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Non-state actors in weak states.

An exploration of NGOs and MNCs in the eastern Democratic Republic of Congo.

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Master thesis in Political Science – STV3900 - May 2018



Acknowledgements.

First of all, I would very much like to thank my advisor Peter Stuart Robinson for helping me with this master thesis. His support and feedback has been very helpful in complete my work. Without his help it is doubtful whether I would have been ever able to complete this thesis.

I would also like to thank my parents Bente and Michael for pushing me to finish and being very supportive. Huge thanks also goes to my girlfriend Kjersti for helping me through some of the stressful times.

All the members of Lesehuset also deserve a huge thanks for the good card games and not least waffle Fridays.

Halvor Sanness Lightfoot

May 14, 2018

Abstract.

This thesis focuses on the non-governmental organizations and multinational corporations that operate in the eastern Democratic Republic of Congo (DRC). The eastern DRC has undergone several bouts of armed conflict these armed conflicts and other factors have left the region lacking in both services and governance. Non-state actors like NGOs and MNCs deliver several services to the region that the state struggles to provide. However, what services do they deliver and do these services make an impact on the region. In looking at the services this thesis uses document analysis to determine the services delivered, their impact and how they are able to deliver services and improve governance. Based on the analysis these non-state actors are involved in delivering much needed services to the region and they do so through various ways. When they deliver these services they also influence the governance in the region and this in turn helps the local population. They are able to deliver the services as there exists a number of outside influence that facilitate the governance provided. Even though the non-state actors provide important services and governance their presence in the region is not unproblematic.

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Chapter 1: Introduction.

Multinational Corporations (MNCs) have over time become an integral part of capitalism and the western world. In this time, they have grown significantly in economic strength. MNCs vary hugely in size some like Royal Dutch Shell have incomes and budgets the size of small countries, others are rather small and operate in just two or three countries. Understandably the financial assets of large MNCs give them considerable economic and political power, how they wield this power varies greatly among MNCs. As the name suggests, these corporations are multinational, meaning they operate across borders in several different states. The multinational nature of MNCs means that they may encounter very different cultures and situations in comparison to their home states. When they meet such situations, a number of problems can arise. To counter some of these difficulties some MNCs have chosen to focus on Corporate Social Responsibility (CSR). CSR is a method of business engagement and value creation, but some see it as an obligation of firms to use their resources in ways that are helpful to society (Jamali & Mrishak, 2009:445). How MNCs deal with challenges becomes especially important in weaker states. The weak states often have significant difficulties regarding governance and providing services. Another important non-state actor in the DRC are Non-Governmental Organizations (NGOs). The NGOs provide important services that would traditionally be handled by the state if it was well-functioning. NGOs, as well as MNCs, can be both helpful and a hindrance in regards to providing services and governance. However, do the two deal with governance differently? Are there interactions between the two in providing services? Do the non-state actors have legitimacy when delivering governance and services to the region? How do the NGOs and MNCs deal with accountability operating in the Democratic Republic of Congo (DRC)? These are important questions to ask as governance in weak states is important as it can often be beneficial to the local population who may be in dire need of some kind of help.

Multinational/Transnational Corporations.

First and foremost, we must have a sound definition of multinational corporations or transnational corporations (TNC). At first glance, it may appear that MNCs and TNCs are virtually the same things. However, there are a few key differences between the two. They are both multinational in nature, meaning they both operate across borders and in more than one state. They are both corporations, and their main goal is profit maximising. Regarding their history and composition, we begin to see the major differences between the two. When

it comes to composition MNCs, generally have a “clear national base, a nationally formed management style and personnel.” (Held 2000:103). In regards to an MNC, you should be able to without much trouble ascertain where the corporation has its home base. The MNC will sell and possibly manufacture its home products in host states, but they would still have to operate within the rules and laws of their home state. In contrast to the MNC, TNCs are truly transnational as in transcending nationality. As TNCs are transcendent of nationality, they are as the name suggested without a clear home state. TNCs can source, produce and market on a truly international level. They can wander the globe looking for competitive advantages in terms of cost and price. Regarding management style, they tend to adopt an internationalised style in regards to personnel and composition (Held 2000:103).

In regards to the modern origins of MNCs several point towards the single country firms in the late 19th century that began to look outward, as their home markets had become satiated. Corporations are in nature profit maximising so they began to look outside their own countries to sell their products. At times this was done through licensing agreements, but after a while, the firms began to establish their own production plants in other states and selling their products (Rugman, 2009:16). The Product Cycle Theory as introduced by Raymond Vernon explains exactly how and why American single country firms expanded and became multinational. The theory argues first of all that all products have the same life cycle. Going from initial innovation to maturity and finally reaching a point of obsolescence, obviously there may be a few products that do not follow this cycle, but most products fall into this cycle. Vernon’s theory is especially applicable during the great expansion of US firms in the 1960s (Gilpin 2001:283).

The American firms had a comparative advantage because of the vastness of their home market. This advantage provided them with the ability to engage in more extensive research and development. During the initial launch of a new product cycle, the firms would export across their home state. However, after a while, one begins to see a standardisation of production, understanding of technical knowledge abroad, and external demand outside the home state for the product. As result of the continued maturity of a product cycle, foreign imitations begin to enter the home market. Vernon argues that to combat this the US firms established production facilities overseas. The theory works very well for the expansion in the 1960s, but it becomes more inadequate when explaining the later developments of MNCs. However, it still provides a good explanation of the expansion of US firms in the 1960s (Gilpin 2001:282-283).

The internationalisation and introduction of TNCs is another important difference that we only really see after WWII. Before WWII trade between states had been the dominant form of exchange. However, in the post-war era, the MNCs and TNCs became much larger and more internationalised. We also began to see the greater geographical dispersion of MNCs. Before and in the near decades after WWII most investments abroad was through Foreign Direct Investment (FDI). However, in more recent times MNCs increased their investments through other means such as subcontracting, licensing and franchising (Brooks 2005:18). During the 1970s we also begin to see the use of inter-firm alliances between corporations. These alliances between firms made it possible to drive technological innovation rapidly forward by lowering both the risk and cost of innovation (Brooks 2005:85). Deducing the home state of MNCs and to a much larger extent, a TNC has become much more difficult. Production of parts for a product often take place in several countries, the product is assembled in another country and finally sold somewhere else it starts to become difficult to actually to deduce the actual home state of the firm (Gilpin 2001:296). Looking at the origins and changing nature is part of providing a working definition of MNCs. However, examining how other scholars have defined the term is also imperative. Chapter two will contain an in-depth exploration of the varying definitions of MNCs.

The study of MNCs, CSR and NGOs in states like the DRC is quite important for several reasons. These MNCs have vast economic resources and hold certain power over the people in the region. The MNCs with these resources can provide some amount of pressure on states; this pressure increases in states with bad governance and high levels of corruption. Furthermore, this pressure can be used beneficially regarding the delivery of services and governance. Transparency International which measures the perceived transparency and corruption ranks the DRC towards the bottom in regards to corruption and transparency (Transparency International 2016). Since these states lack strong governance, there is little governmental regulation and control in regards to MNCs and to a lesser extent NGOs.

Weak states that lack in governance and oversight may have problems offering their citizens basic services. Implementing services and forms of alternative governance when the state fails can be vital in order to offer some stability to the local population. The CSR of MNCs can be investigated to see the official stance of MNCs on governance. Corporate social responsibility is something the corporations undertake themselves. Meaning that they are ultimately in control over what the CSR says and how it functions. They decide how far to go with their CSR and which areas to focus on. Their control over CSR could mean that

they may be more inclined to follow their CSR. However, it could have the opposite effect and corporations may under reach with their CSR in comparison to international laws and regulations. Since CSR is a corporation's guidelines, their content can be important.

Non-governmental organizations.

Including NGOs in the exploration of non-state actors is important for several reasons. The NGOs operating in the DRC often have great responsibilities in the region. Chapter five explores many of these responsibilities. For instance, Doctors Without Borders (MSF) provides incredibly important medical services to the region. These can be lighter services like vaccinations, but they also have greater involvements by aiding and helping to operate already existing hospitals (MSF 2016:36-37). There are also a great number of other types of NGOs operating in the region who play an important role. In addition to having a great number of responsibilities the NGOs also retain considerable power in the region. One could even argue that the NGOs at times possesses more power than MNCs in the region. If for example MSF were to withdraw from the region it is unclear whether the local Congolese would receive the same amount of health care. The importance of the NGOs in providing both services and governance in the eastern DRC makes it important to explore their role in the region. NGOs operating in the region interact with MNCs, as such it is necessary to also look at the operations of NGOs in much the same way as we do with the MNCs. NGOs also need to be explored in terms of their actions, accountability, legitimacy and credibility just like this thesis does with MNCs.

The NGOs one meets in the DRC and specifically in the eastern region of the DRC have several aims and purposes. MSF for instance, are in the area to provide "assistance to populations in distress" (MSF 2016:1). In the DRC this assistance mostly comes in the form of providing medical services and both creating and strengthening medical governance (Ibid., 2016:36-37). On the other hand, you have NGOs like Global Witness. Global Witness is not in the area to provide aid in the traditional sense, but as chapter five will show they have an important task in the region by monitoring others. The NGOs examined in this thesis are also of varying sizes. Some like MSF have a very large presence in the region, but others like ZOA international have smaller operations. As chapter five shows they all either provide services and they all either provide governance or reinforce already existing governance structures. It is not possible for this thesis to investigate all the NGOs operating in the eastern DRC. Chapter three partially discusses the selection process in regards to NGOs and their documents. All of the NGOs discussed in this thesis are so called international NGOs or

INGOs. This means that they do not operate in only one state, but rather the INGO operates across borders (Götz 2008:232).

Research questions.

In its investigation of Multinational Corporations, CSR, NGOs and governance in the Democratic Republic of Congo this thesis attempts to answer some research questions. These research questions focus on the services and governance issues that involve MNCs and NGOs in the eastern region of the DRC. The central research questions of the thesis are: **How do MNCs and NGOs deliver services and governance in the region? Furthermore, how do NGOs and MNCs interact with each other in the eastern Democratic Republic of Congo? Finally, what enables the non-state actors to be able to deliver services and governance to the region?** From these central research questions, a number of sub-questions and other interesting factors arise. Questions of accountability arise, in what ways do the NGOs and MNCs deal with accountability, what mechanisms are at play when the actors are kept accountable. Questions in regards to the interactions between actors also connect to how the non-state actors operate in the region. Are there interactions between the two actors, is there even cooperation? Furthermore, how do the actors interact with the local Congolese population and other actors. With these non-state actors one can also question their legitimacy. Are they credible actors in the region? Furthermore, how do they show their credibility?

The central research questions are highly relevant as they give us the opportunity to look at the actions taken by NGOs and MNCs in the region. In answering these research questions this thesis wants to explore the types of services provided by the non-state actors, but also how these services affect governance in the region. Furthermore, they let us look at whether or not MNCs and NGOs interact while delivering services to the region. The final research question provides us with a way to investigate why the non-state governance actors can operate in the region and what enables them to provide governance in weak states.

Methodology.

In answering the research questions, the main method employed is document analysis. The main relevant primary documents are CSR documents, NGO reports, and other relevant documents. All these documents are relatively easy to find, this should come to no surprise as CSR can be an extension of public relations (PR) for MNCs, so they want their CSR to be public and accessible. In regards to NGOs, they also want their publications to be accessible

to educate people on their interest areas. The CSR documents can be problematic. CSR documents are an extension of PR for the MNCs, this, in turn, means that we can not necessarily take their content on face value. Even though the CSR documents can be problematic, they are essential for this thesis as they provide us with the official standpoints of MNCs on the situation and problems in the areas they operate. In the case of NGO documents, secondary sources will provide us with further information about the actions taken by NGOs. Chapter three discusses further the important considerations we must take in regards to the various documents.

Theories.

When analysing the various documents, it is necessary to employ a theoretical framework that clarifies how NGOs, MNCs and CSR act in conjunction with weak states. The theories that are most relevant relate to governance and providing services in weak states, accountability between the various actors, and why NGOs and MNCs interact. These theories that will provide us with insight is: Thomas Risse's theory on governance in weak states, principal-agent theory and symbolic legitimacy. Before we can properly introduce these three theories, it is necessary to look at what exactly makes a weak state.

Robert I Rotberg presents us with a succinct definition of weak states. He argues that states fail when internal violence and grievances consume the state. Furthermore, the internal violence makes it so that the state stops delivering positive political goods to its citizens (Rotberg 2004:1). The main difference between a strong working state and weak state is the strength of its capabilities in delivering positive political goods. A strong state has relatively good control of its own lands. Furthermore, they can deliver a high-quality range of positive political goods. A strong rule of law is synonymous with a strong state. Public goods like roads, telephones, post, internet, school and universities are expected to be working at most times. In contrast, weak states will often have troubles providing these political goods and services. A state's weakness can be temporary, for instance in cases of inter or intrastate conflict. Weak states' public goods will often be non-existent or deteriorating. Economic indicators like GDP will be on the lower end and show little sign of improvement (Ibid., 2004:4). In discussions on weak states, the concept of limited statehood has also been used to describe states that are not in full control. The concept provides an alternative to weak/failed states. States that have limited statehood have difficulty in enforcing power and rules on several levels. They may be restricted in regards to territoriality, sector, social, and temporal. If territoriality restricts the state, it has problems enforcing power and rules in certain places.

The state will have some areas like the capital where they have a monopoly on power, but areas further removed may be in disarray. An example for territorial restriction would be Pakistan. Pakistan has control of most areas, but in the tribal areas, they lack the monopoly on violence and power (Ibid., 2011:5).

The sectoral restriction is when the state is unable to control certain sectors. The social restriction is when they are unable to control certain parts of the population. South Africa is a state where the government lacks control over sectors. The state has control over most aspects, but there are some areas like the business sector that they are not able to properly enforce (Börzel & Héritier et al. 2011:150). Finally, temporal restriction occurs when the state has limited statehood, but the limitations are only there for a certain period such as in war times or in cases of natural disasters. Temporal restrictions even occur in developed states such as during hurricane Katrina in New Orleans, the US state did not have a proper monopoly on force and power. Limited statehood is also helpful in that it is not as dichotomous as failed or failing states, a state can have varying degrees of limited statehood. (Ibid., 2011:4-5). Even developed states can have bouts of limited statehood. (Risse 2011:6).

The final definition of weak states that deserves an exploration are quasi-states. Robert H. Jackson introduced Quasi-states. His concept of quasi-states deals with their sovereignty and how the sovereignty of quasi-states differs from traditional states. Jackson argues that the states of the developing world exhibit negative sovereignty rather than the positive sovereignty that one finds in the developed world. Quasi-states trace back to the many states that acquired independence in the aftermath of the Second World War. Jackson questions the issues with giving all these states independence while they were at various stages of development (Jackson 1991:13-15). The quasi-states are states like the DRC that were ex-colonies. These states and their populations do not enjoy the advantages of living in consolidated and independent states (Ibid., 1991:21).

Because the quasi-states fell into independence, the governments of quasi-states are often “deficient in the political will, institutional authority, and organized power to protect human rights or provide socioeconomic welfare.” (Jackson 1991:21). If there are any benefits in the quasi-states, they benefit the elites, but not the masses. Statehood in these states still needs to be built, and it needs to be built internally and not by others (Ibid., 1991:21). However, Jackson argues that the international society often try to build these states through development, intervention, assistance and aid. This building happens as a way to offset the

inherent economic imbalance that exists in world economics between the haves and have-nots (Ibid., 1991:25-26). Furthermore, these quasi-states would have in the past not been allowed to join the international society, but now they are allowed membership despite their lacking statehood, and the international society compensate for the lacking statehood (Ibid., 1991:31).

The DRC fits well into all the concepts above of weak states. The DRC certainly possess limited statehood in regards to territoriality and sector. It has difficulty delivering adequate services in some regions, but not others, and it struggles to control some sectors. In regards to Jackson's quasi-state, the DRC also fits comfortably. The DRC used to be a Belgian colony and received independence in the 1960s like the quasi-states described by Jackson. Furthermore, the government has issues in regards political will, institutional authority, and organised power. The many human rights abuses uncovered in the eastern region reiterates this. The international society is heavily involved in the country, and they do provide the many aspects noted by Jackson. DR Congo then is most certainly a quasi-state and a state with limited statehood. For the purposes of this thesis, a weak state is a state with limited statehood that also possesses the characteristics of a quasi-state.

Within the literature on weak states there exist works on alternative governance, meaning governance without the state (Schneckener 2011; Risse 2011; Levi-Faur 2012; Börzel and Risse 2010). This literature has focused on weak states and the possibility of NGOs and possibly MNCs providing services and governance in places where the state cannot. Theories and arguments within the governance literature are divided on whether or not NGOs are beneficial in areas with little or no traditional governance (Forte 2014). The most important theory in regards to alternative governance for this thesis is Thomas Risse's work on governance in weak states. His work discusses several considerations and challenges that come with governance in weak states. His work on how the 'shadow of hierarchy' functions in weak states in comparison to strong and well-functioning states is helpful (Risse 2012:708. The main importance of Risse's theory to this thesis, is that it helps explain how non-state actors can provide services and governance in weak states. Understanding how this governance occurs when the state is lacking is very important.

