

# Rule of Law and Sustainable Peace in North Kivu Province, in Democratic Republic of Congo (DRC)

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## Abstract

This study examined the influence of rule of law as a governance practice on sustainable peace in North Kivu Province, in DRC. Guided by theory of rule of law, the study employed positivism philosophy and correlational research design to establish functional relationships between the two variables. Using a questionnaire survey mixed with open-ended qualitative questions, the study collected data from 250 respondents in the city of Goma. Findings confirmed a positive and significant relationship between Rule of Law and Sustainable Peace, rejecting the research hypothesis. This means an increase in rule of law would contribute to linear increment in sustainable peace affirming the application of the theory of rule of law. However, a scrutiny of descriptive statistics unveils a discouraging indication of no respect for rule of law in North Kivu Province. The research uncovers a conspicuous deficiency in the application and adherence to the rule of law within the province. Identified factors contributing to the contrasting and preferential application of the rule of law in North Kivu Province encompass, among other issues, a disregard for laws and policies, widespread corruption, clientelism, manipulation of the judicial system by politicians, and inadequate salaries. Additionally, government allies often enjoy impunity for their transgressions. The courts display inconsistent adjudication of justice for severe crimes or killings committed in the province that remain unpunished. The persisting inefficacy of the rule of law significantly contributes to the absence of sustainable peace in North Kivu Province as perpetrators of human rights violations are rather promoted to higher ranks within the national police or in the army after being granted amnesty. The study recommends the necessity for the DRC government to fortify both the military and civilian justice systems in North Kivu. This entails increasing the number of prosecution offices and courts, augmenting the count of prosecutors and judges, and providing them with essential financial, logistical resources, and protection to effectively carry out their responsibilities as well as putting in place mechanisms that ensure that laws, policies and regulations are adhered to by everyone.

**Keywords:** Governance, Governance practice, Rule of law, Sustainable peace

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## 1. Introduction

The Worldwide Governance Indicators (WGI) (2018) defines governance as the customs and establishments through which authority is exercised within a nation. This encompasses the mechanisms by which governments are selected, followed, and succeeded, their capacity to formulate and implement effective policies, and the adherence of both citizens and the state to the institutions governing economic and social interactions. As stated by Cortright, Seyle and Wall (2018), governance encompasses diverse dimensions of decision-making and execution directed towards fostering collective action and upholding societal cohesion. Fundamentally, governance centers on the exertion of authority, emphasizing the distribution of political power for decision-making and impact.

One of the key government practices that ensure a peaceful and orderly society is rule of law. The concept of the rule of law pertains to a fundamental tenet of governance wherein all individuals, institutions, and entities, whether public or private, including the state itself, are subject to laws that are openly disseminated, uniformly upheld, and impartially adjudicated. These laws are in alignment with international human rights principles and benchmarks (UN Human Rights Regional Office for Europe, 2020).

As far as ridden and post conflict settings are concerned, USAID (2021) argues that re-establishing the rule of law is the first step in the rebuilding process. Establishing conditions for peace and security and reconstructing justice institutions can lay the groundwork for reconciliation, public trust, and subsequent economic progress. Countries facing high corruption levels or ineffective governance in upholding the rule of law are more prone to conflict and social upheaval compared to other developing nations. The persistent presence of corruption undermines the delivery of crucial services like healthcare and education, exacerbating poverty and perpetuating social inequalities (USAID, 2021).

A research carried by the Advisory Group of Experts (2019) reveals that sustainable peace is a multifaceted objective and ongoing process aimed at forging a collective vision for society, ensuring the inclusion of all segments of the population. It encompasses endeavors to prevent the onset, escalation, continuation, and recurrence of conflicts, addressing underlying causes, facilitating conflict resolution, fostering national reconciliation, and progressing towards recovery, reconstruction, and development; emphasizing that sustaining peace is a shared obligation, which both the government and all other national stakeholders are tasked with its fulfillment. Peacebuilding extends beyond merely halting warfare; it involves establishing institutions and fostering trust to reinforce the social compact and propel communities towards a peaceful future (UNDP, 2020). This requires a society in which all persons, institutions, and entities, public and private, including the state itself, are accountable to laws. It is against this background that this study was carried out to assess the influence of rule of law on sustainable peace in North Kivu Province, in the DRC.

### **1.1. North Kivu Province in DRC**

North Kivu is situated in the eastern region of the Democratic Republic of the Congo (DRC) and is one of its 26 provinces. Its capital city is Goma. This province shares borders with Rwanda and Uganda to the east, Ituri province to the north, Tshopo province to the northeast, Maniema province to the southwest, and South Kivu province to the south. Within North Kivu, there are three principal cities: Goma, Butembo, and Beni. The province is further divided into six territories, namely Beni, Masisi, Rutshuru, Nyirangongo, and Walikale. (Province du Nord-Kivu, 2022). North Kivu province has served as the focal point of conflict within the Democratic Republic of the Congo (DRC), giving rise to numerous armed factions, with more than two dozen emerging over the last two decades. The region witnessed the genesis of the Congo wars through ethnic conflicts in 1993, and it remains the site of the most significant obstacles to stability within the nation to this day (Kizaliwa, 2019). As this research is being published many territories of North Kivu Province including the city of Bunagana are under the control of M23 rebel group and other armed groups.

## **2. Objectives of the Study**

### **2.1. Overall Objective**

The general objective of the study was to examine the influence of governance practices on sustainable peace in North Kivu Province, in DRC.

### **2.2. Specific Objective**

The specific objective of the study was to assess the influence of rule of law on sustainable peace in North Kivu Province, in DR Congo.

## **3. Research Hypothesis**

The research was guided by the following null hypothesis:

H<sub>01</sub>: Rule of law has no significant influence on sustainable peace in North Kivu Province, in DRC.

