half of the state of Rhode Island's total budget (UN, 2023).

Promotes Multilateral Burden Sharing: Because the UN does not have a permanent army, it depends on its member countries to voluntarily provide soldiers and law enforcement

for its peacekeeping missions. Although the United States, as an enduring participant of the UNSC, has a significant influence on choice to send peacekeeping missions, it now contributes just a small number of the 73,000 uniformed men. The majority of the remaining funding comes from a variety of U.S. friends and partners, including India, Rwanda, Tanzania, Jordan, Indonesia, Bangladesh, and Nepal. According to the global subdivision, the number of personnel by country demonstrated that Bangladesh is the country a big power of supplying personals in UN peacekeeping and Qatar is the last one (UN, 2023). In nations where civil wars and insurgencies have claimed the lives of people and threatened to destabilize neighboring regions, tens of thousands of troops have been sent for regionally led missions. Many experts concur that peacekeeping mission's aid in the protection of people and lessen some of the worst effects of war, although they frequently have serious flaws. Recent years have seen a lot of censure of UN peacekeepers and some reforms because of reports of sexual and other abuses. Only in Africa we have (UNISFA) in Abyei, a region take issues with the two Sudan, (MINUSCA) in the Central African Republic, (MONUSCO) in the DRC, (MINUSMA) in Mali, (UNMISS) in South Sudan, (UNMISS) in Western Sahara, and (MONUSCO) in the DRC (MINURSO) (U.S. Government Information, 2023); (Concordis, 2023). The European Union (EU), African Union (AU), and several topical structure are also the sponsors of a few peacekeeping or security operations. The Group of Five for the Sahel is the biggest (G5 Sahel) Combined power, the Lake Chad Basin Commission Multinational Joint Task Force, and the African Union Mission in Somalia (AMISOM) (SCR, 2023)².

Alternatives to conventional UN peace working include missions led by the AU and topical groups like the Economic Community of West African States (ECOWAS). However, the UN authorized the AU deployment in Somalia's AMISOM and provides finance, logistical assistance, and other services. The UN Security Council approved of two biggest ad hoc, the MNJTF in opposition to Boko Haram, the G5 Sahel force, and other security measures on the continent, and thereby strengthened their mandates. As determined by size, complexity of the clash as well as the organization in charge of the commission, several peacekeeping mandates apply. UN sends out peacekeeping forces to safeguard innocent bystanders during armed conflicts, stop or lessen hostilities, stabilized conflict-affected areas, aid in the implementation of peace agreements, and support democratic transitions. Peacekeepers engage with the aims of ranging peace construction projects, such as the de-escalation, dismiss from military service,

² The Security Council on Tuesday adopted a resolution to extend the authorization for the African Union Transition Mission in Somalia (ATMIS) for six months, till Dec. 31, 2023.

reincorporation of former soldier, confiscation of landmines, restoration of the rule of law, protecting and promoting HR, helping in vote process in order to achieve these objectives.

However, experts point out that as time has gone on, UN pacifist direction have gotten longer and the roles of pacifists have occasionally become more ambiguous. "Peacekeeping operations, like AMISOM and MINUSM, are productively choosing parties and participating in a range of operations, such as the defense of installations and framework, grievance, and efficacious battle, like the UN did from the late 1980s through the end of the Cold War , instead of observing peace agreements made by disputing parties,". The initial mandate of AMISOM, approved side by side with the African Union Peace and Security Council and (AUPSC) and UNSC in 2007, was to safeguard the government of Somalia during transition when it assumed power in the capital, but the mission's objectives have since expanded. Earlier this decade, the primary objective has been to facilitate the transition of security responsibilities to Somalia troops while reducing menaces that al-Shabab and extranon-governmental armed organization pose. On the other hand, the objectives of ad hoc initiatives can exist beyond the conventional UN structure. The Burkina Faso, Chad, Mali, Mauritania, and Niger forces who make up the G5 Sahel Joint Force, which is work out as an addition to MINUSMA, are tasked with eradicating terrorism, transnational crime, and human trafficking in the area. As of summer 2021, Bangladesh, Ethiopia, and Rwanda were the three nations that contributed the most military and police personnel to UN missions in Africa.

A three-tiered method had been proposed with the intention of protecting people during UN peacekeeping operations (UN, 2023); Provide protection through political means, such as peace negotiations and the establishment of government structures. Reconciliation and conflict management are two other examples of this. Provide protection from physical harm, such as through patrols and the observation of human rights. Defensive positions or cordons may also be used, for example, surrounding a neighborhood or refugee camp. Create safe spaces, such as by reorganizing the judicial, defense, and police sectors. In addition, political will and coordinated action at every level from the UNSC to member states, the UN Secretariat to each field mission, as well as regional organizations are necessary for the safeguards for civilians by preserving the peace. To strengthen the ability of peacekeeping missions to protect people, they must all work together. According to Resolutions 1265 and 1894 of the UNSC, the UNSC must take a decisive leadership role in protecting people, including by requiring the use of peacekeeping missions. It ought to try to:

- Recognize that and other parties to ultimately armed conflict are responsible for protecting civilians and should take all practical measures to do so; it should openly urge them to do so and denounce any violations of international humanitarian law or human rights;
- Make sure UN missions charged with protecting people have precise, believable, and doable objectives.
- As required by UNSC resolution 1894, missions with a mandate for the protection of civilians must make these tasks a top priority;
- Deploy missions with sufficient military, police, and civilian staff to carry out mandates for the protection of civilians. In this context, the Protection of Civilians Resources and Capabilities Matrix are helpful;
- Ensure operations serve the interests of women, men, and children by specifically requiring them to engage communities affected by armed conflict directly and proactively, to recognize and combat dangers, and to include them in monitoring and evaluating mission performance. Depending on how peacekeepers interact with communities, they may be more or less safe. We need specific rules for this interaction;
- Encourage the rule of law and help national actors (such as the army and police) to improve the protection of people. As a matter of regular procedure and practice, expressly condition such help on adherence to IHL, human rights, and refugee legislation, and make sure that monitoring, mechanisms track progress in accordance with the UN Human Rights Due Diligence Policy;
- Demand that all peacekeeping operations systematically gather, assemble, and evaluate data on protection-related concerns, including as murders, evictions, rapes, forced recruitment, and looting, to ensure accurate evaluations and appropriate actions;
- Ensure that regular UN Secretary-General Reports on missions include sections on "protection of civilians," detailing threats, events, data, and trends (including specific information on SGBV and child soldiers), the mission's response, and the challenges it has encountered in carrying out its mandate. Not a list of actions but an analysis of threats and how they have been handled should be included in reports in order to show what has been done to safeguard civilians;
- Evaluate the scaling back of missions in light of specific criteria, such as increased civilian security and a capable national security sector. Due to objective standards and community opinions, these should be evaluated.

While analyzing the case of DRC, some studies demonstrated that there some suspicion on the power of MONUC on protecting people in DRC. In the case study of MONUC published by Nagel at all (201), it demonstrated that the massacre of kiwanja that caused more than 150 civilians to lost life in 2008 had emerged a case of doubt on the capability of MONUACO force in protecting citizens in DRC (Nagel, Fin, & Maenza, 2021).

3.1.6. Duty Bearers in International Human Rights Law and International Humanitarian Law

When it comes to who can be held accountable and subject to the law, international human rights law and international humanitarian law have different requirements. Additionally, they contain specific measures for the protection of individuals and particular groups of individuals who are thought to be more at risk for infringement, notably during armed conflict. Despite these differences, it is becoming more widely accepted that both legal systems place obligations on both State and non-State actors, albeit under different circumstances and to varying degrees. The targets of legal norms are those subjects. Obligation bearers and right holders are distinguished from one another. Duty bearers are bound by duties, which may be constructive—a duty to act—or destructive—a duty to refrain from doing. Duty bearers are required to abide by a number of positive and negative responsibilities under international human rights law and humanitarian law. Depending on whether an actor is recognized by international law as a main subject (i.e., States and international organizations) or a secondary subject (i.e., non-State actors), these obligations may vary. The parts that follow will discuss the manner in which an extent to which many areas of law are subject to the requirements of international human rights and humanitarian law.