Shadow of hierarchy refers to state actors either monitoring private regulation processes or threatening to impose legislation if the private actors 'do not get their act together' or if they do not in some way provide some type of public good. Having a shadow of hierarchy in place has shown to bolster the effectiveness of new types of governance. In

particular, public-private cooperation and private self-regulation are more effective and feasible when a shadow of hierarchy is in place. Government control or threat of control seems to be necessary for new forms of governance to be effective (Risse 2012:708-709). A weak state, like the DRC should either have a weak shadow of hierarchy or lack it entirely. However, services and governance occur in the eastern DRC. The theory argues that there are functional equivalents to the shadow in states with limited statehood. These equivalents can be broadly described as the international community, international legal standards, and incentives. Chapter four presents a thorough explanation of the functional equivalents.

Through Risse's work, we have a theory that can give us more insight into why governance in weak states may work. However, it is also necessary to have a tool that can provide us with an understanding of the relationships that inform the actions of the non-state actors. The principal-agent theory can be helpful as it reveals how their principals influence the NGOs and MNCs. Having a theory that can give us a clearer picture of the actors and the accountability between the non-state actors and their principals is very helpful. The principal-agent theory is a well-developed and researched theory that aims to deliver an understanding of how different principal actors and agents relate to each other. The theory has been used by many when looking at accountability structures and how an agent relates to its principals and vice versa. Within international relations, the theory is mainly present in discussions on accountability and international governance (Mingst and Muldoon 2015:77).

The principal is a chief decision maker that delegates some of its power to an agent. With this power there comes a wide variety of considerations on accountability (Mingst and Muldoon 2015:74). The most helpful aspect of the theory for this thesis are these accountability structures that the principal uses to control the agent. Chapter five uses these accountability structures to see how the NGOs and MNCs tailor their actions to fit within these structures. Both NGOs and MNCs have principals and can be considered agents, but their principals are not the same. In turn, having varying principals means that they will have different accountability structures and ways of maintaining accountability. Accountability structures affect how they approach the problem of providing services and governance in the DRC. The goal of using principal-agent theory is to give an overview of how the power of the non-state actors is dispersed and how they are held accountable.

Finally, it is necessary to have a theory to explain the relationship between NGOs and MNCs. Such a theory is vital as we need to understand why NGOs and MNCs interact in the

region. Within international relations, there is a myriad of theories to pick and choose from. However, there is a deficiency when it comes to theories focusing solely on the relationship between NGOs and MNCs. Luckily there are, however, a plethora of theories that may not focus on NGOs and MNCs, but they can still be used illuminate their relationship. Although the theories may focus mostly on NGOs' relationship with other entities than corporations, they can be very helpful as the relationship between MNCs and NGOs closely mimic other relationships that NGOs have. Symbolic legitimacy appears in *The Politics, Power, and Pathologies of International Organizations* by Michael N. Barnett and Martha Finnemore. Symbolic legitimacy is used by them to explain IOs in the international relations world, it posits that IOs are in need of symbolic legitimacy (1999:717-718). While their paper does not include NGOs, others have used Symbolic legitimacy to explore the relationship of IGOs and NGOs (Kelly 2011:325). For the purposes of this thesis, symbolic legitimacy helps us in highlighting the interactions that take place between MNCs and NGOs.

We then have three theories to help illuminate and explain MNCs, CSR and NGOs in the DRC. The first theory helps explain why and how governance can work in weak states. The second theory provides us with a way to investigate the accountability structures that influence the relationship between the NGOs, MNCs and their principals. The final theory symbolic legitimacy illuminates the relationship between NGOs, CSR and corporations. It helps us in understanding the interaction between these actors. This thesis has several chapters and sections. The next chapter will provide a brief introduction to the Democratic Republic of Congo and a further exploration of the definition of MNCs. The third chapter will examine the methodology employed throughout the thesis. The fourth chapter will give a much more detailed view of the shadow of hierarchy theory -, principal-agent theory, and symbolic legitimacy. The penultimate chapter introduces the various documents and analyses them in the context of the research questions. The conclusion summarises this thesis' findings and provides a brief discussion on possible future research that could be beneficial to the understanding of the relationship between MNCs and NGOs.

Chapter 2: Definitions and a brief summary of the eastern DRC.

Defining MNCs.

The main aim of this chapter is to explore the definition of Multinational Corporations further, but this section also further explains why the study of MNCs and NGOs in regions like the eastern DRC is important. This chapter will also explore and discuss definitions of governance and the services delivered by the non-state actors. Finally, a brief summary of the history and current situation of the eastern DRC is necessary. In *Global Political Economy Understanding the International Economic Order* by Robert Gilpin he explores the international economic order. Gilpin is a well-respected scholar in the field of political economy. The book is extensive and builds on his earlier works, but takes into account the changes that the global economy has undergone since his previous book on political economy. Gilpin's section on MNCs is extensive and well researched; it is also evident that he acknowledges quite strongly how central MNCs are to the economic order (2001:281).

Gilpin's definition of an MNC is clear and concise. In his words, an MNC is "A firm of a particular nationality with partially or wholly owned subsidiaries within at least one other national economy" (2001:278). Many of these firms have a multitude of various subsidiaries. An MNC according to Gilpin conducts their overseas expansion primarily through FDI. The foreign investments overseas can take the shape of buying up already existing businesses or the creation of new facilities. Overseas expansion generally complement either mergers, takeovers or inter-firm alliances. Gilpin also makes the important distinction between FDI and portfolio investment. FDI is part of 'international corporate strategy' in the hopes of achieving a more lasting position in a host state's economy (Gilpin 2001:278). Gilpin's definition is quite similar to the operating definition of TNCs provided by the United Nations Conference on Trade and Development (UNCTAD). According to UNCTAD, a TNC is "an enterprise, which is irrespective of its country of origin and its ownership including private, public or mixed, which comprises entities located in two or more countries" ("Structure of TNCs" UNCTAD). These TNCs as described by UNCTAD function within a system of decision making that permits articulated policies and a joint strategy. For this thesis, the operating definition of MNCs bases itself on Gilpin's definition. However, to at least have the possibility to include TNCs in our discussion the part on 'a particular nationality' is unnecessary. Including TNCs on the discussion is important as corporations are operating in the region whose nationality is diffuse (MMG 2015:5). We do not want to fall into the trap of excluding such corporations by using a too stringent definition of MNCs.

While there are several reasons for the DRC's dire situation, this thesis' main focus is on the MNCs and NGOs that have a connection to the eastern DRC in regards to providing services and governance. This is a salient topic, as these corporations wield a considerable amount of power. Their power capabilities may increase in states with weak governance. With great economic power MNCs can potentially exude large amounts of pressure in the states they operate; this pressure is even greater in states with weak governance. Based on the exploration of the definition of the MNC we will for this thesis define an MNC as: a corporation that operates in more than two states.

Governance and services.

Like most concepts and terms within political science, governance has been defined in several different ways by numerous scholars. Furthermore, the definition and concept of governance will often vary based on the type of governance. Some point out that governance has become a buzzword, but in doing so it has also become a diffuse concept that can mean many things (Levi-Faur 2012:3). For instance, the concept of global governance is the shift from a purely anarchical system to some type of 'regulation' on a more global level. Those studying domestic politics consider governance and the study of governance to entail the examination of the new forms of governance that either replaces or supports already existing bureaucracies (Ibid., 2012:7). As mentioned governance is a concept with many meanings, it can be "a structure, a process, a mechanism, and a strategy" (Ibid., 2012:8). The governance that is either created or reinforced by non-state actors in the region is a combination of the various meanings of governance. If governance structures are the systems of rules that exist in society NGOs like Global Witness reinforce these rules. The rules can, for instance, include laws, rules and practices (Ibid., 2012:8). When Global Witness launched its investigation and subsequent complaint against Afrimex they relied on already existing laws, rules and practices to successfully condemn Afrimex (Global Witness 2007).

The process of governance is also evident in the region. Governance as a process entails that "we can think about governance not as a stable or enduring set of institutions but as an ongoing process of steering, or enhancing the institutional capacity to steer and coordinate" (Levi-Faur 2012:8). When an NGO like MSF operates in the region several things happen. Among these things are that they strengthen already existing medical structures in the region. Furthermore, their work also helps create norms and might positively influence the governance that already exists. Their work may also create new governance processes that both the existing government and other organizations might be able to use.

Governance as a strategy is also evident for the non-state actors. When MNCs like the Banro corporation engages in due diligence, voluntary standards and CSR they put governance into action. By putting governance into action, they engage in “the decentralization of power and the creation of decentralized, informal, and collaborative systems” (Ibid., 2012:9). Based on the various ways of governance put forth it is clear that the non-state actors either create or at least reinforce governance in the region. Chapter five partially examines how the non-state actors operate in the region and engage in governance building.

The NGOs and MNCs this thesis explores also provide invaluable services to the region. MSF had in 2015 1,652,000 outpatient visits (MSF 2016:36). Through these visits, they provide medical help and services to a considerable number of people. This thesis refers to these services several times throughout. Part of these services are things like medical services that would traditionally be handled by the state. In providing these services, the non-state actors also provide social welfare for the Congolese inhabitants of the eastern DRC. In this case, social welfare is a type of public good provided for the local Congolese, such as medical services or education. In regards to social welfare, this thesis borrows the definition presented by Melani Cammett and Lauren M. Maclean. Social welfare is defined as “the direct delivery or indirect facilitation of services and programs that promote well-being... this includes health, education, and support for vulnerable populations” (Cammett and Maclean 2014:6). Based on this definition the services discussed chapter 5, provided by non-state actors in the eastern DRC also fall within social welfare.

North and South Kivu.

It is important to note that the following section is a very, very brief summary of the recent history of the eastern region of the DRC. The literature on the region and situation in the DRC is vast (Reybrouck 2015; Eichstaedt 2011; Nest 2011; Stearns 2012;). David Van Reybrouck traces the DRC’s history back to the mid-1800s all the way through 2010. He tells the history of the country partially through the eyes of the people alive during the many time periods. Reybrouck explores the history of the DRC with as many Congolese voices as possible. In order to tell the story of the Congolese people, Reybrouck relies primarily on interviews and oral histories documented by missionaries, but also oral stories documented by others. He also dives deep into the archive of both the DRC and Belgium to tell the story of the DRC (Reybrouck 2015:3-4). Reybrouck’s book *Congo The Epic History of a People* provides a thorough exploration of the country’s history. Jason K. Stearns explores how the DRC and more specifically the eastern DRC became a conflict filled and weak state. His

work begins with the impact of the Rwandan genocide on the region and concludes with the 2010 election (Stearns 2012:13,325). According to Stearns the wars of the Congo were able to take place because of the state's weakness and failure. He also points out that there is not one cause for the conflicts and the continuing troubles. The continuing problems of the region have many causes. Some of the problems are a broken political system that rewards ruthlessness and not cooperation, lack of rule of law, no real consequences for the perpetrators of violence, the continuing exploitation of minerals where the majority of profits leave the country and finally, outsiders lack of interest in the region (Ibid., 2012:330-335).

Unlike other authors Michael Nest's work focuses almost entirely on the natural resources in the region. More specifically he looks at the role of the mineral Coltan in the region. Coltan refers to two elements tantalum and columbite that often naturally occur together (Nest 2011:9). He explores the importance of this mineral in prolonging the ongoing armed conflicts in the eastern DRC. Furthermore, he also looks at the role of external factors in regards to the coltan trade. The main external factors he investigates are MNCs with special attention on Chinese corporations, neighboring countries, NGOs and their campaigns and relevant laws and standards (Nest 2011). Nest argues that Coltan is still relevant to the conflict because of Asian, but predominantly Chinese buyers of the mineral are still willing to deal in conflict minerals (Nest 2011:169). Eichstaedt like Nest focuses on the recent history of the region. He also looks at the natural resources occurring in the region. However, natural resources are not his main focus area; rather, he looks at the conflict as a whole. Furthermore, Eichstaedt relies heavily on interviews and his own experiences operating in the DRC to tell the story of the region (Eichstaedt 2011). Eichstaedt argues that the involvement of neighbors like Rwanda is one of the main reasons for why the conflict in the eastern DRC is still ongoing (Ibid., 2011:112). The four authors' works discussed above give together a very detailed and in-depth picture of both the history of the region and its ongoing troubles.

Impact of the Rwandan Genocide.

Tracing the problems of the region can be done in several ways. One may trace the problems as far back as colonial times. However, in order to not spend too much time on the history of the conflict, the Rwandan genocide is a helpful starting point. After the Rwandan genocide, about 1.5 million Hutu refugees fled into the eastern DRC (Reybrouck 2015:415). Among these refugees were perpetrators of the Rwandan genocide (Stearns 2012:15). A large influx of people caused problems; several refugee camps had to be created to accommodate all the refugees. Aid organizations and the UN did their best in running the camps, but they

were costly to run, and mortality was high (Ibid., 2012:38). Understandably the new Rwandan government wanted to bring the perpetrators to justice. However, their punishment ultimately affected both civilian Rwandans and Congolese (Ibid., 2012:43-44). After invading the DRC, the Rwandan military eventually overthrew the then president Mobutu Sese Seko (Q&A: DR Congo 2013). After the Rwandan invasion, a new leader Laurent Kabila was installed, with backing from the Rwandan and Ugandan backed militias. Laurent Kabila is the father of the current leader of the DRC Joseph Kabila (Reybrouck 2015:467). He, however, alienated Rwanda and his other backers after a short while, eventually leading to the Second Congo War. Rwanda together with several others invaded the DRC (Stearns 2012:188). Kabila was able to pull in support from bordering states Zimbabwe, Namibia and Angola (Ibid., 2012:197). The war had catastrophic effects on the country, the situation in the DRC is better today. However, the Kivu regions and the eastern part of the country is still troubled (Q&A DR Congo 2013).

Despite the two Congo wars ending years ago, there are still a great number of armed actors in the eastern DRC. Some of these armed actors receive backing by outsiders. There is strong evidence collected by the United Nations Group of Experts on the DRC that Rwanda has strongly supported armed rebel groups in the Kivus (Alusala et al. 2014:3). The many armed groups of the region commit countless atrocities such as rape or indiscriminate killings of the civilian population (Alusala 2014:32). In addition to armed rebel groups, the other main armed actors of the region are MONUSCO the UN peace mission and FARDC the armed forces of the DRC. The UN has a considerable force in the region, and their peace mission in the DRC is their most expensive one (Peacekeeping Fact Sheet 2017). We cannot expect that non-state actors will be able to solve the problems of all the armed groups in the region. However, they might be helpful in alleviating some of the many problems that have come with the many years of conflict that have devastated the region. This section on the Kivu region is very brief, but as shown many resources already explore the history and the reasons for the conflicts. The main aim of this section has been to highlight some of the other resources and provide a brief overview of the region.

Mineral resource trade in the eastern Democratic Republic of Congo.

There is a plethora of work on the armed conflict and natural resource trade in the eastern DRC. Some pay great attention to the actual trade and the intricacies of the domestic and international coltan trade (Nest 2011). Others choose an approach that focuses much more on the human aspects and the suffering brought to the local population in the Kivus

(Eichstaedt 2011, Amnesty International 2016). The literature on the natural resource trade will often point out one or two factors as to why the exploitation is still happening. Michael Nest's book *Coltan* identifies countries like China willing to still deal with conflict minerals as the major obstacles to any real resolution (Nest 2011:169). Some NGOs will often fault corporations for using conflict minerals and argue that they must ensure that their supply chains are kept clean (Global Witness 2016, Amnesty International 2016). Finding one culprit or factor for the continuing mineral exploitation is difficult to find, and it is most likely a combination of the many factors. Due to the complexity and importance of the resource trade, a brief summarisation is needed. A survey of the mineral resource trade is also important as exploitation of resources is by many claimed as one of the main reasons for the ruthlessness and pervasiveness of the conflict (Nest 2011; Eichstaedt 2011). This section deals primarily with the coltan trade, but the eastern DRC is rich in several other natural resources like tin, gold, copper and tungsten. However, the illegal mining of these resources is relatively similar.

Tantalum a chemical element is found in several minerals including coltan. The mineral Coltan primarily occurs in the eastern DRC, but Tantalum occurs in several other minerals. The coltan trade that occurs in and around the Kivus has received considerable attention the past 15 years for several reasons. Tantalum is present in most electronic products that are used every day around the world. Computers, cell phones and other everyday electronics contain small amounts of tantalum (Nest 2011:9). As tantalum occurs in several minerals, the eastern DRC is not the only source of tantalum, but the DRC sits on large deposits of tantalum. However, exact numbers on how much of the world's tantalum is supplied by the DRC is unclear. Estimates for the whole region allocates 9 percent of global tantalum mining to Central Africa (Ibid 2015:20). In a global sense, the coltan mined in and around the DRC makes up a small portion of the global supply chain. Secondly, the exploitation of coltan has received more attention due to how it mining occurs. The coltan mines in and around the Kivus consists of two categories. There are the legal certified 'green' mines, and there are the non-certified mines (Raghavan 2014).

Dodd-Frank Act.

With new international and domestic legislation, the situation of conflict minerals appears to be improving. In 2010 the Dodd-Frank Financial Reform Act was passed in the United States. Dodd-Frank is mainly financial reform, but tucked into the act were sections 1502, 1503 and 1504 on mining and conflict minerals. With the adoption of Dodd-Frank, all

corporations and subsidiaries that register with the U.S. Securities and Exchange Commission (SEC) must review and disclose their supply chains of natural resources (SEC 2013).