## **4. Literature Review**

This section reviewed literature on rule of law and sustainable peace.

### **4.1. Rule of Law**

While lacking a universally recognized international or regional legal definition, the UN Human Rights Regional Office for Europe defines rule of law as a governance principle in which all individuals, institutions, and entities, whether public or private, including the State itself, are subject to laws that are openly declared, uniformly enforced, and impartially adjudicated, laws which should align with international human rights norms and standards (UN Human Rights Regional Office for Europe, 2020).

According to Kelly (2024), rule of law can be understood as a principle and a process. As a principle, “rule of law is the idea that all people are treated equally under the law, regardless of who they are. Thus, the rule of law is meant to contrast with rule *by* law, which is a mode of governing in which those in political power use the law to constrain the behavior of others but not that of themselves”. As a process, “it is not just about security and justice officials enforcing the law; it is also about making the equality of everyone under the law a real, tangible thing. In that sense, building the rule of law is an ongoing social and political process that involves the state - including the security forces. However, it also involves citizens and hinges upon state officials forging relationships of trust and reciprocity with the citizens that they are intended to serve. Now, this could be based on relevant local, national, and international standards about rules, rights, and ways to seek redress for problems that one is experiencing” (Kelly, 2024).

From peacebuilding perspective, Sesay (2019) noted that while literature often assumes positive outcomes from the implementation of rule of law norms and institutions, empirical research tends to focus on the

compliance processes with international standards in conflict-ridden countries. However, it is purported that 'good' rule of law norms do not always yield favorable results; rather, they often lead to negative consequences that adversely affect the local populace whom peacebuilders aim to assist. The promotion of the rule of law in war-torn nations tends to disproportionately benefit individuals and groups who have historically enjoyed privilege within unequal socio-legal and economic frameworks, thereby disadvantaging those whom peacebuilders intend to empower. By perpetuating an inequitable state apparatus that favors individuals with wealth, education, and influence, rule of law institutions further entrench structural, social, and financial barriers to accessing justice. These adverse effects elucidate why societies affected by conflict tend to elude formal courts and law enforcement agencies, despite significant international efforts to enhance their professionalism and capacity to meet global rule of law standards (Sesay, 2019).

USAID (2021) argues that in post-conflict environments, the restoration of the rule of law stands as the initial phase in the reconstruction endeavor. By reinstating peace and security and revitalizing justice institutions, conducive conditions are created for fostering reconciliation, instilling public trust, and fostering subsequent economic advancement. Nations characterized by elevated levels of corruption or deficient governance in upholding the rule of law are particularly prone to conflict and societal upheaval compared to their developing counterparts. The enduring presence of corruption negatively affects the provision of essential services such as healthcare and education, thereby exacerbating poverty and perpetuating socio-economic disparities (USAID, 2021). Countries such as Germany and various European nations in the aftermath of World War II, as well as Argentina, the Balkans, Chile, El Salvador, Guatemala, Indonesia, Liberia, Peru, Sierra Leone, South Africa, Timor-Leste, and former communist countries in Eastern and Central Europe, among others, have employed the rule of law to varying extents in addressing the legacies of mass violations. These efforts have been aimed at protecting human rights, administering justice, mitigating violence, and progressing towards sustainable peace and development (International Center for Transitional Justice, 2019). According to a study conducted by Zupancic, Pejic, Grilj and Rodt, (2017) the impact of the rule of law on sustainable peace was affirmed. The findings indicated that despite facing substantial criticism, the mission had played a constructive role in conflict prevention and peace-building in Kosovo. It successfully achieved its overarching politico-strategic objectives by aiding in the prevention of further violent conflict and promoting the establishment of a more stable and sustainable peace through reforms aimed at strengthening the rule of law. These efforts have facilitated Kosovo's prospects for future European integration.

A study by Kurtenbach (2019) in Latin America underscored the significant role of good governance, particularly emphasizing the rule of law, in both the establishment and maintenance of peace. The research revealed that countries renowned for their peaceful and democratic nature, such as Chile, Uruguay, and Costa Rica, managed to alter their developmental trajectory despite experiencing periods of dictatorship (Chile from 1973 to 1990 and Uruguay from 1973 to 1985) and civil war (Costa Rica in 1948). Presently, these nations not only conduct free and fair elections but also receive commendable ratings for their adherence to the rule of law, alongside boasting progressive welfare systems. Additionally, these countries exhibit low levels of corruption and violence (Kurtenbach, 2019).

A similar study conducted by OECD and the United Nations (2018) further validated the critical role of the rule of law in fostering a peace that extends beyond the mere absence of war. The research highlighted that the rule of law, along with civil and property rights, serve as foundational pillars of democratic institutions. These principles play a pivotal role in averting the proliferation of harmful behaviors such as elite capture, crime, corruption, and impunity, all of which pose significant challenges in the region (Organisation for Economic Co-operation and Development and United Nations, 2018).

A study conducted by Makau (2016), with a focus on Africa, unequivocally affirmed that sustainable development and peace in any society are unattainable without the integration of a culture of justice rooted in the fundamental principles of the rule of law. However, these fundamental principles must confront Africa's distinctive historical context and be adapted to its unique circumstances to attain cultural legitimacy.

Another study conducted by Mogopodi and Ringo (2015) in Botswana underscored the significance of the rule of law in governance and stability. The findings of the research revealed that a majority of respondents in Botswana perceived that individuals are treated equitably under the rule of law, thus contributing to a peaceful social order in the country. This perception was compared to Tanzania, another country examined in the study (Mogopodi and Ringo, 2015).