3.1.6.1. States

In general, States and international organizations are acknowledged as the main subjects of international law. In addition to having legal responsibilities derived from customary international law, they also have legal obligations acquired through the signing of international treaties. States that have ratified international humanitarian law or human rights treaties are therefore obligated by their terms, subject to legitimate objections addressed below. Furthermore, in accordance with article 18 of the Vienna Convention on the Law of Treaties, States that have signed a treaty but have not ratified it are obligated to behave in good faith and not to undermine it. Beyond these fundamental guidelines, there are some differences between

how international humanitarian law and human rights law should be applied. A very broad variety of rights, including those that can be harmed directly or indirectly by armed conflict, are expressly protected by international human rights legislation, from the right to be free from torture to the right to education. The State as a whole is subject to these human rights obligations, whether they are favorable or unfavorable, regardless of its internal institutional structure or the allocation of duties among various agencies. Although not exclusively, States parties to an armed conflict are the main targets of international humanitarian law. For instance, the Geneva Conventions establish obligations on States and their military engaged in armed combat and, if appropriate, hold direct participants and their civilian leadership accountable for infractions. States are additionally required by international humanitarian law to uphold its principles and defend people, other protected individuals, and property. When the State transfers governmental duties to people, organizations, or businesses, these legal obligations continue to exist. Thus, it is the State's duty to make sure that tasks that have been assigned are carried out in complete accordance with those commitments, particularly those related to human rights. As the main object of international law, the State's responsibilities under international human rights and humanitarian law also include the duty to look into claims of violations and the duty to bring charges against and punish those responsible.

3.1.6.2. Non-State Actors

International human rights law and international humanitarian law have developed specific particularities aimed at imposing certain types of obligations on others, including individuals and non-State actors, while international law as a whole has developed to primarily regulate the conduct of States in their international relations. Recent advances in international criminal law, for instance, now recognize that persons may be held accountable on a global scale for egregious human rights abuses and major transgressions of international humanitarian law, such as crimes against humanity, war crimes, and genocide. In a similar vein, it is widely acknowledged that parties to such a conflict, whether State or non-State armed groups, are subject to international humanitarian law related to non-international armed conflicts, specifically the provisions contained in common article 3 of the Geneva Conventions and, when applicable, Protocol II(UN, 11).

It is also acknowledged that non-State armed groups are subject to the same standards of customary international law that apply to international armed conflicts, such as the principles of distinction and proportionality. As was already said, both foreign and domestic military

confrontations tend to follow increasingly similar customary rules. The conventional view of international human rights commitments has been to assume that only States are subject to them. However, it is becoming more widely accepted that under certain conditions non-State actors can also be bound by international human rights law and can assume, voluntarily or not, obligations to respect, protect, and uphold human rights. This is reflected in changing Security Council practice as well as in the reports of some special reporters. For instance, the Security Council has urged States and non-State armed organizations to uphold their commitments under international humanitarian law and to respect human rights around the world in a number of decisions. In the context of his mission to Sri Lanka, the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions stated "[a]s a non-State actor, the LTTE does not have legal obligations under [the International Covenant on Civil and Political Rights] .Nevertheless, it remains subject to the demand of the international community, first expressed in the UDHR that every organ of society respect. And promote human rights." Furthermore, "[t]he international community does have expectations human rights to which it will hold regarding the LTTE, but it has long been hesitant to directly press these demands if doing so would be to "treat it like a State"." Four people with particular process mandates reaffirmed this strategy in a joint report on their trip to Israel and Lebanon. The report also states that "the Security Council has long called upon various groups whose capacity to do so is not recognized by Member States to formally assume obligations under international law to respect human rights; relevant and practical when it "exercises significant control over territory and population and has an identifiable political structure."

As a result, it is obvious that the application of human rights principles to non-State actors is especially pertinent in circumstances where they exert some kind of authority over a certain region and population. Non-State armed groups are being urged more and more to uphold human rights protections, though in a way that is appropriate given the local circumstances. This is because international human rights law aims to provide rights and protections that are thought to be fundamental for the human being. In fact, non-State actors' acceptance of international human rights obligations is considered as a practical acknowledgment of the facts of a conflict, without which the rights holders would be deprived of any realistic opportunity to assert their human rights. The following examples simply serve to demonstrate the idea that non-State actors can be held accountable under international human rights law because the obligations of non-State actors under international humanitarian law are widely established:

- The terms of international human rights treaties. For example, armed organizations are expressly required to comply with article 4 of the Optional Protocol to the Convention on the Rights of the Child, which addresses the involvement of children in armed conflict. In its concluding notes from 2001 on the DRC, the Committee on the Rights of the Child hinted to the responsibility of private corporations and armed groups for violations of the Convention on the Rights of the Child in the context of the armed conflict;

- The Security Council has repeatedly urged all parties to a conflict, including non-State actors, to uphold international humanitarian law and human rights standards. For instance, the preamble of resolution 1564 (2004) emphasized that "the Sudanese rebel groups [...] must also take all necessary steps to respect international humanitarian law and human rights law";

- The conduct of non-State actors: in 2005, the Communist Party of Nepal-Maoist issued a statement welcoming the establishment of a United Nations human rights field operation in Nepal, promising United Nations personnel full access to the areas it controlled and committing itself to respecting the standards of the human rights. Later, the Party was found to have violated and restricted some human rights by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The Frente Farabundo Mart por la Liberación Nacional and the government of El Salvador signed the San José Agreement on Human Rights, which was also co-signed by the Secretary-General of the United Nations.

Additionally, as will be discussed in the chapter that follows, flagrant breaches of human rights and major transgressions of humanitarian law may give rise to personal liability for crimes, including those perpetrated by members and leaders of non-State armed groups. In any instance, it is important to keep in mind that the State still has a primary duty to uphold and protect human rights even though a non-State actor is required to adhere to particular human rights criteria. In this regard, it is significant to emphasize that contemporary standards of state responsibility take into account the fact that, in some situations, states may also be held accountable for actions taken by non-state actors.

For instance, it has been suggested that the State's responsibility could be engaged by the conduct of non-State actors in the following situations:

- The group has violated international legal obligations and subsequently becomes the new government;

- The group is actually acting on the instructions of, or under the direction or control of, the State in carrying out the conduct.

- The group has breached international legal responsibilities and succeeds in creating a new State in a region that is already governed by another state or that is part of its territory. So, as an extension of its own legal obligations, the State is also accountable for the activities of this armed group if a non-State actor, such as a paramilitary group, is acting in support of or as an agent of the State authority in an armed conflict.

Finally yet importantly, anyone who engages in activity that is related to an armed conflict is subject to international criminal law, including war crimes, even if they have no relationship to the State or an armed organization.

3.1.6.3. Peacekeeping and Peace Enforcement Operations

States' military personnel should not be excused from upholding their commitments under human rights and international humanitarian law just because they contribute to operations that are overseen by the United Nations. When playing a part in an armed conflict as a party, United Nations troops should be held to the same standards of international humanitarian law as other combatants. Many, but not all, of the standards of international humanitarian law are listed and summarized in the Secretary-General's Bulletin, which directs UN forces to monument by them when participating as combatants in armed conflicts. "Nothing in this Convention shall affect: the applicability of international humanitarian law and universally recognized standards of human rights as contained in international instruments in relation to the protection of UN operations and UN associated personnel or the responsibility of such personnel"(Source); accord with the Convention on the Safety of United Nations and Associated Personnel, adopted by the United Nations General Assembly in 1994. According to the Human Rights Committee, "States parties are required by article 2, paragraph 1, [of the International Covenant on Civil and Political Rights] to respect and to ensure the Covenant rights [...]," regarding their obligations under international human rights law.

Regardless of how such power or effective control was obtained, this principle also applies to individuals acting outside of a State party's borders who are under its power or control, such as national contingents of a State party serving in international peacekeeping or peace enforcement operations. The continued application of both to States taking part in United Nations peacekeeping and peace enforcement operations seeks to prevent any gap in that protection given that both international human rights law and international humanitarian law seek to protect the fundamental human rights. It is also indisputable that States taking part in multinational-armed operations that are authorized by the United Nations but not directly under

its command are required to uphold international human rights and humanitarian law. The fact that the military actions may have received UN approval, including from the Security Council in accordance with Chapter VII of the UN Charter, has no bearing on this basic obligation of the State.³² It may be claimed that under Article 103 of the Charter, Established by a Security Council resolution would take precedence over obligations established by international humanitarian law and international human rights law. However, any derogation would have to be stated clearly and cannot be assumed. It is unclear whether or not international organizations taking part in armed conflict are subject to human rights and international humanitarian law duties. Although its member states and the States providing soldiers for peace operations are parties to the pertinent treaties, international organizations are not. Additionally, it is asserted that international organizations are subject to the same customary law in this area as States are.

Although the ECHR determined in the case of *Behrami v. France* that foreign organizations could be held accountable for human rights breaches, this judgment has been highly disputed and may be reviewed by the Court in a number of cases that are currently pending. In any case, it should be remembered that the UN strives to uphold the highest standards of conduct when carrying out peacekeeping missions. In this regard, the aforementioned Secretary-General's Bulletin offers some guidance on the fundamental tenets and regulations of international humanitarian law that, to the extent and for the duration of their engagement, apply to United Nations forces actively engaged in armed conflict as combatants. Additionally, it is important to keep in mind that the United Nations Charter lists the defense and advancement of human rights as one of its core tenets. In a broader sense, military forces operating under UN control are expected to uphold the highest standards of protection for civilians, as well as to look into and ensure accountability for transgressions of international human rights and humanitarian law.