Proponents of the law hoped that it would remove an important source of funding from armed groups (Wolfe 2015). The act does appear to have had some positive effects, but some negatives came with the law. Regarding positive effects are a decrease in mines run by armed groups. However, this decrease did come at the same time as the defeat of M23. Furthermore, the Enough Project's report on the decrease bases itself on five months of research, long-term effects in the eastern DRC are still unclear ("DR Congo minerals" 2014). Negative effects of the law are related to the changing situation of the miners in the DRC.

The Dodd-Frank act is special as it is a way for the home state to assert control over MNCs operating abroad. The act not only tries to regulate US companies but any company that registers with the SEC (Wolfe 2015). For a company to register with the SEC, it does not necessarily have to be an American MNC. One of the corporations covered in Chapter five is Canadian, but it is also registered on the New York Stock Exchange meaning that the Dodd-Frank act also applies to it (Banro 2015). Other more voluntary schemes for transparency also exist in the natural resource sector. The OECD guidelines regulate both due diligence and conflict minerals. However, these guidelines are not legally binding like Dodd-Frank. The OECD guidelines have been used in the past to shame and launch complaint cases against corporations operating in the DRC who have not followed the guidelines (Global Witness 2007). Several of the CSR documents featured in chapter five mention both the Guidelines and the Dodd-Frank guidelines. Other voluntary schemes also feature in chapter five.

Certifying minerals as conflict-free is complex, costly and time-consuming. The process was to take place, and the DRC government had to their best ability shut down the mining industry for six months. Due to the weakness of the state, a lack of will and corruption the certification moved forwards at a snail's pace. It was difficult for the miners to sell the coltan for reasonable prices, at the same time global prices for tantalum increased. However, the prices of coltan dropped significantly within the DRC. Many who would have worked as miners ended up joining armed groups, instead of harming the armed groups the new legislation drove miners to join them (Raghavan 2014). The progress was slow, and companies feared reprisals from dealing with minerals that may trace back to the eastern DRC and conflict. For the most part, they stopped buying any minerals that could be tied in any way to conflict. Malaysia Smelting, a prominent producer of tin, withdrew completely from the DRC over concerns that it could not properly source the tin. The smelting company

was one of the largest buyers of tin buying an estimated 80 percent of tin in DRC, and its withdrawal made an impact (Wolfe 2015). Coltan was and still is being bought and sold, but at a much lower quantity and the only ones willing to buy are trading houses without any ties to US-based companies. In 2014 four years after the passing of Dodd-Frank circa 25 mines out of over a thousand were tagged as green (legal) (Raghavan 2014).

Some mines have the all clear, but it has done little to help. If you mine from a certified mine, you are still paid the same amount as you would for a non-certified mine. Other criticisms of Dodd-Frank deal with the Act as being misguided, and that it misunderstands how and why armed groups exist in the eastern DRC. There is little doubt that armed groups have and still finance their activities through the exploitation of minerals, but exploitation of mineral resources is not essential for their survival, and there are several other ways that armed can ensure funding (Wolfe 2015). Dodd-Frank may have had an impact on coltan and tin mining, but illegal gold mining is still happening on a large scale (Global Witness 2016). However, exactly why it affects some minerals, but not gold is not clear, it could be that gold is more transferable and has other uses. Coltan and tin are valuable because of its applications. However, gold does not necessarily derive its value from its applicability in products.

The main goal of this chapter has been to provide a further discussion on important definitions needed for this thesis. Furthermore, this chapter as provided a brief summary of the main causes of the current conflicts occurring in the region. Much of the on-going conflict in the eastern DRC traces back to the Rwandan genocide. The main armed actors are FDLR, UN's peacekeeping mission and FARDC. Natural resource trade is important to the eastern DRC with an estimated 8 to 10 million people working in the resource trade (Wolfe 2015). There have been many attempts like the Dodd-Frank act to counteract the exploitation of the resource trade, but as discussed the act had several unfortunate effects. Throughout this section there have been some instances where non-state actors could provide services and governance, the documents analysed in chapter five will relate back to some of the issues raised in this chapter.

Chapter 3: Methodology.

This thesis' methodology is document analysis. As with all methods, there are a number of considerations that have to be considered both in the collection, sampling, evaluation, and analysis of the documents. The main documents of this thesis are CSR documents and NGO documents. However, several secondary documents are necessary. The definition of documents can be quite wide, but there is some disagreement. Some prefer narrow definitions where documents are standardised written documents that follow specific formats (Wolff 2004:284). However, others argue for much broader definitions where documents should not be predefined (Prior 2003:2). For this thesis, a document is a written piece created for specific purposes. The corporations created the CSR documents; their main purpose is to inform of the CSR actions of the corporations. However, they are also an extension of a corporation's image and public relations. In the case of NGO documents, their main purpose is to inform and educate. However, for NGOs that rely on funding through donations they can function as a tool to procure more funding. A major part of any research project that aims to use document analysis is its selection of documents. There are obvious limitations in regards to how many documents that one can analyse and how in-depth they can be scrutinised. Analysis has to be completed on enough documents to answer the research questions, but they also need to be analyzed in an in-depth way. Considerations also need to happen in regards to sampling, how do we select our documents. Selection processes also need exploring. In addition, to sampling, this chapter also needs to evaluate the documents.

Purposive Sampling.

As noted the main documents of this thesis are CSR documents and NGO reports. In regards to the selection of CSR documents, random selection is not appropriate, using random selection could give us documents that are not relevant to the research questions we are trying to answer. Since random selection is not feasible, we need a way to select our documents. However, before we can narrow down the selection, there are a few basic requirements that the documents must meet. First, the CSR documents must belong to a corporation that operates directly in the eastern DRC. There are numerous corporations to choose from and their CSR documents vary in scope. However, as we are interested in seeing how MNCs provide services and governance to the region the CSR documents must include these services or governance in some way.

Second, the CSR documents can belong to corporations that no longer operates or deals with the eastern DRC. However, for these documents to be relevant the MNC must have previously had dealings with the DRC, and it must have been within the past eight years. Including the possibility of using these documents is helpful as we know that a great number of corporations withdrew from the Kivus after the passing of Dodd-Frank. The CSR documents of corporations may at times be very general, and they might not mention specific services that they provide in the area or governance projects. If the documents are very general, they are still usable and will give us an idea of a corporation's priorities. However, in these cases, it is necessary to include other documents, preferably authored by the MNCs themselves that highlight specific governance operations.

Since a random selection is not feasible based on the aspects above, we need to use purposive sampling when selecting the documents. Within social sciences, there are several different styles of sampling which are practical. Purposive sampling offers the best option. Essentially purposive sampling means that one selects the documents, however, within purposive sampling there are a number of options in regards to how one chooses documents (Flick 2009:122). In regards to CSR documents, the selection process begins with the basic requirements previously discussed, when the requirements are in place there is a choice on how to further select the documents. It is not feasible to select all CSR documents that fulfil the basic requirements as there would be too many to analyze. Purposive sampling lets us dwindle down the list of documents to a more manageable size. Several strategies of purposive sampling are available. One can, for instance, select documents that present the more extreme or deviating cases (Ibid., 2009:122). In the extensive realm of CSR documents, there are in all likelihood very few extreme cases that will potentially help in answering the research questions. Instead of selecting extreme cases it is more appropriate to use 'intensity' sampling. Intensity sampling aims to select documents based on the intensity of certain features, processes or experiences. These aspects should be related to the research questions (Ibid., 2009:125). This method of sampling is the most suitable for this thesis as it gives us the opportunity to investigate the features, processes and experiences that can help us in answering the research questions (Ibid 2009:122). In the case of the CSR documents, the intensity we are looking for relates to services and governance provided in the eastern DRC.

The NGO documents combine two strategies of purposive sampling, intensity and maximal variation. Maximal variation is selecting cases that show the variance within the field. The strategy enables us to show the range between the NGO documents (Flick

2009:122). In terms of intensity we need documents that exhibit the delivery of services and governance to the region. These documents must detail what services the NGOs provide to the population and how they provide them. These services or the actions should benefit governance in the region in some way. However, we also need variation in the type of services that the NGOs deliver. For instance we do not want only health NGOs like MSF, but rather we need some variation between the NGOs. We want documents from NGOs that might monitor the region for abuses against human rights or NGOs that deliver more varied services. By using both maximal variation and intensity sampling we are left with documents that will focus on the services delivered, but these services will be varied.

Some argue that documents are more than mere information containers. Instead, we should view documents as a version of reality. This version of reality is a constructed reality, and these documents do not necessarily represent the actual reality of things (Flick 2009:261). The nature of documents as constructed is certainly an important point and it is something that we consider throughout our analysis. Although documents are to some degree constructs, they do still give us information, and they give us an important insight into the minds of its authors. When MSF for instance decide to focus on the vaccines and support they give to already existing structures we gain insight into them as an organization (MSF 2016:36). Specifically, we know that this is one of the ways they do their work, but we also know that this work is seen as important by them as they included it in their reports. The information contained in the report also inform us of the major health issues in the region.

Evaluating the documents.

Evaluating documents is an important aspect of document analysis. In evaluating documents, there are several questions we must ask in regards to the documents. J. Scott's four evaluating questions earlier is a basic necessity when working with documents. His four questions are:

“1. *Authenticity*. Is the evidence genuine and of unquestionable origin? *Credibility*. Is the evidence-free from error and distortion? 3. *Representativeness*. Is the evidence typical of its kind, and, if not, is the extent of its untypicality known? 4. *Meaning*. Is the evidence clear and comprehensible?” (Scott 1990:6)

The four questions present us with a vital opportunity to assess a document. In answering these questions, it is not necessarily a problem if the answer to one of the questions is no. However, if such a thing happens, we must be aware of it and handle the document

appropriately. For this thesis the questions are used in regards to the documents, but they function as evaluating tools for any type of source one may use.

In regards to answering question one, all the documents in this thesis are fairly straightforward. The CSR documents are genuine and of unquestionable origin. We can claim this as the documents appear on the official corporations' websites. The corporations should be the only ones that have access to these websites. In most cases, we do not know exactly who within the corporations wrote the document, but we know through company logos etc. that the corporation takes ownership of the CSR document. The NGO reports are very similar in regards to the first question. NGO reports are freely available online. For some documents, the author may be known, but other times the author is not freely given. However, like the CSR documents we can with great certainty be sure that the NGOs writes their own reports. All the other documents such as the OECD also fulfil the criteria of the first question.

The second evaluation question is where we may run into some problems when dealing with the CSR documents and to a lesser extent the NGO documents. The credibility aspect refers to whether the documents are undistorted, sincere, free from error and evasion (Scott 1990:6). In regards to CSR documents, we cannot be completely sure about their credibility regarding being sincere and free from error. CSR is an extension of public relations, and there can be cases where the business may exaggerate the effectiveness of their actions. This reinforces the fact that the content of CSR documents needs some confirmation by a third party, but confirming all the information in the reports is difficult, but certain aspects can be confirmed through third party documents. Furthermore, several of the CSR documents go through limited auditing by third parties. Included in this auditing is testing of information presented against secondary sources (MMG 2016:35). NGO documents may fall into the same trap to some extent. An NGO may exaggerate their successes as with more success they may get more funding. It is important to stress that this does not invalidate the documents, but it requires scrutiny and corroboration.

In regards to representativeness, all the documents are fairly representative. The CSR documents are either full reports or dedicated webpages on the corporation's respective websites. Content will vary some, based on the type of corporation and their involvement in the DRC. They are general, but they can also be more focused on specific areas. They are all focused on CSR and the specific steps taken in regards to CSR. Similarly, NGO documents fulfil representativeness. NGO reports focus on the situation and the services they provide in

the region. Some are more focused on specific issues like the natural resource trade or the health situation others focus in on more general areas (MSF 2016; Global Witness 2007). The UN, OECD and other documents are also fairly representative. In the case of documents on MONUSCO they detail which state-building activities the mission engages in.

The meaning of the documents is relatively clear. However, the fourth question does further reiterate the importance of corroborating the documents if there are areas where the evidence of a document is unclear. The documents are quite clear and comprehensible. Few areas exist where one questions what exactly the documents are saying. Furthermore, the CSR and NGO documents intended audience are the general populace and as such they are relatively easy to understand. The UN documents are available to the public, but they were not necessarily written for the general public. For instance, the UN Declaration on the Right to Development was created and passed by the UN general assembly. It is open to the public, but it was not created for the audience, instead it was created for states to guide them in delivering development to their citizens (UN 1986). The declaration is clear and comprehensible, its language is more advanced and technical than that of the NGO and MNC documents. The same is the case for the OECD guidelines, they are open to the public, but were created to provide procedures for both states and corporations on their behavior.

Analysis techniques.

Analysis techniques of documents are varied, the most appropriate technique will vary based on several factors. Analysis can range from more straight-forward content analysis to more complex thematic analysis (Bowen 2009:32). In addition to these, there are myriads of other ways to analyse documents (Lynggaard 2012:163). For this thesis content analysis is most suitable. Content analysis is most appropriate due to the research questions and what they aim to discover. The content of these documents can tell us several things. First, they give us an insight into the minds of its authors. When a corporation creates a report or web article on their CSR they choose which aspects to include. They will in most cases only include the CSR initiatives that have been successful. The inclusion of successful projects is understandable as the corporation would not want to highlight their failure. However, it is an important trait of the CSR documents that we must keep in mind. CSR documents give us a limited insight into the priorities of corporations in regards to the lack of services and governance in the eastern DRC. They give us the opportunity to investigate the kind of issues CSR prioritizes. Furthermore, through the content we are also able to see if there are any parallels between the services and possible governance delivered by CSR and NGOs.

Secondly, content analysis of CSR documents provides us with the information needed to explore the research questions properly. The content is vital to the research questions as the documents should illuminate any services or governance brought to the region by MNCs and NGOs. Content analysis of both NGO documents and CSR documents presents an opportunity to see how they deliver services to the region. Finally, the content of the documents gives us an indication of the priorities and agenda of NGOs and MNCs. The priorities and agendas are evident in the documents as their authors make certain judgement calls in regards to the inclusion of certain subjects and areas. For instance, if an NGO such as MSF focuses on health issues like HIV we know that this NGO prioritises HIV. Furthermore, the documents give us some information on the steps taken by the NGOs and MNCs to alleviate the issues and provide the services that are lacking in the region. The steps taken by NGOs may not necessarily be the only steps they take, and there may be other options. However, they are the steps that the NGO present to the public. We must always realise that the documents are creations made for certain purposes, they may provide an accurate picture, but it is not a given that they present us with the full picture.

Presenting the documents.

Author of document	Type of Document	Number of documents (n)
Global Witness	Reports	2
Médecins Sans Frontières (MSF)	Reports and websites	7
UK National Contact Point OECD	Statement on case	1
ZOA	Reports and websites	4
Banro Corporation	Reports and websites	5
MMG	Reports and websites	4
Malaysia Smelting	Reports	2
Freeport-McMoRan	Report	1
OECD	Guidelines	1
EITI	Websites and Conference program	3
International Law Commission	Draft Article	1
United Nations/MONUSCO	Declaration, websites, fact sheet	5
Total		36

As evident from the table above there are in total 33 main documents. However, note that the table does not include secondary documents like news articles and other reports that are used mainly for background information or corroboration of the primary documents. The CSR documents come from 4 different MNCs. All the corporations are in the mineral extractive industries, and their focus areas vary from tin to gold. Some like Malaysia smelting no longer operates in the region. However, the Banro corporation, MMG and Freeport-

McMoRan are still active in the area. The NGO reports come from three different NGOs. All the NGOs listed are present in the eastern DRC to varying degrees. They have several areas of expertise, for instance Global Witness engages in monitoring of any issues that may arise in regards to natural resources. On the other hand, MSF provide medical care and ZOA delivers aid and services in several different areas. Documents relating to Global Witness also includes their complaint case against Afrimex. The UN documents include descriptions of the state-building activities that MONUSCO undertakes in the region, a short fact sheet that describes one of the ways the UN facilitates for NGOs in the area. Furthermore, the declaration on the Right to Development is used in the final part of the analysis.

The EITI documents relate to the EITI standard. It includes documents about the organization, their main conference and their partners. These documents relate primarily to question 3 and the functional equivalent on international standards. Finally, the document from the international law commission concerns the non-state actors that operate in the region, it too is used primarily for question 3.

Chapter 4: Theories.

The first chapter presented the three theories that can be helpful in examining the relationship between MNCs, NGOs, and governance in the Democratic Republic of Congo. As a reminder, these three theories are the shadow of hierarchy theory, the principal agent-theory and symbolic legitimacy. As a reminder, the three central research questions are: How do MNCs and NGOs deliver services and governance in the region? Furthermore, how do NGOs and MNCs interact with each other in the eastern Democratic Republic of Congo? Finally, what enables the non-state actors to be able to deliver services and governance to the region?

These theories help in explaining several essential things one encounters when the non-state actors deliver services and governance to the region. Among the things they help explain are why the NGOs and MNCs can provide services and governance in the region (shadow of hierarchy theory), how they are accountable while operating in the region (principal-agent theory), and some of the interactions between MNCs and NGOs (symbolic legitimacy). The three theories also complement each other. For instance, principal-agent theory's discussions on the accountability of agents also relate to one of the functional equivalents of the shadow of hierarchy theory. One of the functional equivalents is as mentioned incentives (Risse 2011:711). The NGOs and MNCs have an incentive to comply with the accountability structures or potentially risk retribution by their principals. Symbolic legitimacy also relates back to the accountability structures from principal-agent theory which again connects to the shadow of hierarchy theory.