A study in Kenya by Nyakwaka and Chelang'a (2021) also underscored the significance of rule of law. The finding of the research noted that the promotion of rule of law significantly contributes to the reduction of abuse, all forms of violence and related death rates, exploitation, trafficking, illicit financial and arms, corruption and bribery as well as to the development of accountable transparent institutions

In DRC finally, a study conducted by Day (2021) reveals that the country's weak institutional capacities, exacerbated by corrupt and autocratic governance, widespread poverty, humanitarian crises, and a highly volatile security environment, are deeply entrenched in various conflict drivers, including ineffective rule of law. Despite

some discernible evidence of impact in the United Nations' efforts on the ground, significant shortcomings persist, and the DRC's state capacities regarding the rule of law remain among the lowest globally in achieving sustainable peace (Day, 2021).

#### 4.2. Sustainable Peace

On April 27, 2016, both the General Assembly and the Security Council passed resolutions on peacebuilding (A/RES/70/262 and S/RES/2282 (2016), respectively), which were substantively identical. These resolutions introduced the term "sustaining peace," which, instead of redefining peacebuilding, expands its scope (United Nations, 2017). As outlined in these resolutions, the concept of sustaining peace should be comprehensively understood as both a goal and a process that necessitate a coordinated and coherent approach. Sustaining peace encompasses activities aimed at preventing the outbreak, continuation, escalation, and recurrence of violent conflict; addressing root causes; facilitating conflict resolution; ensuring national reconciliation; and progressing towards recovery, reconstruction, and development; which is inherently a political process, as finding solutions to root causes and ending hostilities requires political engagement (United Nations, 2017).

Schmidt and Mincieli (2018) maintain that sustaining peace should be comprehensively grasped as both a goal and a process aimed at constructing a shared vision of society, ensuring the inclusion of all segments of the population, which entails activities directed towards preventing the onset, escalation, continuation, and recurrence of conflict, as well as addressing underlying root causes. Additionally, it involves facilitating conflict resolution, fostering national reconciliation, and progressing towards recovery, reconstruction, and development. Caparini (2017) further notes that sustaining peace encompasses a diverse range of interventions aimed at fostering stability and progress within societies. These interventions include efforts to bolster the rule of law, foster sustainable economic growth, eradicate poverty, promote social development, and advance national reconciliation. Key means and principles guiding these interventions include inclusive dialogue and mediation, ensuring access to justice and transitional justice processes, fostering accountability, promoting good governance, democracy, and accountable institutions, as well as upholding human rights and gender equality. Rooted in principles of human security and a comprehensive understanding of conflict drivers, sustaining peace is closely intertwined with the pursuit of sustainable development goals (Caparini, 2017).

The World Bank (2020) defines sustainable peace as both a desired objective and a lasting state free from violence; a state which is marked by key factors including social cohesion, regional integration, equitable economic opportunities, and the presence of inclusive, transparent institutions designed to serve the interests of all members of society.

In their research on the European Union's (EU) involvement in conflict prevention and peacebuilding, Juncos and Blockmans (2018) observed that over the past two decades, the EU has expanded its efforts in preventing conflict and fostering sustainable peace outside its borders, which has been regarded as notably encouraging. However, the EU encounters four primary challenges in this domain: addressing the early warning-response gap, enhancing collaboration with other international partners in conflict prevention and peacebuilding, improving civil-military coordination, and ensuring local ownership of peacebuilding initiatives (Juncos and Blockmans, 2018).

Another research on sustainable peace in Colombia by Kerry (2015) affirmed the relationship between governance practices and sustainable peace. The primary challenge encountered in achieving sustainable peace in Colombia was identified as the issue of the rule of law. The research highlighted that the challenge stemmed from the reluctance of FARC (Revolutionary Armed Forces of Colombia) to accept legal accountability for their actions and to cease hostilities if facing legal consequences. Conversely, granting amnesty to FARC members would have reinforced the perception of impunity prevailing in society.

A report by Sarfati (2020) affirmed that governance issues were among the root causes of conflict in three countries studied and highlighted the necessity of addressing these root causes to achieve sustainable peace, including conducting a comprehensive analysis of peace drivers that encompasses grievances, inclusive political processes, social cohesion, and underlying conflict causes, while taking into account the local context. Additionally, the report further reiterates that the process of implementing the sustainable peace agenda in Liberia has involved revitalizing the peacebuilding architecture and fostering synergies across various areas of intervention (Sarfati, 2020).

In an empirical study by Githaiga (2016) the findings highlighted that the notion of peace, when embraced by the community, entails an expectation that the state will fulfill basic socio-economic needs, provide security, ensure access to justice, and promote more equitable opportunities. It further revealed that in Kenya, state-led peacebuilding initiatives have primarily focused on enhancing security, fostering harmonious coexistence, and to a lesser extent, promoting greater access to opportunities. However, from this perspective, sustainable peace in Kenya is predominantly viewed through the lens of security. While the state-led approach emphasizes security-oriented peacebuilding, it tends to overlook other crucial aspects of peace ownership, such as justice, addressing socio-economic needs, and promoting greater equality of opportunities. Conversely, an approach centered on

peace ownership necessitates the transformation of structural inequalities and injustices to pave the way for enduring peace (Githaiga, 2016).

Interpeace's (2021) experience in fostering sustainable peace in Kenya diverges from the state-led approach, instead focusing on local grassroots initiatives. Interpeace emphasizes that peace can only be effectively sustained from within communities themselves. Therefore, their approach prioritizes strengthening the resilience of local peacebuilding spaces, recognizing that lasting peace extends beyond short-term externally funded interventions. By empowering and supporting local initiatives, Interpeace aims to facilitate a sustainable peace that is rooted in the communities it serves (Interpeace, 2021).