4. METHODOLOGY

The objective of this chapter is to explain the methodology used to complete this exploratory research. It will also help answer the questions specified on the previous chapters. In fact, the choice of this study's field and the methods used to collect data are designated and explained. Moreover, the data collection process, the tools used and the strategies of data examination were also identified.

4.1. OPEN-ENDED AND SEMI-STRUCTURED INTERVIEW

4.1.1. Research Design

Prior to data collection, analysis, and the research itself, research design aids in creating structure. The goal of a study design, according to David de Vaus (2001), is to make sure that the information we gather enables us to respond to the original question as clearly as feasible. As a result, the study design is essential to providing the most accurate response to the research question.

Inductive in nature, qualitative research typically involves the researcher exploring the meanings and insights in a particular context (Strauss & Corbin, 2008; Levitt et al., 2017). It describes a variety of data collecting and analysis methods that make use of open-ended, semi-structured interviews and purposeful sampling (Dudwick et al., 2006).

Furthermore, Bryman, A. (2004) affirms that qualitative research generally uses qualitative methods for both data collection and processing. This approach works well for locating intangible elements like social norms. Denzin & Lincoln's (2000) illustration further demonstrates that "*qualitative research consists of a set of interpretive, material practices that makes the world visible.*"

The most crucial set of characteristics of qualitative research, according to D. Whitehead (2013), is that it entails a tight relationship between the researcher and the participants. The complicated reality of a particular scenario and the implications of qualitative data are better understood and interpreted thanks to qualitative research. It also aids in gaining a deep and

nuanced understanding of a particular social environment or often takes precedence over gathering information that may be applied to other regions or people.

4.1.2. Research Field

Exploratory descriptive design was conducted in this research with University researchers; public administrators; and government retirees from Limete Residentiel, Macampagne and Gombe in Kinshasa from 3rd April to 29th May. Additionally, the researcher has also conducted interviews in different cities of South Kivu. Interviews focus on the events from the period of 26th January 1997 to January 2023. The choice of the city of South Kivu is preponderant for this research insofar as it brings the study closer to the subject.

4.1.3. Data Collection Methods

This study uses qualitative methodologies to investigate how people view and interact with the world. It is frequently used to investigate novel social occurrences that elicit students' emotions and thoughts. Qualitative techniques for interpreting this process include:

- Participant observation is appropriate for gathering information on behaviors that occur naturally in everyday situations.
- In-depth interviews are the best method for gathering information about people's backgrounds, viewpoints, and experiences when subjects are being studied.
- Focus groups are a useful tool for gathering information about a group's cultural norms and for creating comprehensive overviews of the issues that concern the represented cultural groups or subgroups.

4.1.4. Data Collection Procedure

Data collection procedure has always been considered as a vital part of social science studies because it involves acquiring information for a study, data collection has traditionally been seen as an essential component of social science research. The semi-structured interview, one of the interview forms used in this study, is one of those whose purpose is to assist in collecting and acquiring deep data in qualitative research. In a relatively conversational tone, this kind of interview gathers specific information. When a researcher wishes to delve deeply into a subject and fully comprehend the responses given, semi-structured interviews are frequently used (Dudwick et al., 2006).

As a result, the information gathered through semi-structured interviews is thorough and represents the participant respondents' subjective interpretations. In order to get sufficient data and better comprehend the participants' responses, this study also included semi-structured questions. To elicit responses from the respondents, the interview was conducted in English. Thus, out of the 20 participants, it took an average of 30 minutes for each student to participate in the interview and voice their thoughts.

Data are mostly gathered from primary and secondary sources when certain students, academics, and intelligence professionals from Kinshasa, Lubumbashi, and North Kivu analyze the state of governance in the DRC. Interviews are the most effective method for learning about people's perspectives and experiences, claim Dudwick et al., (2006). Interviews are typically conducted via the phone and the internet because, according to Berg (2001), "the main reason one could do a qualitative interview is to reach a sample population that is geographically varied locales." As a result, all interviews were taped with the informants' prior consent. Verbatim transcriptions are then taped, recorded, and written down.

In order to give respondents the freedom to express themselves about how they use social media in their educational settings, open-ended questions have been used during the interviews. Without making any assumptions, they are utilized to determine which component of the possible responses—such as fact, behavior, reaction, etc.—should stand out.

Primary data are those that are gathered fresh and for the first time, according to Kothari (2004). They are unique in character as a result. Secondary data, on the other hand, are ones that have already undergone the statistical process. For gathering information about naturally occurring behaviors in the typical circumstances, primary sources are suitable. Interviewing is the best method for gathering information about people's backgrounds, viewpoints, and experiences when they are being studied. Documents, government publications, articles, researches, books, periodicals, journals, and mass media including newspaper, magazine, and internet reports serve as additional sources. All things considered, both primary and secondary sources are consistently used in accordance with qualitative research.

Furthermore, it was important to use an online questionnaire to assess and clarify the accuracy of some information after all the interviewers for this study had completed in-person interviews. According to Bethlehem & Biffignandi (2012), the main drawback of using online survey research disappears when the majority of a community has access to the internet and knowledge. Access to the internet will then turn into an even more beneficial instrument for

quickly and reasonably collecting data from responders who are located throughout various countries or even the entire planet.

4.1.5. Ethical Consideration Related to Research Topic

Ethical approval for all components of exploratory research investigation was obtained from the concerned participants. More details regarding the project and its ethical ramifications were supplied along with a consent form two weeks before the due day of the interview. The risks of participation were discussed with the respondents and a written consent had to be granted to the researcher before any interview. A broad aspect along with the objectives of the study was explained to the respondents and the author agreed to use pseudonyms to keep their identities protected from any retaliations.

4.1.6. Language, Age and Educational Qualifications

The candidates were those who could understand and speak French. To help them comprehend the meaning of some of the questions' essential words, I occasionally had to speak to them French and Lingala. Since the majority of the selected participants were literate, this element made communication simpler. The age range utilized in this case is 25 to 40 years old because the research's main focus is on The Challenges of Good Governance in the Democratic Republic of Congo and the Contributions of International Organizations. The absorption of the new generation and its disregard for the older generations serve as justification for this choice. For these reasons, the study's sample was divided into two age ranges: 25–33 and 33–40. About their educational backgrounds, the majority of respondents stated they are University researchers; 25 percent said they were public administrators; and the last another 25 percent said they are government retirees. Finally, it should be emphasized that no gender criteria were included. As a result, the sample consists of 75% are men and 25% are women. Also 60 % of the respondents live in Kinshasa, 30% from Lubumbashi and the last 10% from Sud-Kivu.

4.1.7. Sample

Table 3: Sample

N°	Pseudonyms	Gender	Address	Language	Age
1	Kadema	Male	Kinshasa	French	27
2	Shabani	Male	Kinshasa	French	25
3	Kasese	Female	Lubumbashi	French	29
4	Batende	Male	Sud-Kivu	Kiswahili	31
5	Katokale	Female	Kinshasa	French	30
6	Lopongo	Male	Lubumbashi	French	24
7	Kimbwanga	Male	Kinshasa	French	25
8	Kasereka	Female	Kinshasa	French	29
9	Mafuta	Male	Lubumbashi	Kiswahili	26
10	Kangodi	Male	Kinshasa	French	28
11	Katshelewa	Male	Sud-Kivu	French	39
12	Mpozi	Male	Sud-Kivu	French	40
13	Kisangani	Male	Lubumbashi	French	35
14	Kabamba	Male	Kinshasa	French	36
15	Muyej	Female	Kinshasa	French	38
16	Kalombo	Male	Kinshasa	French	28
17	Lenge	Female	Lubumbashi	French	32
18	Mwenge	Male	Kinshasa	French	34
19	Kamba	Male	Kinshasa	French	37
20	Sumayili	Male	Lubumbashi	French	33

4.1.8. Consent of the Participants

Before starting each interview, the author explained the study's objectives and strategy to the participants. During the semi-structured interviews, permission had to be obtained from the participant before the researcher could explain the questionnaire. Their personal information will also be protected in this study step. A consent form was also supplied along with further details about the study's ethical concerns. To safeguard their identity, the provided pseudonyms are kept throughout this search. The remaining participants provided their oral agreement at the beginning of each interview, while some individuals completed the questionnaire and returned an electronic copy to provide their written approval.