Framing this thesis in regards to international relations theories is beneficial as this frames the content in a certain light and it becomes more accessible to those studying certain international relations theories. Furthermore, linking this thesis to a particular school of international relations enables us to have specific focus areas that correspond with the theory. There are numerous theories of international relations to choose from. However, some are more suited than others. For this paper, I have chosen the English school of international relations for several reasons. The English school of international relations has been developed and associates itself with several scholars such as Hedley Bull, Martin Wight, Alan James, Barry Buzan and many others. Like most international relations theories, the English school contains some all-important key concepts that help define the theory. Furthermore, these key concepts are one of the reasons why the English school is well suited for this thesis. The

concept of world society is especially helpful as it can shed some light on the norms and ideas that exist for the non-state actors. Why is it that the NGOs are allowed to operate in the region? Furthermore, why do the non-state actors feel the need to provide governance and services to the region? World society would point to norms, shared ideas and some commonality between the actors that make up world society as an explanation for non-state actors and their role in the eastern DRC (Navari 2015:18).

English school of international relations.

Two of the main key concepts of the English school of international relations are international society and world society (Murray 2015:1-2). It is necessary to highlight the difference between the two concepts, for this thesis world society is well suited in aiding the exploration of non-state actors in the eastern DRC. However, an exploration of international society is first necessary. The international society through sovereignty and other concepts helps create and maintain order within international relations (Wilson 1989:54). The English school often uses the actions of states and statesmen as evidence for the existence of the international society. Their actions according to Bull display that there exists an international society of states. The society of states is a society as there are certain fundamental rules between states. Among the fundamental rules identified by Bull is sovereignty (Bull 1969:49). With sovereignty being the concept that a state has a right to exercise its own power within its own borders without outside influences (Kalmo and Skinner 2011:4). International society occurs when there exists some agreement over common procedures or values. The values or procedures underpinning international society are sovereignty, diplomacy, international law and the balance of power (Navari 2015:20). It may be possible to observe the international society through the actions of others that they believe it exists, but it does not act in the same way as domestic or social society, as such studying international society differs from the studies of other societies (Wilson 1989:53).

The fact that international law exists and that states have agreed to these laws is central to Bull's argument in favor of the existence of international society. Since states are according to Bull bound by and have agreed to international laws, they constitute a type of society controlled by the same laws (Bull 1969:39). Bull's *Society and Anarchy in international relations* primary goal is to show how international relations is a society this challenges neorealism and its concept of anarchy. Although international relations as described in realism is not in complete anarchy or disarray, anarchy in regards to international relations merely means that there is no central authority or governing body

(Ibid., 1969:35). Bull's writings provide arguments as to the existence of international society. The arguments are a counter against the Hobbesian nature of international relations. First, Bull points out that states do not always exhaust all their resources such that other areas are affected in providing security, against their neighbors. Furthermore, states may protect themselves against some states, but they do not protect themselves against all states (Ibid., 1969:41). Second, unlike the Hobbesian nature, there does in international relations exist notions of right and wrong. These notions are present in the international laws and norms that states are a part of. When statesmen create and take part in these norms and international laws they at the same time take part in forming morality that permeates international relations (Ibid., 1969:42). The society of states according to Bull includes "international law, diplomacy and the system of balance of power" (Ibid., 1969:48).

Although the international society is made up of the already mentioned fundamental rules, the English school argues that one can go beyond international society and we can begin to consider world society. World society is made up of the same components as international society, but it also consists of "the global societal identities and arrangements of individuals, non-state organisations and the global population as a whole" (Navari 2015:19). Contrasting world society to international society the main difference which appears is that in the world society one may begin to see common ground and understanding between the various actors (Ibid., 2015:19). World society is a society that shares common interests and values (Weinert 2015:92). One of the common values shared in world society is human rights. All UN member states have agreed to certain human rights through the adoption of the Universal Declaration of Human Rights (UN General Assembly 1948). The agreement over these rights shows that all the states share certain common values. In more recent times the notion of responsibility to protect has been highlighted as another common value of world society.

Responsibility to protect refers to humanitarian intervention, a state has an obligation to intervene if mass human rights breaches are occurring in another state (Gallagher 2015:50-51). We can connect the above mentioned definition of world society to the study of non-state actors in the DRC. When NGOs like MSF and ZOA operate in the region, they do so to help. Both of these NGOs are members of the world society, and they are both in the region to help. Since the two are in the same region and want to help, they must share some common interests or common values. Furthermore, the DRC state allows the NGOs to operate in the region, keeping the NGOs out of the region might be difficult, but it is an option. By allowing

the non-state actors to deliver governance and services, the DRC must believe that the NGOs bring something to the table, meaning that they must share some common interest with the NGOs as well. Additionally, other states are willing to make donations to the NGOs operating in the region. As chapter five also explores state organizations are willing to cooperate with MNCs in the region. These things show that there are some common values or interests at play in the eastern region in regards to the non-state actors.

In the English school, there exists an essential separation between scholars who argue for a pluralist interpretation of international society and those who favor the solidarist interpretation of the international society. In short, pluralists argue for a more classical approach to the international society. Classical in this case means that they focus more on the Hobbesian and realist understanding of international relations. Pluralists believe that international relations are in anarchy, but they still argue for some international society as states still cooperate within the anarchy. More importantly, they often stress that this cooperation happens despite the existence of self-interest among states. Self-interest is the understanding that when a state decides on a specific action, it always does this because it is in its own interest. In the pluralist interpretation, the international society exists, but it is minimal, and it exists to help maintain sovereignty and order (Murray 2015:2-3). The English school also includes discussion on primary institutions and secondary institutions. Primary institutions are the robust, practices of international law and sovereignty. Secondary institutions often mean organizations like the United Nations, but also other regional organizations. The primary institutions often make way for the secondary institutions (Buranelli 2015:11-12). The next chapter will show, that both the primary and secondary institutions play an essential role in the eastern DRC. To sum up, the English school's perspective is helpful in guiding our analysis as it provides us with the concept of international society, but more importantly the concept of world society. Both of these concepts are present in the eastern DRC, and as chapter five shows they play an important role.

The solidarist interpretation in its beginnings had more focus on states and how individuals within states affected the actions of the state. In having this focus area, solidarists can account for and focus on notions like international law, human rights, and norms (Murray 2015:3). Solidarists with their focus on world society can focus on both states and non-state actors and their interplay. This focus on world society has made the English school more popular after the end of the Cold War. In regards to this thesis, the solidarist interpretation is

the most helpful. The aptness of the solidarist account stems from the fact that it includes all the actors of international relations, states, and non-state actors are part of the solidarist account. Furthermore, it includes the other aspects of the English school such as norms and international law (Ibid., 2015:3-4).

The English school relates well to the Shadow of hierarchy theory and symbolic legitimacy. The shadow of hierarchy theory as discussed below includes the international community and international legal standards as part of the functional equivalents to the shadow of hierarchy. These functional equivalents are reflected in the English school with its focus on world society, which includes norms and international law. Chapter five explores some of the international law relevant to the non-state actors. When the international community through the UN operates in the region, they partly do so because there exist norms that the UN should be there to help protect the civilian population. Regarding symbolic legitimacy, the English school is relevant as legitimacy whether it is symbolic or not is important to world society. Legitimacy among the various actors of world society could help create trust between the various actors. Furthermore, if new international laws and norms are passed and backed by actors who have legitimacy others might better accept them. The OECD and its member states created the OECD guidelines that Global Witness used against Afrimex. Since the member states, all agreed on the guidelines they had legitimacy. Furthermore, the OECD members shared some common ground in order to agree on the guidelines; this shows the common values one finds in the world society. Being an NGO, Global Witness is also part of the world society, but they also have legitimacy within world society as their complaint was taken seriously by the OECD and the national contact point (NCP 2008:1).

Shadow of hierarchy theory.

Chapter four of the *Oxford Handbook on Governance* written by Thomas Risse presents some considerations and challenges that are present in weak states (Risse 2012:709-711). Among his discussions is a section on the shadow hierarchy theory. Before we can thoroughly explore the theory, it is necessary to understand what the shadow hierarchy is. The shadow of hierarchy refers to state actors either monitoring private regulation processes or threatening to impose legislation if the private actors ‘do not get their act together’ or if they do not in some way provide some form of public good. Having a shadow of hierarchy in place has shown to bolster the effectiveness of new types of governance in strong states. In particular, public-private cooperation and private self-regulation are more efficient and

feasible when a shadow of hierarchy is in place. The government control or threat of control seems to be necessary for new forms of governance to be effective (Risse 2012:708-709).

Examples of the shadow of hierarchy in effect in well-functioning states are well documented (Héritier & Lehmkuhl 2008; Héritier & Eckert 2008; Eberlein 2008). Adrienne Héritier and Dirk Lehmkuhl summarise a number of the ways that the shadow of hierarchy has been put to use throughout Europe. The two scholars investigate whether the shadow of hierarchy is necessary for new forms of sectoral governance. Among their findings are that the shadow of hierarchy is not present in all cases. However, when it is not present the self-regulation and governance lacks policy efficacy. A significant portion of their examples of governance and regulation in the European Union member states includes the shadow of hierarchy to varying degrees (Héritier & Lehmkuhl 2008:14-15). Specifically, they find that during the regulation of European accounting standards the European Union functioned as a shadow of hierarchy to facilitate the process of self-regulation. During the Lamfalussy process, the European Parliament acted as the shadow of hierarchy by adding a sunset clause to give the commission and non-state actors a time limit (Ibid., 2008:11). Although non-state actors were the main actors in the Lamfalussy process, the EU was there as a shadow of hierarchy by instituting time limits and including experts in the process. If the EU did not provide oversight through the shadow, it might not have moved at the same pace, and it may have been unsuccessful.

Burkard Eberlein explores the interplay between governance and government in the European Energy Market. The shadow of hierarchy played a significant role when the various actors were in disagreements. During discussions in the Florence Electricity Forum, the involved parties reached several deadlocks. Eberlein argues that the shadow of hierarchy made the process of energy market liberalisation, move at a steady pace and helped solve real and potential deadlocks between the various actors (Eberlein 2008:79). Specifically, the EU made it clear that competition laws could be a possibility if self-regulation did not achieve intended success. If the participants did not reach a compromise, they could be in violation of these laws (Ibid., 2008:82). The article also discusses how credible the threat is and find that several articles created by the EU on competition were applicable. Although the EU did not use the laws, there are other cases where such laws have been put to use (Ibid., 2008:83-84).

From the limited examples, it is evident that the shadow of hierarchy is often crucial to different forms of governance. All the examples explored take place in Europe, in

relatively stable and robust states. For weak states like the DRC alternative ways of governance may be beneficial. Through alternative governance, the general population might receive vital services that the state is not able to provide. From chapter 2 it is evident that the DRC has significant struggles providing services in the eastern DRC. Areas like security, health and other more general services handled by the state are lacking. The problem areas that the DRC struggle with can and already are to some extent helped by alternative governance. However, as seen from the examples above the shadow of hierarchy is often in place when non-state governance occurs.

As expected, the shadow of hierarchy in weak states is considerably weaker or may be missing altogether. The shadow might be stronger in certain regions, or it may be more present in some sectors of the government. If the shadow of hierarchy is a prerequisite, then one should expect non-state governance in weak states to either be non-existent or a failure. However, alternatives to state governance are a common occurrence in weak states, and this governance is in many cases quite successful, in some areas the governance provided by non-state actors is more significant than what the state provides. Some actors that can play a role in alternative governance are NGOs, civil society groups, corporate entities like MNCs and TNC. Corporations can have smaller roles as financiers, by providing NGOs and others with funds for their activities. Though, corporations have the potential to play more prominent parts. From chapter 5 it is evident that certain corporations operating in the DRC provide services to the local population and through the provision of these services creates governance.

There must be some explanation for why non-state governance can be successful in weak states that are lacking the shadow of hierarchy. The shadow of hierarchy theory provides us with an explanation for why alternative governance works in weak states despite the lack of a traditional shadow of hierarchy. The theory argues that there exists “functional equivalents to the “shadow of hierarchy” provided by consolidated statehood” (Risse 2012:709). The functional equivalents include the international community, international legal standards, and incentives. These functional equivalents, according to Risse, take the place of the shadow of hierarchy in weak states (Ibid., 2012:709). By replacing the weak or lacking shadow of hierarchy the functional equivalents make alternatives to state-governance feasible in weak states.

International Community.

One can view the international community discussed by Risse as a natural part of the English school's world society. When Risse discusses the international community he means both states, international organizations and non-state actors; these are the same actors that make up world society (Risse 2011:27). The international community partly functions as a shadow of hierarchy since it can facilitate and induce non-state actors to provide governance in weak states. Risse cites contemporary protectorates like Afghanistan as states where the international community provides the shadow of hierarchy. In these protectorates, the international community is at times the main ruling power, by being the primary authority in certain regions, the international community can supply the shadow of hierarchy (Ibid., 2011:11). By partly supplying the shadow of hierarchy the international community facilitates and induces non-state actors, in turn, the non-state actors try to provide some form of governance.

When the international communities engage in weak states, they do so mainly to strengthen or rebuild state capacity. There are ways for the international community to engage in this process. However, there are different schools of thought on the best course of action (Schneckener 2011:235). MONUSCO the main representative of the international community in the region engages in several state building activities (UN 2016). In some very weak states, the international community may also hold a monopoly on violence and be the chief decision maker (Börzel & Risse 2010:122). The shadow of hierarchy theory argues that through state building the international community engages in several activities. These activities help facilitate for non-state actors and enable them to provide services and governance. Through state building, the international community temporarily takes on several functions that states would ordinarily handle. Among these are "provision of domestic security, the organization and monitoring of elections, and the setting up of rules and institutions" (Schneckener 2011:233-234). In the case of the DRC and MONUSCO, one might question the temporariness as the UN mission has been in the region for 19 years. When the international community engages in state building in an area, their efforts can take various forms. These forms can often be divided into four forms of state building: security first, liberalization first, institutionalization first and/or civil society first. The various forms are not mutually exclusive and can occur at the same time. In using these forms of state building, the international community can aid non-state actors in delivering governance and services to weak regions or states (Ibid., 2011:235). In regards to MONUSCO, they use

several of the forms of state building in their work. Chapter five will show in question 3 how the activities and state building provided by MONUSCO helps the non-state actors who operate in the region.

International legal standards.

International legal standards assist non-state governance as it partially ensures that the various actors involved in the governance process have specific laws or at the very least guidelines that they need to follow. These international legal standards on governance, human rights and the rule of law can be broad, but others are more specific and narrow. The standards can encompass a variety of actors in weak states such as states, NGOs or corporations. Enforcement of the standards can be difficult. Furthermore, these standards are often voluntary, and it can be problematic to engage in punitive actions against offenders (Risse 2011 18-19). The international legal standards also fit well into the English school of international relations. As mentioned earlier the primary and secondary institutions of the English school include international law (Buranelli 2015:11-12). Even though, the standards may be difficult to enforce their existence is necessary and the international legal standards are only 1 of 3 functional equivalents. The enforcers of these standards will depend on the actual standards, but the enforcers are often states or IOs.

Most importantly the international legal standards open the region up for non-state actors when the state is unable to fulfil their standards. The weak states often have major issues in fulfilling international legal standards. When they are not able to fulfil the standards, they must seek outside help, and this help can come in the form of non-state actors (Ladwig & Rudolf 2011:224). Chapter five introduces some of the relevant international legal standards that non-state actors have to abide by while operating in the region. Although the functional equivalent is international legal standards, international standards that are not legally binding also play an important role. Standards like the OECD guidelines can play an important role in ensuring that the non-state actors behave. The exploration of the Global Witness vs Afrimex case in chapter five shows the importance of international standards. However, it also highlights some of the issues with voluntary guidelines that lack real power. These non-state actors also have to follow the same international law that states do (Börzel & Risse 2010:122). Home states of both NGOs and MNCs also come into play. These states can pass laws that limit or influence the behaviours of non-state actors operating in weak states. International standards and laws fit well into the English school. Part of the norms discussed

in the English school section is the same standards and laws mentioned in Risse's theory. The analysis of the third research question includes discussion of these international standards and their role.

Incentives.

The final functional equivalent to the shadow of hierarchy is incentives. These incentives are varied, but they are according to Risse the final piece that makes alternative governance possible in weak states (Risse 2011:709-711). Incentives used correctly can be incredibly powerful tools, that can compel actors and make them act desirably. There is a myriad of incentive structures that can be used against non-state actors and make them want to contribute to both governance and the collective good. NGOs incentivise MNCs through their international campaigns such as the various campaigns concerning coltan (Nest 2011:128). The self-interest of the MNCs in regards to health, security, and education is a factor. An MNC should want their workers to be at least reasonably healthy, but if the state is not able to provide adequate health care, an MNC has an incentive to provide some form health care that at the very least ensures that their workers can perform. For this reason, corporations in South Africa have been active in the fight against HIV, and several have also contributed towards general health care (Risse 2011:710).

Much like health care an MNC also has an incentive to provide security to both its workers and any equipment that they may have. This security may also have positive ramifications for the general population by deterring armed groups in the area (Börzel & Risse 2010:120). An MNC also has an incentive to provide some form of education in their area of operation. However, the existence of the education incentive will depend on whether the corporation employs locals and the nature of the firm's business. If the corporation engages in an industry that is manual and does not require specialised work the incentive to provide education would be lower. Furthermore, if the corporation employs a majority of its workers outside their area of operations the incentive to provide education is less pressing.