Finally, as highlighted by Kizaliwa (2019), achieving sustainable peace remains a formidable challenge in Eastern DRC, as research findings emphasized that, at a personal level, significant barriers to sustainable peace in the Democratic Republic of Congo (DRC) include social exclusion, the misappropriation of national resources, bias, and the neglect of cultural considerations in conflict resolution, among other factors. Kizaliwa notes that these challenges have resulted in instances of violence, corruption, widespread poverty, and high levels of unemployment among DRC citizens, compounded by a lack of understanding of the population's cultural dynamics. Kizaliwa's findings stress the importance of implementing actions such as humanitarian assistance and awareness campaigns to address the situation effectively, initiatives which he assessed would play a crucial role in facilitating the recovery of affected individuals and encouraging their active involvement in the peace-building process (Kizaliwa, 2019).

## 5. Methodology

The research followed a positivist philosophy and employed a correlational research design using a census approach. It was guided by functionalism theory. Data was collected in the provincial capital, Goma, targeting a diverse group of respondents, including 40 academicians, 40 judges/advocates, 30 members of civil society, 30 members from non-governmental organizations, 50 members from the business community, 20 university students, and 40 citizens. In total, 250 individuals responded to the questionnaire. Rigorous quality control measures were employed, ensuring completeness and consistency of information in the questionnaires after each day of field data collection and before storage. Data analysis was performed using SPSS version 24. The data analysis plan for the study consisted of two main components. First, descriptive statistics were analyzed, and the data were presented. Second, inferential statistical analysis was conducted through linear correlations and linear regression to reveal the correlations between the independent and the dependent variables. Open-ended questions were categorized under each variable and were utilized to enhance, validate, and elaborate on the narratives derived from the survey results.

**Table 1. Profile of the Respondents**

Profile of Respondents	Data collection method	Total Number
Academicians	Questionnaire survey	40
Judges/advocates	Questionnaire survey	40
Civil society	Questionnaire survey	30
NGOs	Questionnaire survey	30
Business community	Questionnaire survey	50
University students	Questionnaire survey	20
Citizens	Questionnaire survey	40
<b>Total</b>		<b>250</b>

## 6. Findings

This section presents the empirical findings and the outcomes of applying the two variables using a correctional research design. The section begins with presenting the result of the pilot study (validity and reliability of the research instrument, followed by a descriptive discussion of rule of law and sustainable peace, and concludes with the inferential statistical analysis of the variables).

### 6.1. Response Rate

Questionnaires were used as the main tool for data collection. The results in Table 2 indicate that a total number of 382 questionnaires were administered and 250 questionnaires were returned, representing 65% of response rate, which is adequate for this study. Lindsay (2019) confirmed that a response rate of above 50% is adequate for analysis.

**Table 2. Response Rate**

Response Rate	Frequency	Percent
Returned	250	65%
Unreturned	132	35%
Total	382	100%

### 6.2. Background of the Respondents

The background of the respondents is presented based on the collected and analyzed data. To establish their educational backgrounds, participants in the study were requested to indicate their level of education. The following sub-sections provide the findings related to this aspect as presented in Table 3. The majorities (43.6%) were university graduates, 35.2% were undergraduates, 8% had attained a college qualification, 7.2 % had attained a high school (secondary) education, and 6% possessed a postgraduate level of education. Findings show that all respondents had attained a certain level of education, with the majority having reached university level. These findings were significant to the positive outcome of the study.

**Table 3. Level of Education**

	Frequency	Valid Percent
Valid Secondary	18	7.2
Valid College	20	8.0
Valid Undergraduate	88	35.2
Valid Graduate	109	43.6
Valid Post-graduate	15	6.0
Total	250	100.0

### 6.3. Pilot Study Results

The suitability of the instrument (questionnaire) for this study was tested by administering it to a small number of respondents, say 10% of the sample size as recommended (Mboya, *et al.*, 2019), which enabled the study to ascertain the reliability of the instrument used. Out of 382 respondents, 38 respondents, which represents 10% of the target population, were randomly selected and participated in the pilot test in Goma, the capital city of North Kivu.

### 6.4. Reliability and Validity of Research Instrument

Reliability in research refers to the consistency with which a method measures a particular phenomenon. If the same result can be consistently obtained by employing the same methods under similar conditions, the measurement is deemed reliable. In other words, reliability indicates the extent to which a measurement is dependable and yields consistent results over time and across different situations. (Middleton, 2021). This research used Cronbach's alpha tests developed by Lee Cronbach in 1951 to measure reliability or internal consistency. The measurement scales for reliability were tested using Cronbach's alpha coefficient and for an alpha of 0.7 and above, the instrument was interpreted as reliable. The results in Table 4 show Cronbach's alpha of above 0.8, implying that the instruments were sufficiently reliable for measurement. Since the reliability coefficient was found to be above the recommended threshold of 0.7, the validity of the instrument was considered reliable.

**Table 4. Reliability Test Statistics**

Item	Cronbach's	Alpha Number of item
Rule of Law	. 807	13
Sustainable peace	. 790	9

### 6.5. Factor Loading Analysis

Greenfield and Greener describe construct validity as the extent to which a measurement instrument accurately assesses the theoretical construct or concept it is intended to measure, involving accumulating evidence, including judgmental evidence from previous research conducted by other scholars, to support the validity of the measurement instrument (Greenfield & Greener, 2016). This process helps establish the instrument's ability to accurately capture the intended construct, ensuring that the measurements obtained are meaningful and relevant to the underlying theoretical concept. Construct validity evaluation needs to examine the association of the measure being assessed with variables said to be correlated or theoretically correlated to the construct gauged by instrument. A construct is considered to be independent if it has a structural relationship that influences another construct and is not being influenced by any other construct in the model.