4.1.9. Data Collection

The tools used to collect data were via telephones, zoom meeting application for focus group, online surveys and content analysis. Audio recordings of the interviews were made again, and they were taken off of the recording devices and put on password-protected computers. Individuals who had proven their translation accuracy to the research team transcribed and translated recordings. Using content analysis techniques based on the domains broadly described in the aforementioned subjects, English transcripts underwent qualitative analysis. Using Atlas.ti (Cleverbridge, Inc., Chicago, IL) and with the help of ongoing discussions with the rest of the research team, two analysts from the team carried out the qualitative coding.

4.2. SURVEY ON THE VIEWS OF CONGOLESE ON ARMED CONFLICT, HUMAN RIGHTS PROTECTION AND POLITICAL STRATEGIES

The DRC has been affected by various armed conflicts over the years, which result in a significant loss of life, displacement of population and many other numerous cases of human rights abuse. Analyzing data related to these armed conflicts, there are some key indicators such as: (a) casualties whose number of people who were killed or injured in armed conflicts in DRC intensively illustrates the severity of the conflicts. The data of this research show impacts of armed conflicts that can be obtained from various sources likely participants and government reports, news articles and humanitarian organizations. Geographic location such South Kivu maps the geographic distribution of armed conflicts in DRC that can help this research to understand the areas that have been most affected by violence and trends in armed conflict incidents. The length of time that armed conflicts in DRC have persisted can also give an idea of the level of instability and conflict resolution efforts required to address them. Analyzing different armed groups in DRC involved in armed conflicts such as government forces, rebel groups and foreign actors can provide insights into the root of cause of armed conflicts and potential solutions. Furthermore, examining impacts of armed conflicts on civilian population such displacement whose life conditions are critical in access to basic needs like food and water, and human rights violations can help identifying what should urgently be done for attention and assistance. These data will illustrate impacts of armed conflicts in South Kivu in DRC. Causes of armed conflict in South Kivu, followed by human rights protection and political strategies were analyzed and in concern of data collected from South Kivu residents who participated in filling the survey.

4.3. GENERAL INFORMATION OF THE PARTICIPANTS

4.3.1. Gender

Table 4: Gender

Male	Female	Total Participants
233 (64.4%)	129 (35.6%)	362

Gender in research participation particularly in collecting data is an important consideration to ensure that research findings are representative and accurate. This research strives by including both males and females in their studies to obtain a more complete understanding of the research topic. It is important to notice that gender is a complex social construct, which includes more than just biological sex. From that context, gender can also include cultural and social norms, roles and expectations, which influence behavior and attitudes of research participants. Thus, this study considered gender in the recruitment and data collection methods. This helps to address gender issue by using stratified sampling techniques, which involves dividing the population into research groups based on gender and other relevant factors, which are randomly deemed to select participants from each group. The result shows those 233 (64.4%) males and 129 (35.6%) females to ensure that both male and female participants are included in this study. Including both, genders avoid assumption about gender roles for research participants to feel comfortable and be able to provide accurate responses. Overall, inclusion of both male and female in this research is important for getting reliable and valid findings in aspects of research design and implementation to make sure that findings are representative of the research population.

4.3.2. Age

Table 5: Age

18-24	24-34	35-44	45-54	55-up
225 (62.2%)	60 (16.6%)	43 (11.9)	23 (6.4%)	11 (3%)

Age is a relevant factor for considering the research participation that can affect the reliability and validity of the data that have been collected. This is done because participants of different ages may have different experiences, perspectives and behavior that can influence

their responses related to the research questions on armed conflicts human rights. For instance, in this study, young participants have different views on armed conflicts in South Kivu rather than old participants. However, if the research question pertains to causes of armed conflicts in South Kivu, it may be important to include participants of different ages to obtain a more comprehensive understanding of this issue. This study is generally represented by youth between 18-24 with 62% and 24-34 with 16.6% other ages are less than 10%. From that reason, age can also be confounding variable that affects the relationship between other variables in the research. In addition, age can affect the results since ages may have different opinions on impacts of the topic. Thus, it is crucial, in this research, to consider age as a factor while designing research for recruiting participants to ensure the data that are reliable and correct.

4.3.3. Educational Level

Table 6: Educational Levels

Bachelor	High school	Masters	Doctorate	Primary
281 (77.6%)	52(14.4%)	13(3%)	9(25%)	7 (1.9%)

The educational level of participants in data collection plays a significant role in several ways. It can affect the quality and reliability of data that are collected. Participants with a higher education level of education may have better reading and comprehension skills related to the topic, this could help them understand survey questions more accurately. This enables to provide more detailed responses, which are nuanced, from other participants. On other hand, participants with lower level of education may struggle to understand complex questions which may provide responses that are not entirely accurate to the issues due to lack of knowledge and understanding. Moreover, the educational level of participants can also affect the generalizability of the topic's findings. This study is conducted with participants who have general level of education (bachelor degree 77.6%, high school 14.4%) whose results are representative of the broader population which includes participants with different levels of education. Therefore, the educational level of participants influences the sampling method when using data collection research. This intends to target recruitment strategies as a representative sample of participant with different educational backgrounds. Overall, the educational level of participants is an important consideration for this research conducting through data collection, which influences the quality, generalizability, and sampling strategy method.

4.3.4. Marital Status

Table 7: Marital Status

Single	Married	Divorced
237 (65.5%)	117 (32.3%)	8 (2.2%)

Marital status is a demographic variable that can be relevant in this study when collecting data. Including marital status as a variable to be measured likely demographic information. The role of marital status in data collection depends on the research question. This study examines variable of armed conflicts and human rights to consider which social group that is more concerned with this matter associated to violence and armed conflicts. This research focuses on single participants to achieve health and society outcomes related to marital status, which may be relevant in a variable for data collection. This research aims at collecting demographic data in an ethical and respectful manner for ensuring that participants feel comfortable.

4.3.5. Hometown

Table 8: Hometown

Uvira	Baraka	Bukavu	Kamitunga
212 (58.6%)	76 (21%)	44 (12.2%)	30 (8.3%)

Hometown of research participants can play a significant role in collecting data in research particularly when the research is focused on a specific geographic area of a community. Hometowns enable to access to participants when it may be an easier time accessing participants who have likely established relationships or networks within community. This can lead to higher participation rate and more representative samples based on hometown. Additionally, the research that focuses on the same hometown may have better understanding of the local culture and language. This can help to develop more appropriate research interpretation for the data collected. Contextualizing knowledge in the research to a particular hometown that may have a deeper understanding of history related to armed conflict and social dynamics of the area. This helps them to contextualize the research findings that provide more nuanced analysis. Hometown may also induct ethical consideration when participants may need to be mindful of ethical considerations such as protecting participants with confidentiality. This study is involved four areas such as Uvira, Baraka, Bukavu and Kamitunga, which have potentially considered with the following representation 58, 6% of participant that complete a

number of 212 out of 362 are participants from Uvira, 21%, are from Baraka, 12.2% from Bukavu and 8.3% from Kamituga participants. Overall, the hometown of this research determines factor in data collection to be certainly an important consideration in some cases.



5. FINDINGS

5.1. FINDINGS OF THE DATA COLLECTED IN THE INTERVIEWS

5.1.1. Findings related to the Consequences of Bad Governance in DRC

Following the conversations with the respondents, a variety of bad governance's consequences have been mentioned as what drives the country to chaos. One of the respondents, Kamba, has explained that good governance is the key to a good environmental society in any country in the world. He mainly focused on the fact if the basis of a solid and prosperous society is not well managed, the chaos comes automatically starts. He said,

'If governance which is the basis of a solid and prosperous society is not well managed, it is the country as a whole which suffers... This is the case of the DRC, from where the economy and resources are managed by a minority of ill-intentioned and selfish people thus creating misar within society'.

In fact, it was obvious that the majority of the interviewers have agreed the source of the problems that the DRC faces today comes from bad governance. Among the consequences, they have mentioned political crisis, war in East part of the DRC, underdevelopment, lack of education and different violence perpetrated to children and women. Here's what they said,

'Democratic Republic of the Congo has been in civil war since independence, this war is disrupting the economy and politics of the country, because of these wars, the political balance of the country is upset, it will be difficult to rule the country before these civil wars are over.'

'Bad governance is the deep evil that has gnawed the Democratic Republic of the Congo from top to bottom, it is the main element that keeps the country in an underdevelopment that does not say its, when we say underdevelopment we see poverty of the peoples, the lack of school education and the delinquency which prevails over the whole extent of the national territory. The people live in corruption on all levels of life.'

'Economic rout, increasing of poverty, the war in the east of the country'

'Weak governance and the prevalence of many armed groups have subjected Congolese civilians to widespread rape and sexual violence, massive human rights violations, and extreme poverty.'

'Bad governance may enable civil war'.

'Bad governance prevents the development of the DRC this recent years'.

'Bad governance will always affect the economy of a country which will bring the country to a lower level'.

'Through corruption, embezzlement of public funds, violation of human rights, poverty, unemployment, paternalism, insecurity...'