Other non-state actors also have their own incentives. NGOs have several reasons and incentives for wanting to provide governance in weak states. NGOs need funding to survive; funding can come from fundraising from governments, people, and IOs. By engaging in governance work or delivering services to areas in need, NGOs can use their successes to gain more funding. MSF operate in the eastern DRC and provide much-needed health care. The organisation has an economic incentive to engage in troubled areas and be public about

their operations in these areas to secure more funding. With successful governance operations, an NGO should have a higher chance of getting more funding. These above mentioned functional equivalents combine to provide a replacement for the shadow of hierarchy. The international community can facilitate the governance done by non-state actors. International legal standards partly guarantee that the participants in non-state governance follow the rules, regulations, and guidelines. Finally, direct and indirect incentives give non-state actors an extra push to engaged in non-state governance in weak states. There is a multitude of incentives in place, but these incentives will vary based on the actors involved. When analysing the documents in chapter five, it will be evident how the three functional equivalents interplay throughout non-state governance in weak states.

Principal-agent theory and accountability.

The Principal-agent theory has an extensive history and a rich literature in the social sciences. It has not only been employed extensively in regards to the study of NGOs but also in the study of other phenomena. In essence, the theory is meant to explain the relationship and interaction between principal actors and its various agents. Principal-agent theory originated with economists investigating responsibility sharing within firms. Although, it was later adopted by several fields, including international relations scholars. Within international relations, it has been used primarily in discussions of accountability and international governance (Mingst and Muldoon 2015:77). The central aspect of principal-agent theory relevant to this thesis is its discussions on accountability. By providing governance and services in weaker states NGOs and MNCs take on a great deal of power and responsibility. Because these non-state actors have a great deal of power, it is paramount to know the power relationship between the principal actors and their agents.

The theory is built up around the principal actor. The principal is a main political actor or decision maker such as a state. A principal actor delegates some of its power to agents, in turn, agents and their often already existing bureaucracy are empowered to act on behalf of the principal. A principal has several reasons for why it may want to transfer some of its power to an agent. An agent can offer: “specialized knowledge, enhance certitude, resolve disputes, or enhance their own credibility” (Mingst and Muldoon 2015:74). The world contains a number of examples of principals and agents. For instance, the Lamfalussy process mentioned earlier contains both principals and agents. EU member states, the commission, and the European Parliament were the principals during the process of financial regulation. In comparison, the agents are the ones instituting and creating the process,

specifically, the members of the various regulatory networks comprised of financial regulators.

The principal-agent theory is also very helpful in situations where power relationships are unclear. An NGO depending on the situation can be an agent, but in some circumstances they are principals. From principal-agent theory, we also have a number of tools that will be helpful in understanding the power relationship between NGOs, MNCs, the state and the international community in the eastern DRC. Furthermore, the theory provides ways that a principal can control their agents and make sure that the agent does not overreach the power afforded to it and that it does not become too independent (Mingst and Muldoon 2015:75-76). In regards to accountability, the eight types of accountability are used in question 1 to look at how the principals can keep the non-state actors accountable. The eight types of accountability are electoral, hierarchical, supervisory, fiscal, legal, reputational, market and peer (Balboa 2015:166-167). Of these eight types, not all are relevant to the non-state actors operating in the region, but chapter five presents and discusses the ones that are most relevant.

When discussing accountability in weaker states, it is important to consider that an imbalance between the principal and agent might exist. Since accountability concerns accountability holders and the party or parties held accountable, inequality between the two can be problematic. The accountability holder is in most cases the principal; the principal holds the accountability over the agent. The power wielder is in most cases the agent, as noted above the agent wields power on behalf of the principal or the accountability holder. For the purposes of this thesis, the terms accountability holder and principal are used interchangeably, the same is the case for power wielder and agent. Understandably a weak accountability holder will have trouble holding a stronger actor accountable for their actions (Rubenstein 2007:617). The eastern DRC consists of many such relationships where accountability holders are weaker than the power wielders. When an NGO like MSF operates in the eastern DRC and provides medical services to the inhabitants of the region, it provides a benefit for them. However, what if MSF and its staff or similar NGOs overstep their boundaries and take advantage of the local population? Such a scenario may be unlikely or unthinkable, but NGOs and aid workers have in the past taken advantage of the very people they are there to help. Red Cross staff working in Haiti bought sexual services from the local population (Sterling & Coakley 2018). Similar situations like the one in Haiti could arise in the eastern DRC. Furthermore, NGOs may bargain on behalf of the local population.

Bargaining on behalf of them might be helpful, but if you do this without consulting the local population and you agree to an unfair deal on behalf of the local population, it is problematic (Rubenstein 2007:616). In a well-functioning system, the local population would be able to hold their government and non-state actors accountable. However, in the eastern DRC, it is difficult for the inhabitants to hold the government and organizations accountable.

Jennifer Rubenstein explores alternatives to standard accountability in unequal societies. The analysis section explores these alternatives in regards to the accountability of non-state actors in the eastern DRC. The primary goal of the alternatives is to reduce some of the inequality between the powerful actor and the accountability holder. Unlike the standard accountability forms discussed above the alternative forms do not rely on the accountability holder to be the sanctioning party (Rubenstein 2007:617). Rubenstein's alternative accountability could be very helpful in the eastern DRC, as the inhabitants in the region might have a hard time to hold accountable and sanction against non-state actors. To hold non-state actors properly accountable, you need to have some power over them which the local population lack. You need extensive information and knowledge in order to ensure that you are sanctioning the correct party and that the appropriate response is taken. Understandably due to the situation in the region it is difficult if not near impossible for local Congolese to hold large international actors accountable. A weak state like the DRC also has some difficulties holding all the non-state actors accountable. The main goal of the alternative forms of accountability is to overcome some of this inequality (Ibid., 2007:617)

The alternatives attempt to replace, but also incorporate the main elements of standard accountability: standards, information and sanction (Rubenstein 2007:618). Standards will often include rules, norms and procedures for the power wielder. Information is crucial when determining whether the other party has broken its obligations. Collection of information will vary based on the situation and the type of actors involved. In some cases, information may be openly available, but in others, the information may need to be researched and gathered. If sanctioning is found to be necessary, the accountability holder will often be involved. However, other actors may also come into play once you reach the sanctioning stage (Ibid., 2007:619). All these stages take both time and power; both these factors are unfortunately lacking in the eastern DRC. Rubenstein's alternative forms might be beneficial in alleviating the inequality between the accountability holder and power wielder in the eastern DRC. Rubenstein presents two alternatives to standard accountability. However, in regards to the

DRC, surrogate accountability is the only real option (Rubenstein 2007:623-624). The next chapter partly explores surrogate accountability in regards to the eastern DRC.

Symbolic Legitimacy

The final theory helps explain why NGOs and MNCs may want to interact with each other while delivering governance and services to the eastern DRC. Credibility is an integral part of legitimacy, which is why this section also features a discussion on the credibility of NGOs and to a lesser extent MNCs. Credibility is very important as it partly decides how others view you, the others could be donors in the case of NGOs, home states, states and the local population in your area of operations. To have credibility in someone or an organization means that you trust them. You trust in the what they are saying and the messages they are sending to the public. When an organization like MSF claim they have helped a number of people, you might believe this number since you have trust in them, but if you lack trust, you might not believe their information. Credibility is then the trust that one or more audiences have in an organization. Furthermore, what behavior is considered credible will vary based on whom you are conveying your credibility to (Gourevitch and Lake 2012:10). As shown, credibility and believeability as an actor are closely linked. Legitimacy means you have credibility, but also, your actions are perceived to be “desirable, proper, appropriate within some socially constructed system of norms, values, beliefs, and definitions” (Suchman 1995:574). Defining the concept in this way also relates it back to the English school, in that legitimacy includes both norms and values all key components of world society.

Symbolic legitimacy in *The Politics, Power, and Pathologies of International Organizations* by Michael N. Barnett and Martha Finnemore presents a useful theory. The two authors partly use symbolic legitimacy to highlight IOs role within international relations. Their article presents “a constructivist approach rooted in sociological institutionalism to explain both the power of IOs and their propensity for dysfunctional, even pathological behaviour” (1999:699). The two authors argue that IOs are in a continuous search for symbolic legitimacy. This search for legitimacy stems from the cultural environment that IOs inhabit (Barnett and Finnemore 1999:717-718). While this thesis’ main venture is not IOs, symbolic legitimacy is still applicable to NGOs and corporations in the eastern DRC. Symbolic legitimacy has in the past been used to highlight the relationship between Intergovernmental Organizations (IGOs) and NGOs (Kelly 2011:325).

Due to their environment, IOs make choices that appear to be counterproductive to gain legitimacy. For instance, control regimes on the exportation of arms often feature multilateralism. However, Barnett and Finnemore argue that no empirical evidence shows that this is effective. They believe that the reason for the multilateral characteristics are due to multilateralism having a certain perceived legitimacy that has no connection to efficiency, but yet they choose to include multilateralism even though no empirical evidence shows it is more efficient (Barnett & Finnemore 1999:718). Since there is no evidence that multilateralism is more effective the IOs choose to use it because of its perceived legitimacy, it is this that makes the legitimacy symbolic. It may very well be the case that multilateralism is better than other alternatives. However, there is no evidence that it is more efficient, and as such there should not be any reasons for IOs to include it, but they still include it because of symbolic legitimacy (Ibid., 1998:718). A parallel can be drawn to MNCs who behave in similar ways in regards to NGOs. Chapter five shows that the MNCs prominently features and boast of their positive interactions with NGOs. However, there is no real empirical evidence that interaction or cooperation between them is more efficient or it betters an MNC in any way. It might be the case that it is better, but as with multilateralism, no empirical evidence definitely proves that it is more efficient.

The public often has a higher degree of trust in NGOs than MNCs, and the MNCs may be drawn to NGOs for this reason (Harrington 2017). MNCs operating in the region are under scrutiny from public campaigns by NGOs. Often these campaigns try to influence and inform consumers about conflict minerals. By engaging in both CSR and possibly cooperate or interact with NGOs the MNCs might gain symbolic legitimacy that can counter these campaigns. However, some argue that these campaigns misrepresent the amount of minerals and the importance of minerals to the conflict (Eichstaedt 2011:213). Campaigns often try to influence the demand side, e.g. the consumers. There are several campaigns focused on the demand side, especially electronic products. These campaigns have been running for years, but one of the first is the 'No blood on my mobile' beginning in 2001. The campaign aimed to educate consumers about the Coltan mining in the DRC and its effects (Nest 2011:126). To counteract the campaigns, MNCs could try and cooperate or at least interact with NGOs to show that they are doing something in the region. Their CSR also comes into play. NGOs may derive funding and have access to more resources by interacting and cooperating with MNCs. However, instances of cooperation and interaction between the two can also present problems explored in the analysis section. Since the corporations undergo scrutiny, the NGOs

interacting with them may fear repercussions by association. The second research question shows some of the interactions that occur between the two and how corporations use the symbolic legitimacy they receive from this cooperation.

By possessing legitimacy, the actors might be more trusted by both the local Congolese, the DRC government and external actors like host states or IOs. An NGO that lacks in legitimacy will find it more challenging to gather funds. In comparison, an MNC lacking in legitimacy might find it more difficult to conduct their business. If your partners or customers do not consider your actions legitimate, they might be unwilling to do business with you. Second, with weak or a lack of legitimacy, the NGOs may find it more difficult to deliver governance and services to the region. For instance, if a local Congolese person does not have trust in an NGO like MSF, she might not seek medical help from one of their mobile clinics. Several scholars discuss the legitimacy of NGOs (Collingwood 2006; Edwards et al. 1999; Gourevitch & Lake 2012). Collingwood aims to explore the legitimacy and role of transnational NGOs in the global world. Deducing what is legitimate behavior is a difficult task. Definitions of legitimate behavior will differ between actors and situations. There has to be some standards or norms that are agreed upon by the relevant actors (Collingwood 2006:445). The standards or norms are similar to the standards of accountability discussed in the principal-agent theory section. It is not for this thesis to decide on which actions are legitimate or not. However, what is considered legitimate or not could be decided by the norms of world society. World society and the norms, standards and international laws that constitute world society might help decide when actions are legitimate or not (Ibid., 2006:445).

Arguments against NGOs' legitimacy generally center around the fact that NGOs are unelected to the position they have in society. In liberal democracies, citizens can choose their representatives, and if these representatives lose their legitimacy, they can be removed. However, the same is often not the case for NGOs (Collingwood., 2006:449-450). While the concerns over the legitimacy are important Collingwood argues that these concerns are misunderstood. It is certainly the case that NGOs are not democratically elected, but they are reliant on funds to do their job. Without donations from both governments, individuals and others they will have a hard time accomplishing their goals. To ensure that the donations keep coming the NGOs must continuously prove to their donors that they are credible and accountable. If the NGOs do not prove their credibility to donors, the donations might stop (Ibid., 2006:451). The reliance on donations works in much the same way that elected

representatives are reliant on votes in liberal democracies. If their donors view the NGOs as lacking legitimacy, NGO funds could disappear, much like an elected representative would lose votes if he/she loses legitimacy in the eyes of voters (Ibid 2006:452).

In regards to legitimacy Gourevitch and Lake explore the credibility of NGOs. When are NGOs acting credibly and when might they not be (2012:3). If non-state actors are credible, they might find it easier to create change effectively. If for instance, consumers do not have trust in the campaigns mentioned earlier they will not work. Consumers will not boycott companies that make use of conflict minerals if the NGO arguing for a boycott lacks credibility (Gourevitch & Lake 2012:9). Gourevitch and Lake present various ways NGOs use to appear credible. In some cases, their credibility can merely come from the NGO's virtue. We believe that the NGOs are good and that they do the right thing; therefore, we have trust in them. However, relying merely on their virtuousness gets more difficult as an NGO grows. It will become more challenging to defend larger budgets by pointing out your goodness (Ibid., 2012:12).

In addition to virtue NGOs gather credibility in another four ways, these four ways are not mutually exclusive. By showcasing common interests with its audiences, an NGO can appear more credible. An audience that shares interests with the NGO will find it more credible (Gourevitch & Lake 2012:14-15). When MSF showcases the eastern DRC and its actions there it partly does this to show its interests to the readers of its reports. The readers can be donors, in turn, if these donors are interested in the health situation in the region they might find MSF more credible. Displaying their costly efforts is another way for NGOs to exhibit their credibility (Ibid., 2012:16). Chapter five highlights some of the costly efforts of NGOs in the region. If a damaged reputation severely hurts the NGO, it will appear more credible. NGOs that would be damaged by a negative reputation appear more credible as the NGO has an incentive to be more legitimate (Ibid., 2012:17). An NGO that bears little to no ill effects from a poor reputation has less incentive to stay credible. Finally, NGOs that can have their actions and claims externally verified appear more credible. The claims made by MSF and their actions in the region can be fact checked (Ibid., 2012:17-18). Due to the situation in the region fact checking might be difficult. However, it is still a possibility. The UN through MONUSCO has the presence in the region to fact check, although this is not their main purpose in the region. Watchdog NGOs like Global Witness or possibly the Enough Project has the presence and knowledge of the area to fact check both NGOs and

MNCs. Based on the analysis done in chapter five it is evident that legitimacy through credibility is important to both the NGOs and MNCs.

The shadow hierarchy theory, principal-agent theory, and symbolic legitimacy will aid us in chapter 5 when analysing the various documents. In regards to research question three, the shadow of hierarchy theory is essential. As shown the theory explains why NGOs and MNCs can provide non-state governance in weak states despite a weak or lacking shadow of hierarchy. The principal-agent theory is primarily helpful in the analysis of the documents relating to research question one. The main aim of question one is to look at the actions taken by NGOs and MNCs in regards to providing services and non-state governance in the eastern DRC. However, to properly analyse the actions we need to know how they possess the power to operate in the area and how they relate to their principals. The accountability from principal-agent theory also comes into play. Finally, symbolic legitimacy and legitimacy, in general, is present in the analysis of the documents relevant to research question 2.

Chapter 5: Analysis.

This chapter will answer the three research questions mentioned in the introduction. As a reminder, these three research questions are: How do MNCs and NGOs deliver services and governance in the region? Furthermore, how do NGOs and MNCs interact with each other in the eastern Democratic Republic of Congo? Finally, what enables the non-state actors to be able to deliver services and governance to the region? In answering these questions, the documents presented in chapter three are helpful. As mentioned these documents are varied, but consist of CSR documents, Annual reports, NGO reports, UN documents, financial documents, and an assortment of other documents relating to both governance and the eastern region of the DRC. The three theories presented in the previous chapter will be connected throughout this chapter in regards to both the research questions and the various documents. These questions are all highly interconnected, and the theories used in conjunction with the documents have some common ground.

How do MNCs and NGOs deliver services and governance in the region?