The construct validity of the questionnaire was determined using factor analysis. Factor analysis using the Principle Component method of extraction was computed to determine the sampling adequacy. Kaiser-Meyer-

Olkin (KMO) and Bartlett's test of sphericity were conducted, which analyses if the samples from populations with equal variances produced p-values less than 0.05 ( $p < .001$ ). Bartlett's test of sphericity tests the hypothesis that the correlation matrix is an identity matrix, which would indicate that the variables are unrelated and therefore unsuitable for structure detection. Small values (less than 0.05) of the significance level indicate that a factor analysis may be useful with the data. The Bartlett's test of sphericity test is used in testing the hypothesis that the correlation matrix is an identity matrix. This simply indicates that there are sufficient relationships among variables (Wilson, 2017). KMO measures varies between 0 and 1, and values closer to 1 are better with a threshold of 0.5. These results are presented in Table 5.

The factor analysis result of Rule of Law was 0.589. From the results, all items had loadings greater than a threshold value of 0.50. It was therefore concluded that Rule of Law can be measured by 13 items and were used in subsequent analysis, while sustainable peace also had loadings greater (0.743) than threshold value of 0.50 and therefore all the 9 measures of Sustainable peace were retained. In conclusion, the two items had KMO above the acceptable value of .50 (Field, 2005), showing that it was appropriate to subject data for factor analysis on this variable of reconfiguration capability (Leech *et al.*, 2013).

**Table 5. KMO and Bartlett's Test**

Variable	KMO	Sig
Rule of law	.589	.510
Sustainable peace	.743	.000

### 6.6. Descriptive analysis

The study assessed the influence of rule of law on sustainable peace in North Kivu Province of the DRC in consideration of the following four indicators: supremacy of law, equality before the law, separation of powers, and procedural and legal transparency. Findings are presented in Table 6 below.

**Table 6. Descriptive statistics on Rule of Law**

Statement	SD	D	N	SA	A	Mean	S. D.
Effective application of Rule of law is key to sustainable peace	10.4%	23.6%	11.6%	28%	26.4%	3.36	1.365
DRC has in place effective and binding laws, regulations and policies	2.4%	4.8%	18.8%	40%	34%	3.98	.969
Supremacy of the law is effective	24.4%	46.4%	12.8%	10.4%	6%	2.27	1.122
No respect of supremacy of law continues to affect lack of peace	0.8%	12.4%	13.6%	34%	39.2%	3.98	1.049
Citizens are treated equally before the law	25.6%	42.8%	13.6%	10.8%	7.2%	2.31	1.175
All citizens answer to the laws equally	25.2%	42.4%	14%	10%	8%	2.34	1.192
The citizens have equal access to protection	30.8%	42%	16.4%	4.8%	6%	2.13	1.091
Separation of power is effective	17.6%	29.6%	18.4%	12%	22.4	2.92	1.193
The judiciary plays its role without any influence/interference	17.2%	48.8%	14.4%	8.8%	10.8%	2.47	1.219
The legislative plays its role without any influence/interference	16.8%	46.8%	13.2%	12.4%	10.8%	2.54	1.091
Citizens have access to justice	30.8%	42%	16.4%	4.8%	6%	2.13	1.064
The judicial procedures are transparent and legal.	30.8%	44.4%	14.8%	4.4%	5.6%	2.10	1.275
The judicial system is professional	18.4%	37.2%	22.4%	7.6%	14.4%	2.62	1.275
Average Mean and SD.						2.70	1.160

From a contextual perspective, the research sought to establish whether effective application of rule of law was instrumental in reducing violence, ensuring, political stability as well as economic stability and development in the province. The findings are presented in Table 4.5. From the study findings, the majority (54.4%) acknowledged that effective implementation of rule of law is key to achieving sustainable peace, against 34% who were of the contrary opinion, while 11.6% remained neutral. The mean for rule of law as a key element for sustainable peace was 3.36 and an S.D. of 1.365. Measured on a 5-point Likert scale, this was a high indication and confirms that when applied effectively, rule of law will contribute to sustainable peace in North Kivu Province.

Binding laws, regulations and policies were ranked as follows: 40% totally agreed and 34% agreed that the DRC as a country has laws, regulations and policies in place to ensure the smooth running of affairs. 2.4% totally disagreed, 4.8% disagreed while 18.8% were neutral, with a mean of 3.98 and S.D. of .969. Measured on a 5-point Likert scale, this is a high indication and confirms that existence of binding laws, regulations and policies normally contribute to sustainable peace in any given society.

Findings confirmed that the DRC has laws, regulations and policies in place. When asked whether the supremacy of these laws, regulations and policies does prevail in North Kivu Province, 24.4% strongly disagreed,

46.4% disagreed, 10.4% totally agreed, 6% agree, while 12.8% were neutral, with a mean of 2.27 and an S.D. of 1.122. Measured on a 5-point Likert scale, there is a low indication that laws, regulations and policies which are in place to run the affairs of the province are effective in their application. The study infers that laws, regulations and policies to govern the North Province are in place but are not effective in ensuring sustainable peace, due to lack of their effective application.

Ineffective application of laws, regulations and policies continues to affect peace in the province of North Kivu. This was confirmed by 34% respondents who strongly agreed, 39.2% who agreed against 0.8% who strongly disagreed and 12.4% who disagreed while 13.6% were neutral, with a mean of 3.98 and S.D of 1.049. The 5-point Likert scale measurement shows a high level indication of Ineffective application of laws, regulations and policies in the province, affecting therefore peace in the province.

Equal treatment before the laws was rated as follows: 25.6% strongly disagreed, 42.8% disagreed, 1.2% strongly agreed, 2.31% agreed while 13.6% were neutral with a mean of 2.31 and an S.D. of 1.175. The study suggests that not only are laws, regulations, and policies not consistently enforced, but it also implies that there is unequal treatment of all citizens before the law in North Kivu Province. Besides, the 5-point Likert scale measurement shows a low indication of citizens being treated equally before the laws in the province.