Additionally, many interviewees mentioned that poor governance has posed a threat to people's well-being, and that COVID-19 has highlighted and made it worse in the DRC, as is seen from the report. DRC has not had the good fortune to have competent government and leadership since its independence, despite having everything needed to be a great country. Bad governance has a history of undermining the citizenry's capacity for empowerment, engagement, and active participation in governance. Along with the political leadership's propensity to undermine responsiveness and consensus-based governance, there is a persistent absence of the rule of law and powerful institutions of accountability and transparency.

Overall, some of the common findings related to the main consequences of bad governance collected by the researcher in the DRC are as follow:

- Pervasive Corruption: Bad governance in the DRC has led to widespread corruption at various levels of government and administration. This has hindered development efforts, diverted public resources away from essential services, and eroded public trust in state institutions.

- Economic Mismanagement: Mismanagement of the country's resources, including its vast mineral wealth, has resulted in economic stagnation and limited opportunities for sustainable development. The lack of transparency and accountability in managing public finances has exacerbated poverty and inequality.

- Ineffectiveness of State Institutions: Weak and ineffective state institutions, including the police and judiciary, have contributed to a breakdown in the rule of law. Impunity for human rights abuses, including extrajudicial killings and sexual violence, has been a significant concern.

- **Social Unrest and Political Instability:** The consequences of bad governance have often manifested in social unrest and political instability. Prolonged conflicts, both internal and external have resulted from grievances related to governance failures, leading to violence and humanitarian crises.

- **Humanitarian Crisis:** The combination of conflict, corruption, and weak governance has contributed to a protracted humanitarian crisis in the DRC. Millions of people have been displaced, facing food insecurity, and lack access to basic healthcare and education.

- **Weakened Infrastructure and Service Delivery:** Bad governance has hindered the development and maintenance of critical infrastructure such as roads, schools, and healthcare facilities. This has limited the government's ability to deliver essential services to the population effectively.

- **Land and Resource Disputes:** Mismanagement and lack of clear governance frameworks have led to land disputes and resource conflicts, particularly in resource-rich regions like South Kivu and Ituri. This has further fueled stability and violence.

- **External Exploitation:** The DRC's natural resources have often been exploited by foreign actors, taking advantage of weak governance structures. Illicit trade and resource extraction have contributed to perpetuating conflicts and hampering the country's economic development.

It is crucial to note that the situation in the DRC is complex and multifaceted, and the consequences of bad governance are deeply interconnected with historical, social, and political factors.

5.1.2. Findings on Measures Which Should Be Taken Into Account for Transparent and Effective Governance?

One of the responses, Batende, affirmed that Congolese elites from different part of the world have a responsibility to spread awareness of this issue wherever they are. Additionally, internal reforms must be undertaken before approaching the external parties who are in charge of this crisis so that every Congolese citizen can comprehend the gravity of the matter on an equal level with others. He said:

'Enforce legal texts in relation to the law on subcontracting, the mining code, corporate social responsibility. Allow the Congolese to acquire expertise in order to boost local production and consumption, develop other vital sectors alongside mines by diversifying the

economy, promote win-win investments, propel the education sector, health, youth and women's entrepreneurship, discouraging impunity by radically changing the judiciary'.

It is the same with Lenge who also insisted on the fact that the DRC has a lot of natural resources and only need to have leaders who love their country. She mentioned that it is also the fact DRC has a lot of illegal operators who steal its natural resources. The government should try its level best to bring back peace. She explained,

'The DRC is in the heart of Africa, the ideal place for Hubs. It is from there that the planes must leave for all destinations, the DRC has wealth and must be the privileged partner of the world powers without distinction and the inhabitants of the DRC cannot be poor. Forgetting them or rejecting them is the monumental mistake made. Nothing will work effectively as long as the DRC is marginalized... The eastern part of the DRC, the one with the most wealth, must see its populations rich and at peace from the North-East to the South-East of the country. They are directly impacted by mining. The presence of illegal operators in our forests prevents us from being safe and from sending the food produced in our villages to the city. Roads and infrastructure are almost non-existent, which promotes famine and the rotting of foodstuffs in our territories, villages, etc.'

In brief, the respondents proposed how to resolve the conflicts in South Kivu as a complex and challenging task that requires a comprehensive approach, involving various stakeholders and addressing the root causes of the conflicts. Here are some measures proposed by the respondents are: dialogue and mediation; ceasefire and disarmament; addressing root causes; economic development, education and awareness.

Overall, sustainable peace and stability require a long-term commitment and cooperation from all stakeholders involved in the region.

5.2. FINDINGS OF THE DATA COLLECTED IN THE SURVEY

5.2.1. Armed Conflicts and Social Life

After collecting data, it is the stage of analyzing them based on indicators that can be used as statistical methods such as regression analysis and time-series analysis, which identifies patterns and trends of data. This can help this study to understand the drivers of armed conflicts and identify potential strategies for prevention and resolution in South Kivu.

5.2.2. Instability of Peace as the Causes of Vulnerability in Social Life

Table 9: Instability of Peace as the Causes of Vulnerability in Social Life

Agree	Strongly agree	Not sure	Strongly disagree	Disagree
161 (44.5%)	159 (43.9%)	21 (5.8%)	16(4.4%)	5 (1.4%)

The DRC has been plagued by armed conflicts and instabilities for some decades. This situation has undoubtedly contributed to the perpetration of human atrocities in some region including south Kivu. The causes of this instability are numerous and complex, but they include political and economic factors such as ethnic tensions, and involvement of external actors. This study has showed that vulnerability in social stage with 44.5% and 43.9 all of them agree that stability of peace is based on the factors mentioned above. From that context, the South Kivu has a long history of armed conflict dating back to the 1990s. The ongoing-armed conflicts in South Kivu have been fueled by ethnic tensions and competitions over natural resources and arable land. Armed groups have been responsible for a wide range of human right abuses likely rape, torture and extrajudicial killings. The lack of functioning justice system and impunity are among the causes of atrocities. Furthermore, involvement of external actors such neighboring countries and armed groups complicated the situation. Thus, the root causes of instability are underlined political and economic issues, which fuel the cycle of violence and human atrocities.

5.2.3. The Existence of Banyamulenge in South Kivu as The Causes of Confrontation between FDC and Rebels

Table 10: The Existence of Banyamulenge in South Kivu as the Causes of Confrontation between FDC and Rebels

Agree	Strongly agree	Not sure	Strongly disagree	Disagree
174 (48.1%)	138(38.1%)	27(7.5%)	00 (0%)	22(6.1%)

The existence of the Banyamulenge as an ethnic Tutsi group residing in Eastern part of DRC, which has been considered as contributing factor to the armed conflicts in south Kivu. It is important to note that conflict in the DRC is complex and multiple root causes. The role of Banyamulenge in armed conflicts is just one factor among many. So forth, the Banyamulenge have been present in the DRC for several generations and faced discrimination including persecution due to their ethnicity. Their involvement in armed groups such as CNDP has led to tensions with other ethnic groups in the region namely the Hutu. The Banyamulenge have also

been accused of receiving support from Rwanda, which contributed to their perceived foreignness, and mistrust from other Congolese groups. This study has illustrated that 48.1% agreed that Banyamulenge are among causes of armed confrontation in South Kivu. It is important to note that armed conflict in the DRC has deep root in historical, economic and political factors such as resource exploitation. Therefore, the Banyamulenge played the role in the conflict that exists in South Kivu.

5.2.4. Portion of Land as a Cause of Human Atrocities

Table 11: Portion of Land as a Cause of Human Atrocities

Agree	Strongly agree	Not sure	Strongly disagree	Disagree
170 (47%)	128(35.4%)	36(9.9%)	17(47%)	11(3%)

The issue of land ownership and control has played a significant role in fueling the armed conflict and human right abuses in DRC. The country is rich in natural resources, including mineral such as gold, diamonds and coltan that are used in electronic manufacturing. This is considered as a target for exploitation in various armed groups both domestic and foreign. These armed groups have forcibly taken over land belong to local communities who are displacing people from their homes and farms. They have also used violence and intimidation to control population and suppress dissent that lead to human rights. This study has identified that 47% of problems are generated by land portion and 35% confirm that. This creates the situation to complicate the lack of clear legal framework governing land ownership and control. Armed conflicts take over land with impunity to conflicts between different communities and ethnic groups over who has the right to use and manage land.