The MNCs and NGOs operating in the region tackle several problems. As shall be evident these non-state actors have different ways of dealing with these issues. The various ways of dealing with the issues also differ within the two groups, one NGO can have a different approach than another, and the same occurs for MNCs. The difference in approaches between MNCs and NGOs is not too surprising as the two have different priorities. Differing approaches for NGOs is more confounding. This differing approach is visible between NGOs that have different areas of expertise. An NGO like MSF has an extensive number of operations on the ground in several of the DRC's provinces, including the eastern provinces. All in all, the organization in 2015 had a staff of 2867 across 11 provinces, their operations in the DRC is in regards to staff their second largest, in regards to expenses their most expensive (MSF 2016:8). In the DRC they were involved in, but not limited to, vaccination campaigns, the fight against measles, setting up health centers and running mobile clinics (MSF 2016:36-37). In comparison, an NGO like Global Witness has an essential task in the area by monitoring various actors. However, their approach is very different from a health NGOs. Global Witness has a smaller operation, but as mentioned in the previous chapter they have exposed serious breaches by actors in the area. Their presence in the area is comparatively smaller, but their contributions towards monitoring of various actors are vital. Although Global Witness may not contribute in the same way or as much as

others, they still contribute to governance by providing processes that monitor indiscretions. Checking in on both state and non-state actors is something that would often be handled by traditional state-based governance. However, in weak states where this monitoring is not occurring or very lax, NGOs like Global Witness makes an essential contribution to governance and monitoring.

Global Witness.

Global Witness's case against Afrimex received mention earlier. However, as it is such a key case against a corporation and it shows the importance of the actions done by NGOs in the region the case of Global Witness vs Afrimex needs a thorough exploration. Furthermore, the case against Afrimex also showcases the functional equivalent international standards from the shadow of hierarchy theory. Global Witness is an NGO that primarily monitors and investigates natural resources in regards to conflict and corruption. In 2007 Global Witness launched a complaint against Afrimex for breaching the OECD guidelines. They had the possibility of doing this as Afrimex is a UK based corporation and the UK is a member of the OECD. Their main evidence in launching the complaint was their research on the ground supplemented by additional evidence collected by NGOs, journalists, testimony and a 2002 UN group of experts' report (Global Witness 2007:2).

Since Global Witness believed that Afrimex had broken the OECD guidelines, they launched their complaint with the OECD's United Kingdom National Contact Point (NCP). In their complaint, they argued that Afrimex breached several OECD guidelines (Global Witness 2007:10-12). The specific guidelines that Afrimex breached relate to human rights, contributing to sustainable development, transparent supply chains and inappropriate participation in local political activities. Guidelines IV are policies related to employment and industrial relations. (OECD 2011). In their complaint, Global Witness argues that Afrimex did not adequately prevent child labour, forced labour and ensure that health and safety procedures were followed (Global Witness 2007:11). The final guideline that Global Witness believes that Afrimex broke is guideline VI, it relates to combating bribery. Specifically, they broke VI.2 and VI.6 meaning they did not ensure that any funds paid were for legitimate services only and they gave illegal contributions to a political party (OECD 2011).

Global Witness put forth a great deal of evidence for each of the guidelines they believed Afrimex breached. In doing business in the region, Afrimex ended up paying taxes to RCD-Goma an armed rebel group. By paying taxes to the group, Afrimex were partially

funding a group that were breaking human rights. Afrimex were in breach of guideline II.1 by giving recognition to RCD-Goma and paying them taxes (Global Witness 2007:10). Giving taxes to an armed group makes it difficult to “contribute to economic, social and environmental progress” (OECD 2011:19). Their payments can have prolonged the life of RCD-Goma and stagnated any significant progress in the area. Whether or not their payments did prolong the life of the armed group is of less importance, the mere fact that payments exist is in breach of the guidelines. Any legitimate taxes paid might offset the taxes paid to RCD-Goma. However, most of the minerals mined in the region go through Rwanda for exporting. Since the minerals go through Rwanda, they are neither taxed nor recorded in the DRC, in turn, any potential taxes that may have benefited the local population go to Rwanda (Global Witness 2007:11).

Afrimex breached guideline IV by sourcing natural resources from operations with poor health and safety standards. Furthermore, most coltan mines in the region rely on forced labour, child labour and harmful working conditions. There was also at the time of the complaint no information that Afrimex took any steps to stop this. In regards to guideline VI combating bribery, Global Witness argues that Afrimex’s tax payments are a form of bribery (Global Witness 2007:11-12). One of the sections of the sixth guideline is that any payments made to agents should be appropriate and for legitimate services only (OECD 2011:48). However, making payments to an armed rebel group is far from appropriate, it is doubtful whether RCD-Goma provided any legitimate services. Their tax payments also breached guideline VI.6 as the payments can be viewed as illegal contributions to political actors as RCD-Goma later became a political party (Global Witness 2007:12).

Six months after the complaint was filed the OECD’s NCP released a final statement in regards to Global Witness’ complaint. The NCP, for the most part, sided with Global Witness. They reasoned that Afrimex broke guideline II and IV. However, the NCP did not agree with Global Witness that Afrimex broke guideline VI (NCP 2008:1). NCP’s final statement also includes comments by Afrimex. To little surprise, Afrimex argues that “[they] do not believe that they have acted contrary to the expectations of the guidelines” (Ibid., 2008:5). Furthermore, they deny ever paying taxes to RCD-Goma, and they deny anyone paying taxes on their behalf. The complaint process also includes mediation between the two parties, but the three meetings between Global Witness, Afrimex and the NCP were unsuccessful in reaching an agreement (Ibid., 2008:8). The NCP also has issues with Afrimex’s explanation and its many inconsistencies (Ibid., 2008:10). However, in the case of

guideline VI, they do not agree that Afrimex broke the guideline, as Afrimex did not directly pay any taxes in the DRC (Ibid., 2008:11). The NCP provided a great deal of recommendations for Afrimex. Mainly the company and others like it should do everything in their power to ensure due diligence. Furthermore, they should create a corporate responsibility document. However, this document should follow the standards set forth by the UN special representative John Gerald Ruggie. The document should also be implemented and not be a mere placeholder (Ibid., 2008:14-16).

Global Witness' complaint against Afrimex shows us several things. First, it provides us with a case where an NGO was able to function as a watchdog of sorts, and it was also able to provide some form of governance. In a well-functioning state, the state might deal with Afrimex's infractions, but the DRC state cannot monitor and regulate companies like Afrimex. However, Global Witness had both the expertise and ability to monitor Afrimex and to launch a complaint with the OECD's NCP. Although Global Witness' presence on the ground is minimal in comparison to a large NGO like MSF, they were still able to collect important evidence on the ground (Global Witness 2009:25). Although their role in providing governance may be small, they still added something to non-state governance. Second, the case showcases one of the problems with the OECD guidelines and similar voluntary standards. Since the OECD guidelines are both voluntary and non-binding, the NCP has a limited number of ways of dealing with infractions. Their response to Afrimex were merely recommendations; they do for instance not have the ability to impose fines or sanctions. However, the home state has the ability to do this. They could pass legislation or impose fines. Supranational bodies like the European Union can also impose fines. Global Witness's subsequent report after the complaint urges home states like the UK to take action (Ibid., 2009:62). The report also highlights negatives inherent in the way the guidelines function as they are weak and non-binding (Ibid., 2009:69).

Since 2007 there have also been developments regarding harder laws that could have been used against Afrimex. The European Union has conducted work on conflict minerals, but the initial implementation is set for no later than the 1st of July 2020 (EU 2017:5). Mainly the regulation is similar to Dodd-Frank in that it lays out due diligence for the companies. However, unlike Dodd-Frank which requires all companies to perform the due diligence the EU's regulation opens up for the exemption of smaller companies (Ibid., 2017:3). The regulation also opens up for the punishment of actors that do not sufficiently comply with the due diligence. In terms of punishment, the regulation does not list specifics, but it states

“Member states shall lay down the rules applicable to infringements of this Regulation” (European Union 2017:14). If such regulation was in place during Afrimex’s infringements, the punishments might have been harsher than the NCP’s statement.

After the NCP’s ruling Global Witness released a press release highlighting the case (Global Witness 2008). However, it does not appear that the case was cited by any major news media, based on a search on the internet there are no mentions of the case in any major news media. Some specialized sites like the Child Rights International Network feature a summary of the case (CRIN n.d.). There is mention of the case on Huffington Post’s website. However, this is a mention in the Huffington Post’s blog, not an official article (Shtender-Auerbach 2010). While Afrimex withdrew from the region following the case against them, there is no evidence that the case had any further impact in the UK or the DRC. Although, there is no evidence that the case had any more impact it is still a very real possibility. As mentioned the Afrimex case occurred before the Dodd-Frank Act, but the Afrimex case could have conceivably played a role in the Dodd-Frank act’s sections on conflict minerals. The Afrimex case, similar shaming campaigns and information campaigns like those touched upon earlier might in combination have worked together to create Dodd-Frank. All the information brought forth in the Afrimex case might have affected the politicians who voted in favor of Dodd-Frank. Revelations about Afrimex’s activities could have helped pushed legislation like Dodd-Frank or the laws being enacted by the EU in regards to due diligence and good conduct.

Médecins Sans Frontières.

At the end of every year MSF releases a report on all its activities in that year. The 2015 report details the many on-going operations that the NGO has in the eastern region of the DRC. Their main undertakings are related to health care and health governance. They have a large presence in the eastern region and engage in several health missions. Furthermore, they are one of a few NGOs still able and willing to provide services in the area. In North Kivu, they provide several services that would have often been provided by the state. Some of the work done by the NGO is supporting already existing structures such as hospitals and local health centres. They also perform some services independently where they have developed their own structures and processes. Furthermore, the NGO has in North Kivu alone over 185,000 outpatient visits, including numerous mental health sessions, malnutrition treatment, and assisting 6500 births (MSF 2016:36-37).

MSF also have mobile clinics that visit camps and isolated villages. These mobile clinics are significant as they can help people who are isolated and not able to seek out medical help. The mobile clinics also treated 343 cases of sexual violence reflecting how large a problem sexual violence is in the region. The report also highlights the educational and informational activities that the NGO offer to the local population, again an activity that would often either be provided or facilitated by the state in a well-functioning state. The 2015 report gives the impression of how important MSF is to North Kivu (MSF 2016:36-37). We know from chapter 2 that the state's handle on the health situation in the area is chaotic at best. If MSF were to leave the area and no other NGO were to take its place, the ramifications would in all likelihood be very chaotic. Although, not all the people helped by MSF may seek other medical attention some would. Furthermore, the many vaccinations performed have saved lives and ensures that children who may have otherwise died can grow up.

The scale of people helped in South-Kivu is larger than that of North Kivu. In the other provinces, MSF also treats patients who have gone through sexual violence, again signifying how prevalent sexual violence is in the area (MSF 2016:37). The preceding end of year reports are structured in very much the same way summarising MSF's activities in the country (MSF 2014; MSF 2015). The report's section on the DRC ends with a moving quote from a mother who lost one of her children to measles (MSF 2016:37). By ending with the mother's story the report further reiterates the importance of MSF's work, but it also makes all the numbers presented in the report more relatable. However, as mentioned in chapter three, it is important to remember that these reports have a certain intention. The main intent of the report is to give an idea of the actions MSF have undertaken around the globe, but there is also an economic incentive behind the report. In showcasing all their actions in the area, they also increase their chances for more funding. The main aspect to draw from the MSF documents is the immense importance MSF has in the area in regards to health care and health governance.

ZOA International.

The final NGO documents belong to ZOA international, ZOA is an international NGO that operates in numerous countries, but its headquarters are in the Netherlands. ZOA's main goal is to provide relief and recovery to vulnerable persons who have been affected by violent conflicts and/or natural disasters in weak states (ZOA 2015:5). ZOA operate in several weak and unstable states including the DRC. Unlike the other two NGOs discussed who have specific areas of operation, ZOA provides a variation of services including, but not

limited to clean water, sanitation, food security, education and shelter (ZOA “About Us”). The DRC is primarily a Christian nation, and many of the smaller NGOs operating in the country have links to Christianity in some form. Based on the end of year report it is clear that ZOA is such an organization. Within the first five pages of the report, ZOA mentions that they are “inspired by our Christian identity and the biblical message of reconciliation and restoration of a broken world” (ZOA 2015:5).

The NGO’s expenditures in the DRC in 2016 were just over 1.9 million euros, and they had 18 staff in the area. Although, they have in previous years had up to 62 staff and over 3 million euros in expenditures. Unlike MSF who operates in most of the country ZOA only has operations in North and South Kivu. Their key sectors in the Kivus are food security, livelihoods, education, and peacebuilding. Operations in the DRC receives funds from the Dutch government, corporate sponsors, various foundations, and private donors (ZOA 2016:30-31). Their undertakings in the region reflect their size. In 2016 they had two major projects, but additionally, they also cooperate through consortiums with other NGOs (Ibid., 2015:12) ZOA argues that consortiums are a new trend among NGOs and that the major donors prefer consortiums. Furthermore, ZOA argues that consortiums offer a multi-level approach and is key to sustainable stability (Ibid., 2015:11-12).

ZOA feature fewer facts and figures and go into much less detail than MSF’s end of year reports. The report does feature a story with a Dutch donor who visited the area (ZOA 2016:20). A similarity to the MSF document which also featured a first-hand account. The completion of two of their projects and the admittance that ZOA is moving into more of a support capacity helps explain why their expenditures and staff are down from previous years (Ibid., 2016:31). In going through the 2015 and 2014 report, it shows that ZOA also provided support for farmers and farmer associations and encouraging cooperation between farms (Ibid., 2015; 2014). The 2014 report is much more detailed than the subsequent 2015 and 2016 reports. In 2014 they were able to provide basic education to 960 young people who had for various reasons not been able to complete an education. The NGO values local NGOs and works in conjunction with them (Ibid., 2014:43).

Including documents from such a relatively small NGO may seem perplexing. However, ZOA’s involvement in the area represents some important things. This relatively small NGO tackles some of the issues in the region that may be overlooked by larger NGOs. Furthermore, they present us with a different approach in comparison to MSF and Global

Witness. The NGO also attempts to engage with the local actors and community partly empowering the local population in a different way than the other NGO documents discussed. ZOA most importantly shows us that even relatively small non-state actors have an impact on the area and are engaged in creating governance.

Banro Corporation.

The Banro Corporation is a Canadian MNC that deals in various minerals, their main venture in the eastern DRC is gold mining. Banro produces its own CSR documents through their sustainability reports. The reports focus on their CSR actions in the region. These reports are highly detailed, but as with all documents, it has a certain intent. In his opening letter, the CEO praises all the positive things the corporation has achieved in the region. Furthermore, the report features within the first three pages the company's expenditures in the region including its expenditures, neglecting to mention its revenues in the same time period. Total expenditures from 2004-2015 were 867 million USD including 5.5 million on the Banro foundation (Banro 2017:3).

In regards to presenting their CSR, Banro is a departure from some corporations. For instance, Malaysia Smelting Company devotes two pages in their annual reports to CSR (Malaysia Smelting 2009:31-32). The fact that Banro provides CSR and creates comprehensive documents may also stem from its home state. Banro is one of the few corporations still running mines in the area. Mining still occurs, but the mines are often not run by corporate entities. Furthermore, Banro's mining is a combination of industrial and artisanal mining a departure from the norm where most mining is solely artisanal (Banro 2017:21). Combine this with being a Canadian corporation listed on the Toronto stock exchange Banro has more incentive to take a bigger role in the region with its CSR. Banro is also registered with the New York Stock Exchange meaning it comes under the Dodd-Frank Act and its section on mineral trade (Ibid., 2016:33).

The MNC provides CSR and some governance through both corporate means and the Banro Foundation. By employing mostly Congolese nationals (91.8%), it creates opportunities for locals that may not have been able to work, of the 91.8% employed only 36% are from communities in near vicinity to the mines (Banro 2016:4-5). Having a steady income deters people from joining the many armed groups in the Kivu provinces. In its goal for employment Banro also aims to educate their employees further with the eventual goal of having jobs done by non-Congolese be taken over by Congolese nationals (Ibid., 2016:9)

Banro has also cooperated with the US government through a partnership with USAID. The two created legal, formalized and conflict-free mining. Based on their previous cooperation Banro and USAID have also agreed to try and help artisanal miners by creating a sustainable livelihood through governance for the miners (Ibid., 2017:22-23). USAID also confirms this cooperation on their website (USAID 2013). In 2005 Banro created the Banro Foundation. Among the activities of the foundation are various agricultural projects, building schools and hospitals, education, and assisting women through various activities (Banro 2017:28-31). The focus areas and governance provided by Banro is very similar to ZOA in that they both have very diverse areas they try to influence. Although Banro's CSR is more comprehensive than other corporations in the area, it is still geographically limited. Most of their actions restrict themselves to the near vicinity of their mines. In comparison, the undertakings of MSF and ZOA appear more geographically dispersed (Ibid., 2017:5).

The scope and resources used for Banro's CSR is considerably larger than others. Furthermore, the way it communicates its CSR to readers is effective and done in a much better and more extensive way than others. Finding corporations that operate or have operated in the eastern region of the DRC that readily display their CSR and have taken actual steps that lead to governance in the region is challenging. Malaysia Smelting, for instance, assigns their CSR 2-3 pages in their 2010 annual reports (Malaysia Smelting 2011). The company bought before the Dodd-Frank act an estimated 80% of the DRC's tin, but there is not a single mention of any specific CSR in the DRC (Wolfe 2015). There are mentions of engagements with local communities, but there is very little detail about these programmes, and the details of the CSR are quite vague (Malaysia Smelting 2011). Malaysia Smelting was the largest purchaser of tin in the DRC, and it is worrying that their CSR in the years they were active does not mention the DRC at all. However, this further reiterates that the CSR undertaken by Banro is not the norm.