A significant majority of respondents (67.6%) strongly disagreed and disagreed respectively that all citizens are equally answerable before the laws of the country, against 18% who strongly agreed and agreed respectively, while 14% were neutral with a mean of 2.34 and an S.D. of 1.192. The study infers that the citizens of North Kivu Province do not answer before the laws equally and this is confirmed by the 5-point Likert scale measurement that shows a low indication of equal answerability of citizens before laws and regulations in the province.

Findings on equal access to protection ranked as follows: 30.8% strongly disagreed, 42% disagreed, 4.8% strongly agreed, 6% agreed while 16.4% were neutral with a mean of 2.13 and SD of 1.091. The study infers that the citizens of North Kivu province do not receive equal protection as confirmed by a big majority of respondents (72.8%). Measured on the 5-point Likert scale, the measurement confirms a low indication of citizens having equal access to protection, therefore affecting the status of peace in the North Kivu Province.

Findings on separation of power under rule of law was rated as follows: 17.6% strongly disagreed, 29.6% disagreed, 12% strongly agreed, 22.4% agreed, while 18% were undecided with a mean of 2.92 and S. D. of 1.193. Findings revealed that although there is separation of power on paper in the DRC, the reality however as confirmed by the majority (47.2%) is that separation of power is not effective. Respondents indicated the one main reason concerning non-respect of separation in the DRC is notably due to the fact that the judiciary and legislative branches are regularly subject to manipulation by the political elites.

Regarding whether the judiciary plays its role of a legislation body without any influence mainly through the executive, 17.2% strongly disagreed, 4.8% disagreed, 14.4% were neutral, 8.8% strongly agreed and 10.8% strongly disagreed with a mean of 2.47 and an S.D. of 1.219. The study infers that the judiciary in North Kivu Province is influenced by external forces. Furthermore, a 5-point Likert scale measurement confirms the same and shows a low indication of judicial freedom from any external influence. The result showed the same tendency regarding whether the legislative plays its role without any influence. A significant majority (63.6%) strongly disagreed and disagreed respectively, against 12.4% who strongly agreed and 10.8% who agreed, while 13.2% were neutral, with a mean of 2.54 and an SD of 1.091. Measured on a 5-point Likert scale, there is a low level of legislative freedom from external pressure in playing its role of making laws in North Kivu Province. Like the judiciary, the legislative branch of power is not free from achieving its mission of legislating the affairs of the country because of external influence and pressure mainly from the executive.

Findings on access to justice was ranked as follows: 30.8% strongly disagreed, 42% disagreed, 16.4% were neutral, while 4.8% strongly agreed and 6% agreed to the fact that all citizens of North Kivu have access to justice; with a mean of 2.13 and an S.D. of 1.064. The study infers that not all the citizens of North Kivu have access to justice, contributing therefore to a lack of peace in many parts of the province where the citizens are left to their fate. A 5-point Likert scale measurement confirms the same and shows low levels of access to justice by the citizens in the province.

In regards to whether judicial procedures are applied in a transparent and legal manner, a big majority (75.2%) strongly disagreed and disagreed respectively against 4.4% and 5.6% who strongly agreed and agreed respectively, while 14.8% were neutral. With a mean of 2.10 and an SD. of 1.275, measured on a 5-point Likert scale, there is a low indication that the judicial procedures are applied in a transparent and legal manner. A report by the US Department of State (2023) concurs with the findings and explains that judicial procedures suffer from inefficiency primarily due to widespread impunity, a shortage of courts and personnel including judges, prosecutors, and support staff, as well as judges' limited access to essential legal documents and necessary legal support, compounded by inadequate salaries. At times, they resort to strikes, although even then, they often lack widespread support due to the prevailing perception of corruption within the judiciary. In many cases, for a plaintiff to have their case heard, it is purportedly necessary to offer bribes to various judicial actors, including



the prosecutor, judge, registrar, and other involved parties (US Department of State, 2023).

Finally, professionalism in applying civil justice was ranked as follows: 18.4% strongly disagreed, 37.2% disagreed, 22.4% were neutral while 7.6% and 14.4% strongly disagreed and disagreed respectively, with a mean of 2.62 and an S.D. of 1.275: measured on a 5-point Likert scale, there is a low indication that the judicial system is professional in applying civil justice in North Kivu Province.

According to the respondents, key factors to unequal and favoured application of rule of law in North Kivu Province includes, but not limited to, corruption, clientelism, manipulation of the judicial system by politicians and poor salaries. Freedom House confirmed the same and reported that the Judiciary is often perceived as corrupt and subject to political manipulation. It often shows bias against the opposition and civil society groups, while government allies typically enjoy impunity for abuses.