5.2.5. The Strategy/Strategies Applied by People to Protect Themselves During Armed Conflicts

Table 12: The Strategy/Strategies Applied by People to Protect Themselves during Armed Conflicts

Strategies	Percentages	Number	Maximum
Take part in conflict by assisting traditional army (Mai-Mai group)	29.3%	106	362
Take party in conflict by supporting army	28.7%	104	
Fleeing to other cities	25.4%	92	
Staying home	22.7%	82	
Fleeing to another countries	16%	58	

Comparing with the up detailed data, it demonstrated that in South Kivu civilians generally participated in conflict instead of staying secured at home or fleeing to another country. Big number of participants demonstrated that Congolese are much motivated to war than other process of in case of protecting themselves. The strategy of fleeing to other countries was not considered as a tool of safety to Congolese of South Kivu. According to the data collected from her survey, 29.3% of participants choose to assist the Mai-Mai group while 28.7% are of supporting government's army. Out of those who demonstrated their result in conflict participation, 25.4% of participants are the user of fleeing to their city while 22.7% stay home was its choice and only 16% demonstrated the case of escaping conflict and fleeing to other countries.

5.2.6. Citizens Policy of Maintaining Peace and Security

Table 13: Citizens policy of Maintaining Peace and Security

Strategies	Percentages	Number	Maximum
Collaborate with the authority	42.8%	155	362
Informing the authority any suspected situation or group	22.9%	83	
Employ young guards for security	20.2%	73	
Supporting local armed groups	12.2%	44	
Decreasing night movements	1.9%	7	

In region of conflict, there must be some process followed by citizens or applied in order to maintain security and advanced peace. In that perspective, participants demonstrated that to maintain security and peace in the region people should at first collaborated with the authority. 155 out of 362 participants who had filled out the survey with a score of 42.8% had proved it. 22.9% of informing the authority any doubt situation or group while 20.2% choose to establish a policy of employing young guards for security in the region.

5.2.7. Local Security Control

Table 14: Local Security Control

Strategies	Percentages	Number	Maximum
Armed Forces of the Democratic Republic of the Congo (FARDC)	56.9%	206	362
Local youth organization	19.1%	96	
Mai-Mai group	13.8%	50	
Armed groups	6.4%	23	
Auto defence groups	3.9%	14	

Security of South Kivu is directed from the power of armed forces of the DRC (FARDC), a number of 206 out of 362 which means 56.9% of all participants demonstrated that the security issued is based under control of Congolese army. In some location, local youth organization take control of security but still the influence of army exists. It was determined by data that 19.1% of participating selected youth as security controller while Mai-Mai group occupied the third place of occupying security control with an average of 19.8%. While combining the percentages of armed groups and other groups out of army still the security of the region is under control of government force. This explains that, even there are some situations of insecurity in South Kivu, FARDC still the principal security manager in the region.

5.3. SOCIAL LIFE OF PEOPLE AND HUMAN RIGHTS PROTECTION IN SOUTH KIVU

Social life of Congolese in South Kivu is full of human right violation and non-controllable human atrocities. This data will help us to understand the view and perception of Congolese living in that region and determine the main reason of conflict followed by the object. Moreover, with the findings we are going to get a direct information and resulted to connected to data separation on the increase of human atrocities and how law responds in protecting the victims of violation after its identification.

5.3.1. The Main Reason of Armed Conflict in South Kivu

Table 15: The Main Reason of Armed Conflict in South Kivu

Main Reasons	Percentages	Number	Maximum
Natural resources	29.3%	106	362
Balkanization of the DRC	24.7%	88	
Chronic bad governance	21.5%	78	
Foreign powers intervention	13.3%	48	
Mineral exploitation	11.6%	42	

South Kivu has been affected by armed conflicts for several reasons. According to the data in the above table, 106 out of 362 which equates to 29.3% of the people attributed natural resources to being a reason for armed conflicts in South Kivu. Foreigners, the locals, government officials, and the rich population for financial gain seek after these natural resources. The balkanization (partitioning) of the DRC is also a major reason for armed conflicts in the region. The data shows that 88 out of 362 which equates to 24.7% of the

people agree that this partition is a major cause. In addition, a few additional reasons were listed such as chronic bad governance, which was supported by 78 out of 362 people, which equates to 21.5% as people crave better governance for the region. 48 out of 362 people that makes 13.3% agree that foreign power intervention was a factor and 42 out of 362 people that makes 11.6% agree that mineral exploitation is a reason for conflict in South Kivu.

5.3.2. Armed Group as Violator of Human Right

Table 16: Armed Group as Violator of Human right

Agree	Strongly agree	Not sure	Strongly disagree	Disagree
158 (43.6%)	128(35.4%)	36(9.9%)	20(5.5%)	20(5.5%)

Human rights violation is a common in the DRC and according to the above data, 158 people which makes 43.6% agree that armed groups are violators of human rights. While 128 which makes 35.4% of the research scope strongly agree that armed groups are violators of human rights. On the other hand, 36 of them, which makes 9.9%, were not sure of this statement whereas 20 of them, which makes 5.5% strongly, disagree, and 20 of them, which is 5.5%, disagree with the statement according to the table above.

5.3.3. Reason of Human Atrocities Increasing in South Kivu

Table 17: Reason of Human Atrocities Increasing in South Kivu

Main Reasons	Percentages	Number	Maximum
No respect for human rights in Congolese law	32.9%	119	362
Lack of an adequate system of protecting civilians	29.7%	107	
The unsuccessful governmental system of controlling the wrong use of arms	16%	58	
Multiple actors controlling the region	11.3%	41	
No punishment of perpetrators	10.2%	37	

Human atrocities have increased over the years in South Kivu and this has been due to several reasons. 119 out of 362 people i.e., 32.9% explained that the Congolese law has no respect for human rights while 107 people out of 362 i.e., 29.7% explained that its due to lack of an adequate system for protecting civilians. On the other hand, 58 of 362 people gave the unsuccessful governmental system of controlling the wrong use of arms as a reason, which is 16%. 41 people i.e., 11.3% said multiple actors controlling the region was a reason

while 37 out of 362 people which is 10.2% gave a reason of perpetrators not being punished according to the data in the table above.

5.3.4. The Main Violators of Human Rights

Table 18: The Main Violators of Human Rights

Main Violators	Percentages	Number	Maximum
Non-governmental armed groups	66.6%	241	362 Multiple choice
Army	22.2%	95	
Demobilized troops	22.7%	82	
Peacekeeping organization members	19.1%	69	
Local citizens	12.4%	45	

Violation of human rights in the region is common and the data above apporitions the main violators. According to 241 out of 362, people, which equates to 66.6% pointed out that non-governmental armed groups are the main violators of human rights. Others mentioned the army as main violators of human rights and these totaled to 95 out of 362 people, which makes 22.2% according to the above data. 82 out of 362 people, which is 22.7%, agreed that the demobilized groups were the main violators of human rights while 69 out of 362, which makes 19.1%, were of the view that peacekeeping organization members were the main human rights violators. Finally, according to the data above, only 45 people of the 362 that makes 12.4% agreed that local citizens were the main violators of human rights.

5.3.5. List of Atrocities in South Kivu

Table 19: List of Atrocities in South Kivu

Kinds of Atrocities	Percentages	Number	Maximum
Rapes	52.2%	189	362
Disappearance	15.2%	55	
Deprivation of liberty	14.6%	53	
Forced labor	10.2%	37	
Torture	7.7%	28	

South Kivu being a region with never-ending conflict, there are a couple of atrocities in the region. 189 of 362 i.e., 52.2% listed rape at the first place of atrocity in the region. 55

out of 362 people also listed disappearance, which is 15.2% as an atrocity in the region. 53 out of 362 listed deprivation of liberty, which is 14.6% as an atrocity in the region according to the data in the table above. 37 of 362 which equates to 10.2% listed forced labor as an atrocity and finally 28 out of 362 which makes 7.7% listed torture as an atrocity according to the data in the table above.

5.5.6. Impunity of Violators as a Cause of Human Atrocities

Table 20: Impunity of Violators as a Cause of Human Atrocities

Strongly agree	Agree	Not sure	Strongly disagree	Disagree
165 (45.6%)	123(34%)	32(8.8%)	29(8%)	13(3.6%)

When inquiring about whether impunity of violators was a cause of human atrocities, 45.6% (165 of 362) strongly agreed to it while 34% (123 of 362) agreed to this statement. According to the data above, 8.8% (32 of 362) were not sure of this statement while 8% (29 of 362) strongly disagreed with it. Finally, a portion of 3.6% (13 of 362) disagreed with the statement according to the table above.

5.5.7. Principal Victims of Armed Conflicts

Table 21: Principal Victims of Armed Conflicts

Principal Victims of armed conflicts	Percentages	Number	Maximum
Women	57.7%	209	362 Multiple choice
Minors	49.4%	179	
Men	45.8%	155	
Human rights activists	33.1%	120	
Journalists	15.7%	57	

According to the table above, 209 out of 362 people (57.7%) recognized women as the principal victims of armed conflicts. 179 out of 362 (49.4%) mentioned minors at the second rank of victims of armed conflicts. Men were mentioned at the third place just after women and minors by 155 of 362 (45.8%) people whereas 120 out of 362 (33.1%) mentioned human rights activists as the fourth principal victims of armed conflicts. Journalists were mentioned by 57 out of 362 (15.7%) as the fifth principal victims of armed conflicts according to the data in the table above.