There are other mining companies in the country that like Banro offer up extensive (40+ pages) reports on their CSR. Among these are Freeport-McMoRan, they operate several mines in North America, South America, Asia, Africa and Europe. Their Congolese mines are in the Katanga region in the southeastern DRC. Freeport-McMoRan report shows that Banro is not a sole outlier regarding their CSR activities in the country (Freeport-McMoRan 2015). Another mining corporation operating in Katanga is MMG a joint Chinese-Australian corporation. They operate the Kinserve mine and employ 2431 people. From the beginning of

2015 to the end of 2016 the company invested 3.7 million USD on social development programs (MMG 2016:7).

MMG.

MMG's programs are very similar to Banro's; they include programs on agriculture, education, and local employment. The largest of these development programs was the purchase of a 1700-hectare community farm. MMG forecast that this farm will provide non-mining jobs, an economic hub, and food security to locals (MMG 2016:33). Like Banro they also try to employ mostly Congolese nationals (Ibid., 2016:11). Both Banro and MMG focusing on agriculture is as expected since food security is a major problem in the region. Education of children and adults is a major issue for the DRC as a whole. In 2016 according to UNESCO on a national level, 63.56% of the adult population had completed primary education. In 2016 the literacy rate of youth was 84.9%, and adults were 77%. However, these rates are on a national level, and the rate may vary from province to province. Furthermore, the data on education available from UNESCO is limited (UNESCO 2016).

Based on Banro and MMG's reports it would seem that they are doing everything correctly and providing for the region and the people affected by their operations. However, we must not forget that as corporations they are foremost concerned with profit maximizing. Several news articles, books, comments by aid workers and locals describe a situation that is not as wholesome as the impression one gets from the sustainability reports. Artisanal miners were present at one of Banro's mines. These miners were according to Banro there illegally, and relocation was necessary. The sustainability report talks about this relocation and accompanying community engagement in a very positive light (Banro 2015:15) However, in the aftermath segments of the local community have complained that meaningful discussion with Banro is difficult. Furthermore, when Banro interacts with the local community, they do so through the local elite. Some have expressed that the local elites that often deal with Banro do not present the local community (Geenen 2015:48). Furthermore, we must not forget that these corporations operate in areas of internal conflict.

The actors above contribute to governance in some form or another. As touched upon in chapter two governance is often seen as new forms of governing that replace already existing bureaucracies (Levi-Faur 2012:3). In the case of the eastern DRC, the non-state actors also create new governance structures. MSF engages and support local hospitals in the region. MSF reinforces already existing state structures by supporting hospitals in the region,

but when they, for instance, provide mobile clinics they are creating new governance in the form of structures, rules and processes. In a well-functioning state, the government might have run these clinics, but since the state is incapable of doing this in the eastern DRC, MSF can come in with their expertise to help the local Congolese.

ZOA's work also helps create processes and rules in regards to education. When they offer education classes, they must at the same time set-up processes and rules for these classes much like a traditional educational system, but on a smaller scale. The discussion on Global Witness also features their role in the region, by being a watchdog they also add to regulatory governance. A strong state should have the ability to monitor and potentially punish private actors and ensure that they do not engage in corruption and other undesirable practices. Since the DRC state is incapable of doing this Global Witness steps in and in doing so, they also create a mechanism for regulatory governance, just by adding their presence in the region they act as a monitor and create new governance in the form of monitoring, but also in the form of regulating. When NGOs like Global Witness are operating in the region, they might have the potential even to regulate private actors. Afrimex and other private actors could be less inclined to misbehave when NGOs like Global Witness are present in the region and provide governance through their processes and presence in the region. The same is also the case for the MNCs explored. Furthermore, as touched upon in chapter two governance can be structures, processes, mechanisms or even a strategy that attempts to replace work normally done by the state (Levi-Faur 2012:8).

From the documents discussed above, there are several things to note. First, there is little doubt that the NGOs and MNCs mentioned above provide at least some services to the region. Furthermore, some of their actions in the area lead to good governance. This chapter as highlighted some of the governance created by the non-state actors. While they create, governance is it good governance. Furthermore, what is good governance? The use of the word good also raises normative questions like what is meant by the word good (Rothstein 2012:150)? In weak states, the concept of good governance has often been linked to large institutions like the World Bank, the International Monetary Fund and the UN. These international institutions try to prioritize good governance in their work (Ibid., 2012:143). Understanding and defining governance is a difficult task, but luckily it has been thoroughly explored. There are disagreements over what one should focus on in regards to good governance. The World Bank's definition of good governance focuses on the processes and institutions related to how the state exercises authority. Furthermore, The World Bank's

concept of good governance is concerned with preventing corruption (Peters 2012:26). However, this understanding of good governance has been criticized for being both too broad and including aspects on policy content and procedures (Ibid., 2012:146). Good governance is equated to many things, like small government or a strong rule of law. The importance of impartiality as a part of good governance has been stressed. Governance is good when it is impartial and does not favor one group over another (Ibid., 2012:148-150). However, equating good governance to one or two things is problematic.

We need to deal with the issue of what is good, good is viewed as a positive word, when something is good it is positive, it is better than something else, better than something that is bad or negative. Good governance in the case of the eastern DRC could then be that it is better or more positive than the alternative. What is the alternative to the governance provided by the non-state actors, or do there even exist alternatives? If Global Witness had not provided monitoring of Afrimex, it is doubtful whether the DRC had done it. When MSF, for instance, vaccinate children or support hospitals their actions and the processes they establish is part of health governance, and it creates better health services for the inhabitants of the region. Would the DRC state have done this if MSF were not in the region? In all likelihood not. Furthermore, the services and governance can fulfill some of the definitions of good governance created by others. As mentioned one of the definitions of good governance is related to corruption. In regards to the Afrimex case we know that Global Witness revealed and investigated the corrupt practices of Afrimex, other NGOs like the Enough Project also monitor the situation and can reveal corrupt practices. If neither the NGOs or MNCs were in the region, the local Congolese might miss out on important services. Furthermore, the governance would also be lacking, in this way we can say that the non-state actors provide good governance. Second, these documents show us that there are variations between the NGOs and MNCs, but also variations within these groups in regards to how they approach the situation. NGOs are more preoccupied with the region as a whole, while MNCs have a narrower geographical scope. Finally, this limited number of NGO and CSR documents show how many activities these non-state actors have undertaken, activities that would have at least partly have been handled or governed by the state.

Principal-Agent theory and accountability in regards to the NGO and MNC documents.

In providing governance, the non-state actors have a great responsibility and together with this responsibility comes a great deal of power. By having this power, they can make decisions that can change the lives of the people living in the region. MSF can save lives and ensure that children survive by providing vaccines affecting the child mortality rate, but in providing these services, MSF goes through several decisions and processes. The same applies to Global Witness. When Global Witness decided to monitor the region and launch the complaint against Afrimex, there were a number of processes and decisions involved. There are several ways we could look at the power relationship that occurs when these non-state actors engage in governance. Principal-agent theory from chapter four gives us a way to understand this power relationship.

Within principal-agent theory, NGOs are in most cases considered agents. However, the NGOs discussed become a hybrid when operating in the region as they have a great deal of power over the population in the region. Although, they are still agents as they have principals (Mingst & Muldoon 2015:76). For instance, MSF and ZOA are agents as they are permitted to operate in the region, but if the state wanted them removed, they could conceivably do so. Furthermore, an NGO is still a legal entity that is subject to certain laws. The legal framework, as well as the power other actors, hold over NGOs makes them an agent. However, NGOs are in an interesting perspective as they are also to some degree agents of their financiers (Mingst & Muldoon 2015:75). These backers can be varied, ZOA, for example, received funding from the Dutch government, firms, individuals and various foundations (ZOA 2016:30-31). The funders of NGOs do not have complete say over the NGOs actions, but the organizations should take into account their funders and future funding. If an NGO knows that they might lose out on a big donor by making certain choices, they may alter their behaviour. Funding from governments may also include caveats. Some NGOs like MSF refuse donations from most government sources for this reason (MSF “Finances”).

While they are agents, the first section of this chapter shows that the NGOs still have a great deal of power. Furthermore, it is not like MSF’s principals decide who gets vaccinated or whom they help when their mobile clinics visit towns. MSF has specialized expertise that it provides to its area, they have doctors who can treat patients, MSF’s principals lack this

expertise. Furthermore, MSF works on the ground, with the local population. NGOs especially the ones providing aid and services like MSF and ZOA are hybrids. They are agents of their principals; however, in providing aid and services to the local population, they also become the principals to the local population. In this case, the recipients of the aid or services are the agents (Mingst and Muldron 2015:76). When MSF spends resources, they do so with the aim of making every dollar count. They have dedicated teams that determine the needs that of the area and how best to help them (MSF 2016). However, in deciding appropriate actions, some may be helped over others. In being a principal, this is one of the powers NGOs hold over the inhabitants of the region. As the recipients have agency, they also possess some power. They can, for instance, refuse help, or seek help from other NGOs (Mingst & Muldron 2015:76). Their choices are limited, MSF, for instance, is one of the few health NGOs still operating in the region (MSF 2015:36).

The types of accountability mentioned in the previous chapter are helpful. For the NGOs discussed reputational accountability and to a lesser extent fiscal and peer accountability are the most used. An NGO's reputation especially the NGOs already discussed are incredibly important. If their reputation deteriorates, the same can happen to their funding. They must keep a good reputation or their donors whether they be individuals or others may stop donating. Fiscal accountability relates back to reputational. Both ZOA and MSF publically release fiscal reports on their operations. If the financial reports were to show that money was poorly allocated, or misspent donors could be less willing to provide money. These financial reports go through auditing by accounting firms (MSF 2017). Peer accountability also comes into play, especially for ZOA who does much of their work through consortiums (ZOA 2015:12). By working in consortiums, ZOA becomes accountable to their peers. Their peers will in all likelihood be evaluating them and considering future cooperation based on their behaviour. Through these forms of accountability, the NGOs operating in eastern DRC are kept accountable for their actions. The international legal standards discussed in question 3 and chapter 4 also further ensure this accountability.

Accountability is also in effect for the MNCs operating in the region. The MNCs are mostly affected by fiscal, legal and reputational accountability. Like the NGOs, MNCs also release public financial reports. Shareholders or owners can hold them accountable if there is fiscal mismanagement. The fiscal accountability helps ensure that MNCs spend their money wisely. Furthermore, the fiscal accountability in a way works as a limiter on the corporation's power. Due to fiscal accountability, a corporation must spend an amount that makes fiscal

sense for CSR and operations, limiting the amount power they can potentially gain through spending money. Legal accountability is present in the Afrimex case, and it also features to some degree in question three. Like NGOs, the MNCs also have reputational accountability. Watchdog organizations like Global Witness have written reports and shamed corporations in the past (Global Witness 2009; Enough Project 2015). The MNCs may also find it difficult to sell their minerals to manufacturers if they have a poor reputation. Having effective or at least CSR that appears effective helps them in achieving a positive reputation among their buyers and the public. The types of accountability introduced in principal-agent theory show us that there is accountability in place and this accountability does come into play for the non-state actors.

As touched upon in the previous chapter the standard accountability measures are difficult to implement in places with inequality. However, Rubenstein's surrogate accountability measures might be helpful. Surrogacy accountability is already in place in the eastern DRC. The section on Global Witness' case against Afrimex demonstrates how Global Witness acts as a surrogate for the local Congolese. When Global Witness launched their complaint against Afrimex, they demonstrated both surrogate accountability in the form of information and sanctioning (Rubenstein 2007:624). Like an accountability holder, Global Witness gathered information about Afrimex's infractions before the case (Global Witness 2007:2). The information gathering done by Global Witness is vital as it would be difficult for the original accountability holders (Congolese citizens and the DRC state) to gather and organize information about Afrimex. When Global Witness gathered and collected the information they did so on behalf of the accountability holders, they achieved surrogate accountability in regards to information (Rubenstein 2007:625). In regards to surrogate sanctioning Global Witness took part in the sanctioning process, but they were not the only actor. While the NGO lodged the complaint, the sanctioning authority was the OECD's national contact point. They were the ones that judged Afrimex guilty based on the information presented. Furthermore, they were the first to make public that Afrimex were found to be guilty of breaching the guidelines. The OECD and national contact point also showcase surrogate standards. By creating the guidelines, the OECD and its member states created the standards that Afrimex were judged by. In the case of Global Witness vs Afrimex surrogate accountability seems to have been successful, but as mentioned the sanctioning against Afrimex does not appear to have had any consequences outside of shaming Afrimex.

Surrogate accountability exists in the region, but does the surrogate accountability used achieve the normative criteria for good surrogacy. The main goal of surrogate accountability is to closely mimic if possible standard accountability (Rubenstein 2007:627). If the standards were created by the DRC state or the local Congolese, they may have been different. The OECD guidelines can be considered to be part of the standards of accountability described by Rubenstein (Rubenstein 2007:618). They are standards that were created to be followed by corporations. The main consequence of breaching the guidelines is shaming. If the accountability holder determined the standards, the standards may have been stricter and had punishing power. However, would the local Congolese have been able to punish the actors at all, probably not. In regards to sanctioning it is also difficult to judge if Global Witness' actions were similar to what the accountability holder would have done. It is possible that the DRC state or the local Congolese would have used the OECD guidelines or something similar against Afrimex. There are more serious ways that they could have used to sanction against Afrimex, but these might scare off other corporations that might invest in the region. It is very difficult to determine whether Global Witness and the OECD acted as a good surrogate based solely on whether the accountability holder would have done the same.

In certain situations, it is difficult to determine whether the surrogate acts in the same manner as the accountability holder would have acted. If the surrogacy process is far removed from the original accountability holder, it will often be more difficult to determine if the surrogate behaves in a similar way to the accountability holder (Rubenstein 2007:628). In regards to sanctioning, it appears that when Global Witness and other NGOs monitor actors in the region, they provide 'nondomination' for the accountability holders and primarily for the Congolese living in the eastern DRC (Ibid., 2007:629). When Global Witness and others monitor they place some constraints on the actors in the region, in light of the Afrimex case, it is also clear that Global Witness will act on the information it gathers. The other main criteria for judging surrogate accountability is to avoid paternal treatment of the accountability holder. The surrogate should consult and listen to the accountability holder (Ibid., 2007:629). Global Witness appears to have incorporated the accountability holder in their complaint. Among their evidence is the Group of Experts reports and their own work in the region. Through the report and their own work, they will have come into contact with the accountability holders and consulted with them (Global Witness 2007:2). Surrogates should promote standard accountability measures and they should if possible try to empower accountability holders (Rubenstein 2007:630). Much of Global Witness' work aims to

promote accountability and transparency. According to their website, their goal is to promote complete transparency in the resource sector. They want to fight corruption and protect people's rights (Global Witness "About Us"). Based on their goals and vision for the world standard accountability measures need to be in place, as such Global Witness appears to promote standards accountability measures.

The final normative criterion is difficult to judge in regards to the Afrimex case. Sanctioning done by surrogates should not damage accountability holders more than it helps them (Rubenstein 2007:630). After the case, Afrimex withdrew from the region, but by withdrawing the ones in the region who were paid by Afrimex were no longer being paid. Other actors may have stepped in to fill the vacuum created by Afrimex pulling out. Furthermore, it may be the case that Afrimex would have withdrawn even if Global Witness had not launched a complaint against them, the Dodd-Frank act that followed in 2010 may have had the same effect on Afrimex. Furthermore, even if the loss of Afrimex in the region had negative economic consequences for the accountability holders, such negative effects are still allowed as long as they are short-term and that the actions by the surrogate might lead to long-term reform of the system (Ibid., 2007:630). NGOs cannot reform the system on their own, but they might play a role. The eastern DRC is a region that contains both unequal power relationships between accountability holders and power wielders. The region also contains several instances of surrogate accountability. Most prominently featured in this thesis is Global Witness' case against Afrimex. Other NGOs also perform monitoring of MNCs and other states provide surrogacy through laws like the Dodd-Frank Act. Surrogate accountability appears to be important for the region, and it seems unlikely that the non-state actors operating in the region will be held accountable if not through some form of surrogacy.

How do the non-state actors interact? Furthermore, how do the non-state actors display their legitimacy throughout their reports?

Interaction between MNCs and NGOs in the region occurs. However, cooperation between the two is limited. Both non-state actors do have specializations that can benefit each other. NGOs possess more local knowledge, especially the NGOs that have been present in the region for a considerable time. NGOs also have networks in place and are more experienced in delivering aid. The most extensive examples of cooperation between MNCs and NGOs comes from the Banro corporation and to a lesser extent MMG. One arena for interaction is the Extractive Industries Transparency Initiative (EITI). EITI is an initiative

that attempts to provide a global standard for the extractive industries. The initiative has 52 member states including the DRC, which joined in 2007 (EITI “EITI Countries”). In EITI both MNCs, NGOs and states have meetings and interact on matters concerning transparency, due diligence and new technologies on sourcing. EITI is an initiative that brings together both states, corporations, and NGOs. By being a member, you are obligated to follow their standards (EITI “How we work”). The initiative hosts conferences where members attend and interact, publish data and reports and offer guidance in implementing standards. State representatives, NGOs and MNCs attend the EITH conferences (EITI 2017). MMG is a member of EITI as well as Global Witness (Ibid., “Civil Society”; “Companies”). The minimal cooperation between the two non-state actors has not gone unnoticed (Kolk & Lenfant 2012). NGOs are more hesitant to work with the firms as engaging with them could mean that corporations are co-opting them (Ibid., 2012:499-500). There are still some occurrences of cooperation. According to the Banro corporation’s 2015 sustainability report, they cooperated with the Canadian NGO Collaboration Santé Internationale. The two provided medical equipment to the region. They also shipped 25000 books with another charity (Banro 2016:27). Their 2016 report also contains mention of more medical supplies and books shipped with the same NGOs showing that the partnership is still ongoing (Banro 2017:30).