### 6.7. Correlation Analysis

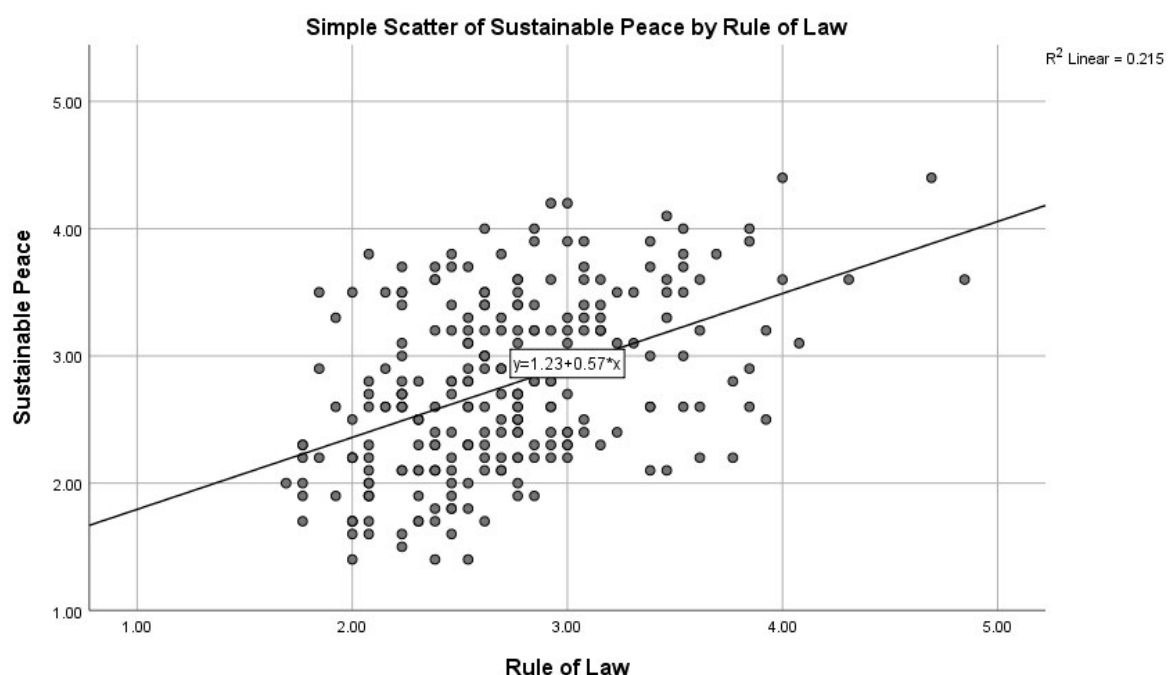
Delve and Limpacher (2023) describe correlation analysis as a statistical method used to assess the relationship between two variables in a linear manner, allowing researchers to determine whether there is a relationship between the variables and to what extent they are related to each other. To find out whether there was linear relationship between Rule of Law and Sustainable Peace, Pearson correlation coefficient was used and the result of the finding is presented in Table 7 and indicates that the variables Rule of Law and Sustainable Peace have a positive and significant relationship indicated by a correlation coefficient value of .464 and a p- value of  $.000 \leq .001$ . This suggested that there was a linear positive and significant relationship between the two variables (Rule of Law and Sustainable Peace), which means that an increase in Rule of Law would lead to a linear increase in Sustainable Peace. This also indicates that there is no multicollinearity problem among the variables since none of the correlation is more than 0.8.

**Table 7. Pearson correlation test between Rule of Law and Sustainable peace**

		Rule of Law	Sustainable Peace
Rule of Law	Pearson Correlation	1	.464**
	Sig. (2-tailed)		.000
	N	250	250
Sustainable Peace	Pearson Correlation	.464**	1
	Sig. (2-tailed)	.000	
	N	250	250

\*\* . Correlation is significant at the 0.01 level (2-tailed).

Other than product moment correlation coefficient, linearity was also tested using scatter plot between rule of law and sustainable peace and the result in Figure 1 clearly indicated that there was linear relationship between the two variables.



**Figure 1. Simple scatter of sustainable peace by Rule of Law**

### 6.8. Regression Analysis

Grant, Hickey, Head (2019) define linear regression as a statistical modeling technique used to establish the relationship between a dependent variable and one or more independent variables. This method is versatile and can be employed for various purposes in research studies to analyze and predict the impact of independent variables on the dependent variable. Rule of Law was the predictor of sustainable peace. Table 8 shows the analysis of the fitness of the model used in the study. The results indicated that the overall model was satisfactory as it was supported by coefficient of determination also known as the R-square of .623. This means that the predictor positively explains 62.3% of the variations in the dependent variable.

**Table 8 Model Summary**

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.790 <sup>a</sup>	.625	.623	.874

a. Predictors: (Constant), Rule of law is key to sustainable peace

The analysis of Variance was tested to know whether the model above was good or not good enough, in other words, it was to tell whether  $X_1$  (rule of law affects  $Y$  (Sustainable Peace)). The Table 9 provided the results on the analysis of Variance (ANOVA). The results indicated that the overall model was statistically significant. This meant that the independent variable (Rule of Law) is a good predictor of Sustainable Peace. This was supported by an  $F$  calculated of 412.892 and the reported  $p$  value (0.000) which was less than the conventional probability of a 0.05 significance level. These results suggested that the independent variable is good predictor of Sustainable Peace.

The Model:

$$Y = \beta_0 + \beta_1 X_1 + e$$

$$H_0: \beta_0, \beta_1 = 0$$

$$H_a: \beta_0, \beta_1 \neq 0$$

**Table 9. ANOVA<sup>a</sup>**

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	315.314	1	315.314	412.892	.000 <sup>b</sup>
	Residual	189.390	248	.764		
	Total	504.704	249			

a. Dependent Variable: Sustainable peace

b. Predictor: (Constant), Rule of law

From the ANOVA table,  $P\text{-value} \leq 0.05$  hence we reject the null hypothesis. The model is fit and the independent variable rule of law explains the variance 62.3% from the adjusted R Square. This means that 62.3% of the changes in sustainable peace could be attributed to the effect of rule of law. An increased in rule of law would contribute to linear increment in sustainable peace. However, 37.7% of the variance is explained by other factors not covered in the study.

### 7. Discussions

The research examined the influence of rule of law on sustainable peace in North Kivu Province. Four indicators of rule of law were assessed, namely, supremacy of law, equality before the law, separation of powers, transparent legal processes and proceedings. The research confirms that rule of law is key to sustainable peace, endorsing therefore the application of the theory of rule of law and the rejection of the research hypothesis. The findings corroborate with the United Nations Office for Drugs and Crimes (2023) which emphasizes that the rule of law is essential not only for promoting international and national peace, security, and political stability but also for fostering economic and social progress and development. Moreover, the rule of law is crucial for safeguarding individuals' rights and fundamental freedoms. The study infers that implementing the rule of law in North Kivu Province, DRC, would facilitate the establishment of mechanisms for peaceful conflict management and resolution, address underlying grievances, prevent the emergence and resurgence of violent conflicts, and hold perpetrators of human rights violations accountable. As a result, it would contribute significantly to the attainment of sustainable peace in the region.