5.5.8. The Act of Law in Combating the Violation of Human Rights

Table 22: The Act of Law in Combating the Violation of Human Rights

Successful	No idea	Very successful	Unsuccessful	Very unsuccessful
117 (32.3%)	97(26.8%)	89(24.6%)	40(11%)	19(5.2%)

According to the data in the table above, 32.3%, which is 117 out of 362 people, stated that the act of law in combating the violation of human rights was successful while 97 out of 362 people (26.8%) stated that they had no idea of this statement. Additionally, 89 out of 362 (24.6%) stated that this was very successful while 40 of the 362 people which is 11% stated that this was unsuccessful, and finally 19 of 362 people which is 5.2% stated that this was very unsuccessful.

5.5.9. Legal Support to Victims of Human Rights

Table 23: Legal Support to Victims of Human Rights

Legal aid to victims of human right	Percentages	Number	Maximum
Some of them	43.6%	158	362
All of them	21.8%	79	
Only in specific situation	15.7%	57	
Not at all	10.8%	39	
Only from strong family	8%	29	

Research was also conducted to find out whether legal support to victims of human rights was available and according to the data in the table above, 158 of 362 (43.6%) reviewed that it was rendered to some of them and 79 of 362 (21.8%)) were of the view that it was rendered to all of them. A portion of 57 of 362 people (15.7%) reviewed that it was rendered to victims only in specific situations. Also, some were of the view that legal support was not rendered at all as this was 10.8% i.e., 39 out of 362 people. Finally, 29 out of 362 people (8%) stated that legal aid was rendered to those from strong families.

5.6. HUMAN RIGHTS PROTECTION AND POLITICAL STRATEGIES

5.6.1. Kinds of Measures Required to Limit Armed Conflict

Table 24: Kinds of measures required to limit armed conflict

Measures	Percentages	Number	Maximum
Governmental full control over the region	59.7%	216	362 Multiple choice
Solving the problems between government and armed group actors	38.4%	139	
International support of security packages	30.1%	109	
Integrating Mai-Mai group in army	22.7%	82	
Decentralization of power	7.7%	28	

According to the data in the table above, 59.7% of the 362 people (216) agreed that government full control over the region was a measure to limit armed conflict whereas 139 of 362, which is 38.4%, agreed that solving the problems between government and armed group actors was a measure required to limit armed conflict. 109 of 362 (30.1%) were of the view that international support of security packages would help while integrating Mai-Mai group in the army was agreed to by 82 of 362 which is 22.7%. Finally, according to the above data, 28 of 362 which is 7.7% viewed that decentralization of power would limit armed conflict.

5.6.2. Strategies to Prevent Human Rights Abuses

Tableau 25: Strategies to prevent human rights abuses

Strategies	Percentages	Number	Maximum
Educating government staff on protecting human rights	49.7%	180	362
Educating people on defending their rights	18.2%	66	
Strengthening the security forces	13.8%	50	
Establishing adequate strategies of sustaining peace	10.2%	37	
Upsizing the number of United Nations peacekeeping operations	8%	29	

According to data in the table above, 180 out of 362 (49.7%) stated that educating government staff on protecting human rights was a prior strategy to prevent human rights abuse. While 66 out of 362 (18.2%) gave educating people on defending their rights as a strategy to prevent human rights abuses, 50 out of 362 people which equates to 13.8% stated that

strengthening the security forces was also a strategy to prevent human rights abuses . Establishing adequate strategies of sustaining peace was suggested as a strategy by 37 of 362 (10.2%) whereas upsizing the number of united nations peacekeeping operations was given by 29 of 362 which is 8%.

5.6.3. Congolese Polices in Protecting Human Rights

Tableau 26: Congolese polices in protecting human rights

How Congolese polices protect rights	Percentages	Number	Maximum
Successful	34%	123	362
Neither successful nor unsuccessful	23.8%	86	
Unsuccessful	16.6%	60	
Very successful	15.5%	56	
Very unsuccessful	10.2%	37	

As far as Congolese polices are one human rights protectors, 123 of 362(34%) stated that this was successful. A number of 86out of 362(23.8%) of the people stated that this was neither successful nor unsuccessful. 60 out of 362 (16.6%) stated that this was unsuccessful while 56 of 362(15.5%) stated that this was very successful and those that found this very unsuccessful were 37 of 362 (10.2%) according to this data.

5.7. THE MOST ACTIVE ORGANIZATION IN PROTECTING HUMAN RIGHTS

Table 27: The most active organization in protecting human rights

Organization protecting human rights	Percentages	Number	Maximum
Civil society	45.6%	165	362
The Congolese Government	34.8%	126	
United Nations	11.3%	41	
African Union	5%	18	
East African Community	3.3%	12	

165 of 362 people, which is 45.6% of the scope, cited the civil society as the most active organization in protecting human rights. Data in the table above also shows that 34.8% which is 126 of 362 people concur that the Congolese government is the most active in protecting

human rights while the United Nations was stated by 41 of 362 (11.3%) of the people. The African Union and East African community were also noted by 18 of 362(5%) and 12 of 362 (3.3%) respectively as the most active organizations in protecting human rights.

5.7.1. International actors in protecting human rights in South Kivu

Table 28: International actors in protecting human rights in South Kivu

Agree	Not sure	Strongly agree	Strongly disagree	Disagree
128 (35.4%)	75(20.7%)	58(16%)	58(16%)	43(11.9%)

When finding out whether international actors had contributed in protecting human rights in South Kivu, 128 of 362(35.4%) agreed with this while 75 of 362(20.7%) were not sure. According to the data in the table, a number of 58 out of 362 that present (16%) strongly agree while the number those who strongly disagree was at the same rank. Finally 43 of 362 (11.9%) disagreed with this.

5.7.2. MONUSCO Role in Peacekeeping in the South Kivu

Table 29: MONUSCO role in peacekeeping in the South Kivu

No idea	Very unsuccessful	Successful	Unsuccessful	Very successful
94(26%)	89(24.6%)	81(22.4%)	65(18%)	33(9.1%)

The role of MONUSCO in peacekeeping in the South Kivu was also reviewed and 94 of 362(26%) had no idea about it whereas 89 of 362 (24.6%) stated that this was very unsuccessful. Those that found this operation successful were 81 of 362 (22.4%) according to the data shown in the data above. A total of 65 (18%) and 33 (9.1%) stated it was unsuccessful and very successful respectively.

5.7.3. Management of Congolese Governments and Local Human Right in Addressing Human Rights

Tableau 30: Management of Congolese governments and local human right in addressing human rights

Successful	No idea	Very successful	Unsuccessful	Very unsuccessful
146(40.3%)	72(19.9%)	58(16%)	48(13.3%)	38(10.5%)

Management of Congolese governments and local human right in addressing human rights was also assessed and 146 of 362 (40.3%) found this successful and those that had no idea where 72 out of 362 (19.9%). According to the data in the table above, 58 of 362 (16%) found this very successful whereas 48 of 362 (13.3%) found it unsuccessful. Finally, 38 of 362 (10.5%) found this very unsuccessful according to the data in the table above.



6. CONCLUSIONS

The last part of this research focuses on presenting an overview to the research's major theoretical and managerial contributions. Following that, some recommendations will be provided to orientate future researches about the ongoing conflicts in South Kivu.

6.1. THEORETICAL IMPLICATIONS

This exploratory research adds to the body of knowledge in numerous ways at the theoretical level. First, the findings have improved our comprehension of the fundamental reasons that poor governance has posed a threat to people's well-being, and that Covid-19 has highlighted and made it worse in the DRC, as is seen from the report. DRC has not had the good fortune to have competent government and leadership since its independence, despite having everything needed to be a great country. Bad governance has a history of undermining the citizenry's capacity for empowerment, engagement, and active participation in governance. Along with the political leadership's propensity to undermine responsiveness and consensus-based governance, there is a persistent absence of the rule of law and powerful institutions of accountability and transparency. This has made it more difficult for the government to advance equality and inclusivity, which has increased social unrest, violence, and separatist agitations that pose a serious threat to national stability and security.

Second, competition for lucrative natural resources, ethnic tensions, and old grudges are some of the main causes of the ongoing hostilities in South Kivu. These conditions have encouraged violence and violations of human rights, which have resulted in a high number of civilian fatalities and a sizable number of internally displaced people. The involvement of numerous armed organizations with various interests and goals has made it extremely difficult to establish long-term peace and security in the region. Although numerous international interventions and peace accords have been made, finding a comprehensive and long-lasting solution has been hard. In order to address the underlying causes of the violence and foster reconciliation, resolving the protracted armed conflicts in South Kivu requires a broad strategy that includes political, social, and economic measures. It also calls for continuing assistance

from the international community to promote amicable negotiations and boost local institutions' ability to uphold security and the rule of law.