In reality, the lack of adherence to the rule of law in North Kivu Province is not conducive to achieving sustainable peace, as the chosen indicators (supremacy of law, equality before the law, separation of powers and transparent legal processes and proceedings) are not found to be applicable or effective. The supremacy of law is ineffective in North Kivu Province, as laws are frequently disregarded and often remain unenforced, resulting in a climate of impunity. The citizens of the province are not equal before the law, as many exhibit behaviors that suggests they are immune from legal consequences. Additionally, despite the constitutional provision for a separation of powers, in practice, both the judiciary and legislature are constantly under the influence of the executive branch. The research uncovers a conspicuous deficiency in the application and adherence to the rule of law within the province. Identified factors contributing to the disparate and preferential application of the rule of law in North Kivu Province encompass, among other issues, a disregard for laws and policies, widespread

corruption, clientelism, manipulation of the judicial system by politicians, and inadequate salaries. Separation of power and independence of the judicial system as provided by Article 147 of the constitution is only on paper. For instance, the judiciary is marred by corruption and susceptible to both influence and intimidation. Government officials and other influential individuals frequently exert pressure on judges, prosecutors, or defense attorneys. The findings align with Refworld (2023) and the US Department of State (2023) which notes that inasmuch as there is a provision within the law for the judiciary to operate independently, there exists frequent interference of the judiciary by the executive branch in the administration of justice. The independence of the judiciary has been compromised due to several factors, including the judiciary's limited economic autonomy and the pervasive influence of executive and legislative authorities over the judiciary. The pervasive corruption among judges and magistrates has worsened the situation significantly. This corruption is frequently enabled by exceedingly low salaries or, in some cases, the total absence of any salary. Additionally, government allies often enjoy impunity for their transgressions. The courts display inconsistent adjudication of justice for severe crimes or killings committed in the province. The persisting inefficacy of the rule of law significantly contributes to the absence of sustainable peace in North Kivu Province. The findings corroborates with Donner, Hartmann, Härterich, and Steinkamp (2023) who note that the North Kivu judicial system is one of the least financed services in the Democratic Republic of the Congo, with the bulk of operating expenses borne by litigants. Throughout the nation, the judiciary functions within structures dating back to the colonial era, where inadequate working facilities create poor working conditions, which in turn, foster the proliferation of informal fees and subject litigants to extortion, racketeering, and corruption. Such circumstances give rise to significant issues such as: the high cost associated with accessing justice and a perceived lack of professionalism and credibility in judgments, which are often viewed as biased towards the affluent and those with connections to power (Donner, et al, 2023). Lastly, legal processes and proceedings lack transparency, further undermining the rule of law in the region. From the findings, the study concludes that ineffective application of rule of law continues to contribute to lack of sustainable peace in North Kivu Province. Besides being not respected and upheld, the rule of law is applied unequally and with favor in North Kivu Province contributing to recurrence of insecurity, impunity and human rights violations. Freedom House confirms that courts have inconsistently provided justice for killings or other severe crimes in recent years and have failed to provide justice for victims of police killings or massacres in the Beni territory in North Kivu Province that have together resulted in over 3,000 civilian deaths over the past six years (Freedom House, 2023).

## 8. Conclusions

The study assessed the influence of rule of law on sustainable peace in North Kivu Province in DRC. As this article is being published, fighting is going on between the DRC army and the M23 movement causing the displacement of thousands of local community. The study validates that the rule of law shares a positive relationship with sustainable peace. Both correlational and regression analysis indicates a noteworthy positive and significant relationship between the two variables. This implies that an increase in the rule of law would result in a proportional improvement in sustainable peace in North Kivu Province, aligning with the principles of the rule of law theory. This also means that the more the government and people of North adhere to principles of equality before the law, accountability before the law and supremacy before the law, faire application of law, separation of powers, legal certainty, avoidance of arbitrariness, and procedural and legal transparency, this would result in an improved sustainable peace in the province.

However, a scrutiny of descriptive statistics unveils a discouraging indication of no respect for rule of law in North Kivu Province. The research uncovers a conspicuous deficiency in the application and adherence to the rule of law within the province. Identified factors contributing to the contrasting and preferential application of the rule of law in North Kivu Province encompass, among other issues, a disregard for laws and policies, widespread corruption, clientelism, manipulation of the judicial system by politicians, and inadequate salaries. Additionally, government allies often enjoy impunity for their transgressions. The courts display inconsistent adjudication of justice for severe crimes or killings committed in the province that remain unpunished. The persisting inefficacy of the rule of law significantly contributes to the absence of sustainable peace in North Kivu Province as perpetrators of human rights violations are rather promoted to higher ranks within the National Police or Army Forces after being granted amnesty. It is against this conclusion that the study proposes the following recommendations.

## 9. Recommendations

Given the overall significance test of the rule of law, which found the model to be significant and indicated that an increase in the variable would result in a linear increase in sustainable peace in North Kivu Province, the study puts forth the following recommendations:

- ✓ There is a necessity for the DRC government to fortify both the military and civilian justice systems in North Kivu. This entails increasing the number of prosecution offices and courts, augmenting the count of

prosecutors and judges, and providing them with essential financial, logistical resources, and protection to effectively carry out their responsibilities as well as putting in place mechanisms that ensure that laws, policies and regulations are adhere to by everyone.

- ✓ The need for an effective oversight authority in charge of ensuring respect and application of rule of law both at the national and province levels.

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