Human rights violations in South Kivu are a grave concern and a complicated subject that needs urgent attention and action from both international organizations and regional authorities. Years of armed conflict and bloodshed in the area have resulted in numerous human rights abuses against residents, including sexual assault, extrajudicial killings, forced relocations, and the enlistment of children as soldiers. A multidimensional strategy is required to address these abuses, including encouraging offender accountability, enhancing the rule of law, offering assistance and protection to victims, and fostering a lasting peace process. International organizations, governments, and civil society must work together to track and record human rights abuses, put pressure on those who are committing them to stop, and aid those who are suffering. Additionally, boosting education and socioeconomic development might give the local community more authority and make them less susceptible to exploitation and abuse. In the end, the preservation of human rights in South Kivu is essential for the welfare of the local populace as well as for promoting long-term peace and stability throughout the Great Lakes area. In order to ensure that the basic rights and dignity of every person in South Kivu are protected and upheld, it is critical that the international community stay dedicated to tackling these issues.

Lastly, the interviewers also suggested that the DRC government implement laws pertaining to corporate social responsibility, the mining code, and laws on subcontracting. Give the Congolese the opportunity to gain knowledge in order to increase domestic production and consumption, diversify the economy to develop industries other than mining, encourage win-win investments, advance the fields of education, health, and youth and women's entrepreneurship, and deter impunity by fundamentally altering the judicial system. The DRC lies in the center of Africa, making it the best location for Hubs. The DRC has money and must be the preferred partner of the world powers without discrimination, and its citizens cannot be poor. It is from there that the flights must depart for all locations. The huge error made was forgetting them or dismissing them. As long as the DRC is ignored, nothing will be productive. The inhabitants of the eastern, most prosperous region of the DRC must be prosperous and at peace from the north to the south of the continent. Mining has a direct effect on them. The country is unable to transfer the food generated in our villages to the cities because of the unlawful activity taking place in our forests. The lack of roads and infrastructure encourages famine and the spoilage of food in the territory and communities.

6.1.1. Managerial Implications

On a practical level, this study offers insightful recommendations or advices to promote national integration and cohesion in order to address and eradicate factors that encourage or contribute to disorder in the DRC.

6.1.2. Suggestions for the Congolese Government

The Congolese government must take a comprehensive and long-term approach to resolving the conflicts in South Kivu. Here are some recommendations that could help to resolve the problems in the area:

1. **Dialog and Peace Negotiations:** Hold open and honest discussions with all relevant parties, including armed groups and local authorities. In order to achieve enduring peace, negotiations for peace should focus on resolving the underlying issues that have led to the disputes in the first place.
2. **Implement comprehensive security sector reform** to increase the capability and professionalism of the armed forces and law enforcement. As a result, citizens will be protected and security personnel won't be able to violate people's rights.
3. **Programs for disarmament, demobilization, and reintegration (DDR)** Create efficient DDR initiatives that motivate soldiers to willingly lay down their weapons. Demobilized fighters should benefit from these programs' educational chances, job training, and economic prospects to successfully reintegrate into society.
4. **Strengthen the rule of law** by ensuring that those who violate human rights, including members of armed groups and security forces, are made to answer for their deeds through just and open judicial procedures.
5. **Support efforts for community-based reconciliation** that foster healing and the development of trust between various racial and social groups affected by the disputes. These programs may contribute to the long-term promotion of coexistence and peace.
6. **Access to humanitarian aid** should be improved for refugees and internally displaced people (IDPs). Ensure that aid reaches those in need and takes care of the impacted population's immediate humanitarian needs.
7. **Economic development:** Invest in the area's infrastructure, schools, and healthcare to generate jobs and enhance the general wellbeing of the locals. By addressing

socioeconomic inequalities, armed groups may become less alluring as a means of survival.

8. **Management of Land and Resources:** Address land and resource issues, which are frequently at the heart of regional conflicts. To reduce disagreements and conflicts over resource allocation, implement fair and open land governance policies.
9. **Regional Collaboration:** Work together to solve cross-border issues and provide a coordinated approach to peace-building and conflict resolution with neighboring nations, regional organizations, and international partners.
10. **Promote media freedom and civic education** to increase public understanding of human rights, peacemaking, and conflict resolution. A well-informed and educated populace can actively contribute to building a stable and peaceful community.

It won't be simple to put these recommendations into practice; the Congolese government and its allies will need to devote ongoing effort and money to the task. However, by implementing these actions, the government may work toward ending the conflicts in South Kivu and ensuring that its residents have a more tranquil and secure future.

6.1.3. Suggestions for the Rebels and Armed Forces

Commit to Peace Talks: Show that you are prepared to hold serious talks with the Congolese government. Specify your complaints and demands, and be willing to make concessions if it will serve the larger good.

Lay down Your Arms: Agree to a verifiable and closely supervised cease-fire and work toward the rebel forces' voluntary disarmament. Building trust between all parties involved will depend on this.

Political Participation: Strive for peaceful political representation and involvement. Participate in democratic processes and promote political reforms and change through discussion and negotiation.

Access for Humanitarian Organizations: Provide secure, unrestricted access for them to offer aid and assistance to communities in need in regions under rebel control.

Take precautions to keep civilians safe, and avoid employing violence toward anyone who is not a combatant. Uphold the ideals of human rights and international humanitarian law.

1. Cooperation at the regional level: Work with nearby nations and regional groups to find local solutions to the issues in South Kivu. An environment that is more stable and secure can be achieved through regional collaboration.

2. Long-Term Goals: Create a future vision that goes beyond military conflict. Clearly state the details of your plans for a South Kivu that is affluent and meets the needs and ambitions of its people.

The rebels and the Congolese government must agree that compromise, empathy, and a sincere desire for peace are necessary for a lasting solution to the problems in South Kivu. A permanent peace in the region can only be attained by conversation, trust-building, and addressing the root causes of the conflict.

6.1.4. Limitations and Recommendations for Future Research

The findings of this exploratory study cannot be commonly applied to the entire Congolese territory because it only examined a small sample and was exploratory in nature. In addition to this, some of the participants were also concerned about the potential repercussions from the government of the Democratic Republic of Congo.

The study's conclusions might be unique to the situation in South Kivu and difficult to extrapolate to other areas of the DRC or other nations that frequently experience armed conflict. Researchers should use caution when extrapolating findings to various situations. In terms of accessibility, security, and safety, conducting research in war areas like South Kivu might present major difficulties. These restrictions might make it more difficult to reach all necessary parties and collect data. They may examine the efficacy of the various conflict-resolution techniques used in the DRC, such as peace-building programs, mediation attempts, and security sector reforms. Future initiatives to reduce conflict can benefit from an understanding of these strategies' effects. Overall, in order to further clarify the current scenario, it would be intriguing to learn the about the government officials and the opposition parties. This may bring new empirical awareness of the addressed questions about historical background of the social polarized countries and analyze durable solutions as tools to implement good governance in the Democratic Republic of Congo.

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APPENDIX

Appendix 1: Profiles of The Research Respondents

Questions of Interview

Date and time:

Participant:

Duration:

Study presentation includes:

- ◆ Researcher's presentation,
- ◆ Research subject's presentation,
- ◆ Confidentiality explanation and the signing on the consent form.

Questions

1. Where do you live?
2. Where is your hometown?
3. How old are you?
4. What is your mother tongue?
5. What is your occupation?
6. How would you describe/describe yourself?
7. What do you understand by armed conflicts?
8. How does bad governance affect the socio-political environment of the Democratic Republic of Congo?
9. To what extent does mismanagement of resources affect the development of the DR Congo?

10. To what extent has the wellbeing of the entire nation and the area of East Africa been impacted by the ongoing wars in South Kivu?
11. How do international organizations play a role in the fight against corruption and underdevelopment in the Congo?
12. What measures may be taken to promote the upholding and strengthening of fundamental human rights, as well as an effective and transparent government?
13. Is there anything else you would have liked to talk about on this subject?
14. Do you have any question in regard to the interview?

Thanks for your time and attention.

Appendix 2: Consent Form For Study Involvement

Name of the Project: *The Challenges of Good Governance in the Democratic Republic of Congo and the Contributions of International Organizations*

Conditions

Please sign the appropriate box

I affirm that I read and comprehended the study's information sheet

I agree to participate in the interview and allow it to be recorded.

I consent to the researcher viewing my social network account after the interviews by protecting my privacy.

In scholarly academic journals, I consent for to remain anonymous for my recitations.

I realize that my participation is entirely optional, and that I may withdraw at any moment for any motive.