Canadian NGO Emergency Relief and Development Overseas partnered with Banro in 2012 on a microfinancing project. However, this project seems to have only lasted a short time as later reports have no mention of the project (Banro 2015:25). In 2008 Banro partnered with the NGO Care. Banro’s aim in the partnership was for Care to lead a mission to the local communities in near vicinity of their mines. This mission assessed the main challenges in the local area. The comments made by the two partners on the project is telling of how they perceive the partnership. The then current CEO of Banro praises the collaboration and the NGO. His positivity towards the partnership expresses itself through comments such as “In addition to being a world leader in community development, CARE has a professional approach that complements Banro’s own business philosophy” (Ibid., 2008). The CEO goes on to further praise the partnership, the comments made by the Care representative are more neutral. She notes that Care is specialized for the mission and that they bring expert knowledge to the table. Furthermore, they believe that influencing their partner is possible and they hope to influence Banro to make choices that benefit the impoverished locals (Ibid., 2008). MMG also has some limited partnerships with NGOs. When they attended community

meetings, they were hosted and facilitated by a local Congolese NGO (MMG “Human Rights”). By having local NGOs host and facilitate the meetings MMG may create more trust between them and the local population. The Congolese may be familiar with the NGO, and they may have had past dealings with them. MMG has also worked together with both local NGOs and the government to provide educational sessions for women. The sessions focus on human rights, but with a focus on women’s issues. Local men also went through similar sessions offered by MMG and the NGO (MMG “Supporting our communities”).

Although, cooperation between MNCs and NGOs are limited they do show us two important things. First, it is clear that MNCs are the ones benefitting the most from collaboration. They get access to the specialized knowledge that NGOs possess. More importantly, they also gain legitimacy. An MNC that cooperates with an NGO gains some legitimacy, a legitimacy that MNCs are to some degree lacking. However, this legitimacy is symbolic. There is no indication that the cooperation with NGOs gives an MNC actual legitimacy. As mentioned in the theory section the symbolic legitimacy theory originally related to IOs who were in a constant search for legitimacy, but the MNCs are also in search of this symbolic legitimacy. When the MNCs engage in CSR, they do so at least partially as it creates symbolic legitimacy (Kinderman 2011:14). By partnering with NGOs, their symbolic legitimacy increases as NGOs enjoy a greater trust among the public (Harrington 2017). In researching cooperation between the two non-state parties, it became apparent that the MNCs display these partnerships much more readily than the NGOs. Both Banro and MMG display the partnerships on their website and in their reports. However, the same is not the case for the NGOs. None of the six instances of cooperation between MNCs and NGOs is readily available outside of Banro and MMG’s websites. Even Banro’s partnership with Care that features comments by a Care representative receives no mentions outside of Banro’s website. The lack of these partnerships on NGO sites, further reiterates that NGOs might be hesitant to be linked to corporations and that MNCs use these partnerships as PR and to create the symbolic legitimacy that the corporations seek.

The legitimacy of the non-state actors.

Both MSF and ZOA address in their annual reports their own governance structures and legitimacy. All of MSF’s annual reports open with a statement on their principles. Included in these principles are that the organization provides assistance and medical services to people in distress. The distress can come from several causes such as conflict or natural disasters. Furthermore, help is given to all who need it, people of all races, religions and

cultures. As an organization, MSF will observe neutrality and complete impartiality. All members and those working for MSF must respect their principles and codes of conduct (MSF 2016:1; MSF 2015:1; MSF 2014:1). By presenting their principles on the first page of every annual report, MSF tries to show that they have legitimacy and credibility. This perceived legitimacy comes from the fact that they help those in distress and they are neutral. All their annual reports also contain a section called Facts and Figures. These sections contain detailed information about what MSF spends its funds on, which missions have the highest expenditures. Unsurprisingly the DRC operations have the highest expenditures (MSF 2016:93-95; MSF 2015:88-91; MSF 2014:96-99). Including such detailed figures and their principles gives MSF transparency. In turn, the transparency gives them legitimacy and credibility.

The previous chapter touched upon how NGOs highlight their credibility. MSF's reports contain several of these measures discussed by Gourevitch and Lake. In presenting their principles MSF partially try to show their virtuousness (Gourevitch and Lake 2012:9). We provide for people in need, and we do so without bias, therefore, we are good. MSF and ZOA's reports show to a large degree their costly efforts, another of the ways an NGO shows its credibility (Ibid., 2012:16). Some of their costly efforts are explored in research question one. In regards to being damaged by a negative reputation is difficult to ascertain before it happens. In the case of MSF and ZOA it has not yet occurred, but in all likelihood, a damaged reputation will have a negative impact on their operations.

Like MSF ZOA also highlights their virtuousness in their reports. All of ZOA's annual reports begin with an introduction by the CEO of the organization. These introductions provide a brief overview over some of the situations in the world, but at the same time, it tries to place ZOA in regards to these situations (ZOA 2015:5; ZOA 2016:3; ZOA 2017:3). In doing so, they in the same way as MSF try to show credibility by highlighting their goodness, by placing themselves and their work in the context of various catastrophes. The similarities to MSF's reports do not end there. ZOA also include a section on their values and mission. Furthermore, as mentioned ZOA is a Christian charity, they highlight this in their section on why they serve (Ibid., 2017:5). By mentioning their faith, they are catering to their audience to show credibility. ZOA has over 40000 donors, among these donors, are people of the Christian faith (Ibid., 2017:8). As we know from Gourevitch and Lake's work, this is one of the ways an NGO shows its credibility, by tailoring its message to its audience (Gourevitch and Lake 2012:16). ZOA also include a section on their

finances in each report (ZOA 2017:53). Like MSF the inclusion of their income and expenditures makes the NGO appear more transparent and credible.

Based on ZOA reports it is obvious that they are a much smaller operation than MSF. In 2016 ZOA provided aid for an estimated 40.6 million euros, this aid includes all their operations not just the ones in the DRC (Ibid., 2017:7). MSF, on the other hand, had expenditures of 100.3 million euros in 2015 in the DRC alone (MSF 2016:36). Since ZOA is a smaller aid organization, the effect of a negative reputation for them could be dire. A part of ZOA's work occurs through consortiums; they work through consortiums as they argue that work through consortiums increases their chances of getting larger aid contracts from various institutions (ZOA 2017:8). With a negative reputation working with other organizations would be more difficult. Furthermore, this shows that ZOA would be negatively impacted if their reputation is hurt, again giving them more credibility according to Gourevitch and Lake (2012:17). Altogether both MSF and ZOA appear to take their legitimacy as an organization seriously. They both take measures to display their credibility in their annual reports and the actions described in the reports. Furthermore, both NGOs try to show their goodness throughout the reports.

Banro and MMG also dedicate time to their legitimacy and credibility in their reports. Some of their ways of showing transparency and legitimacy are similar to MSF and ZOA. However, the MNCs have a different audience, so their reports have different focus areas. Like the NGOs, both MNCs include sections on their incomes and expenditures in the region (MMG 2016; MMG 2017; Banro 2017; Banro 2016). One of the ways Banro tries to show its goodness as an MNC is to highlight the amount the Banro foundation spends on operations, the sustainability report juxtaposes this amount with the corporation's other expenses (Banro 2017:3). However, these amounts are not shown in comparison to their income. Showing the amount spent on the Banro foundation together with income would have given a more transparent picture. As detailed in the first question Banro and MMG do like MSF, and ZOA show off their costly efforts in a way to show their credibility and legitimacy (Ibid., 2017:13-23; MMG 2017:28-35). From Gourevitch and Lake, we know that a reason for doing this can be to display their credibility (2012:16).

Both MNCs tailor their reports to fit their intended audiences. The intended audiences would be someone that is interested in the MNCs, but more specifically they are interested more in how the MNCs engage with the areas they operate in. There is much focus on their

humanitarian efforts, but also on governance in regards to the minerals they extract. In regards to governance, Banro highlights their role in regards to the Dodd-Frank act, EITI and similar initiatives (Banro 2017:32-35). By acknowledging and taking part in these programs, laws and initiatives, the Banro corporation is in one way trying to show their credibility. Furthermore, by acknowledging these things one might believe that Banro would suffer if they misbehave, further increasing their credibility. MMG mentions EITI, but there is no mention of the Dodd-Frank act or similar measures (MMG 2017:16). MMG does include a section on their corporate governance structures and their objectives and goals in regards to sustainability (Ibid., 2017:15-16;45). Although neither Banro or MMG mention it, their actions in the DRC are externally verifiable. We know based on the group of experts reports that they keep an eye on corporations in the region (Global Witness 2007:2). Furthermore, the section on Global Witness in research question one further reiterates that there exist organizations that can be helpful in validating and monitoring MNCs in the eastern DRC. In turn increasing their credibility as actors (Gourevitch and Lake 2012:16).

Based on the MNC and NGO documents it appears that legitimacy is important for both types of non-state actors, mostly the non-state actors try to display their legitimacy by displaying their credibility. This should come as no surprise as their tasks in the region whether they are primarily meant to help or make a profit, are easier to accomplish if they are legitimate and credible. One of the more surprising things about the comparison between the NGOs and MNCs is that they both seem to use similar ways to show their credibility. They both as shown try to show their virtuousness. Likewise, both actors use some, but not all of Gourevitch and Lake's ways of showing credibility. It is interesting that the MNCs also appear to use these ways as they were originally intended for NGOs. The next section will explore some of the ways that enable the non-state actors to deliver services and governance.

Finally, what enables the non-state actors to be able to deliver services and governance to the region?

Some of the aspects that make non-state actors able to provide services and governance are visible in the other research questions. The aspects that make non-state governance possible in the eastern DRC also relate back to the shadow of hierarchy theory and the three functional equivalents. One of the functional equivalents is international legal standards. International legal standards have not been covered above, but international standards have been covered. These standards do not have the same fortitude as international

legal standards, but they aid the non-state actors. The international standards are present in the first part of question one. The OECD guidelines are one of the many standards that make up for the missing shadow hierarchy. Although, the guidelines are formal standards they are not legally binding and they are voluntary. We saw that the NCP took a stand against Afrimex when they believed that they broke the guidelines. The guidelines also presented Global Witness a way to launch a formal complaint against Afrimex. If the guidelines did not exist Global Witness could have launched a shame campaign against Afrimex, but it is doubtful whether this would have gotten the same response from the OECD, NCP or the British Government. In this case, one of the functional equivalents made it possible for Global Witness to provide oversight and to shame a misbehaving actor.

The functional equivalents discussed below can also be connected to the English school of international relations discussed in the previous chapter. The functional equivalent of international standards and international law are part of the norms and international laws of world society. For instance, EITI brings together corporations, states and NGOs around a common standard (EITI “Civil Society”; EITI “Companies”). All these actors take part in EITI’s work showing that there must be some commonality between them. Furthermore, by sharing membership in EITI, it might in the long-term become a norm for all states and corporations engaging in extractive industries. In regards to international community, it is not difficult to see how world society comes into play. The international community mainly through the United Nations is an extension of world society in many ways. Furthermore, as mentioned in the previous chapter the English school sees the UN as one of the secondary institutions of world society. The incentives discussed below can also be seen as a part of the English school. NGOs and MNCs have an incentive to follow established norms and international laws; if these are not followed, they may be targeted by shaming campaigns.

International Standards

EITI, as mentioned in question 2, provides another international standard that encompasses both states and corporations. When a states join EITI, they need to implement their standard. The standard includes provisions on oversight, legal/institutional framework, exploration, production, revenue, spending on social programs, and the impact of the extractive industries (EITI 2016). Having an EITI standard does not necessarily mean that the country is not corrupt. However, as the shadow of hierarchy theory argues these standards make it possible for non-state actors to provide governance. If the state has a plan on social program spending, an NGO could use their expertise and help the government with the social

programs. An NGO could even deliver the social programs to the population in places where the government cannot reach effectively like the eastern region of the DRC. The provision of social program spending also provides an incentive for NGOs. If a country already has plans for social program spending NGOs might be able to gain access to these funds.

The Dodd-Frank act features numerous times throughout this thesis. Dodd-Frank is a US federal law that contains sections on conflict minerals. Corporation and its subsidiaries must annually disclose whether they have used minerals from the DRC. If they use minerals from the DRC, they must show that they have done their due diligence and the due diligence requires auditing by an independent third party. Furthermore, mining companies must disclose any payments made to either the US or foreign governments (SEC 2013). Dodd-Frank acts as a functional equivalent since the corporations need to have due diligence in place. Proper due diligence and auditing require some form of governance that these corporations have to implement. In implementing their governance, there may be spill-over effect, and the governance may affect the local population. Furthermore, the Dodd-Frank act ensures that the corporations invested in the area consider conflict minerals when operating there. Dodd-Frank also provides an incentive to provide services and governance. Since the act also includes a section on health and safety the corporation should want to provide health and safety for their employees (SEC 2013). This health and safety may come in the form of governance by providing services to their employees and the local community.

International legal standards are also present in the DRC and influence the non-state actors. As mentioned in chapter four these standards party enable non-state governance. Mostly they function as accountability structures. When MSF or ZOA work in these areas, they must adhere to international law. Furthermore, when the NGOs operate in the area and provide governance, they become agents of the states and agents of necessity (Ladwig & Rudolf 2011:222). They are agents of necessity as the state is unable to provide necessary services and governance. When they become agents of the state, they must also follow the same international legal standards as states making them legally accountable. The UN International Law Commission's article on state responsibility states that "The conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is, in fact, exercising elements of the governmental authority" (International Law Commission 2001:49). The ILW article clearly shows that non-state actors like MSF who take over duties generally performed by the state are obligated to follow international law.

The 1986 UN Declaration on the Right to Development argues that states should pursue “the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation” (UN 1986). However, in weak states, it is difficult to implement active, free and meaningful participation. NGOs like MSF and ZOA can and do provide this participation. MSF employs a number of local Congolese in the DRC (MSF 2012). Furthermore, MSF helps provide services, and health governance in the area and the locals working with the organization can participate. Through this participation, locals can influence to varying degrees the governance structures created by MSF. Furthermore, through MSF’s work, the well-being of the population is improved. When MSF decide how to help an area best, they also rely on local knowledge from locals which again allows the general population in the region to participate in their own improvement. In working with and for the local population the NGOs help provide responsiveness by including the general population (Ladwig & Rudolf 2011:205-206).

International Community

MONUSCO is the main representation of the international community in the region. From the shadow of hierarchy theory, we know that the international community helps in facilitating for non-state services and governance. MONUSCO’s activities in the region are too many to discuss. In regards to MONUSCO’s activities, we focus on the activities that most directly relate to NGOs and MNCs delivering services and governance to the region. Global Witness’ work would have been highly difficult to accomplish without MONUSCO. Work done by the panel of experts was integral to Global Witness’ case against Afrimex (Global Witness 2007:3). MONUSCO support the panel of experts and provide the panel with assistance when they are doing fieldwork. Without the assistance that MONUSCO provides the panel would have difficulty in doing their jobs, in turn, Global Witness would have lacked much of its basis for the case against Afrimex. The work of the panel of experts also informs many other NGOs and the findings of their reports are a basis for much of the work done by watchdog organizations like Global Witness.

Through MONUSCO and the UN Humanitarian Air Service, the UN facilitate NGOs by providing air services for aid and humanitarian workers. These services are very important as transportation from the capital Kinshasa, and the eastern DRC is very difficult due to conditions (UNHAS 2015). Providing logistical support enables organizations to spend more funds in the region. For smaller NGOs with limited budgets, logistical support can be invaluable. The UN mission is there also to help rebuild the state. In rebuilding the UN also

opens up for participation by NGOs. Without the state building, NGOs would find it much more difficult to operate in the region. MSF, for instance, would have a hard time delivering their services if the state was in complete collapse. Much of the work done by MSF relies on some state capacity already being in place. Supporting already existing hospitals is one of the major tasks of MSF. If these hospitals were non-existent or shutdown, the NGO would be severely limited. Although, state building takes time MONUSCO engage in several activities that they hope will lead to greater state capacity.

Some of these activities are justice support, civil affairs, and political affairs. All of MONUSCO's actions in the area should be to rebuild the state, but these activities are the ones that are the most directly linked to state capacity. Justice support aims to reinstate a robust rule of law. Rule of law is a vital part of rebuilding and having proper rule of law in place can be helpful to non-state actors. The main way the UN engages with rule of law is by assisting the judiciary that is already in place. They also provide training for members of the judiciary (MONUSCO "Rule of Law Activities"). In regards to civil affairs, MONUSCO engages in monitoring, facilitation, and representation. They engage with the local communities in hopes of creating trust between them and the local population. Working with the existing provincial and local government is also a major part of their mission (MONUSCO "Civil Affairs Activities"). The main aim with political affairs is to create or reform institutions and support the democratization process. Monitoring elections and providing support for elections is a large component of their democratization support. They also engage with local civil society and provide technical know-how to the judiciary. Monitoring and risk assessment of recent developments is also part of their activities on political affairs (MONUSCO "Political Affairs Activities"). The rebuilding of the state's capacity aids and enables non-state actors in delivering services to the region. We cannot expect non-state actors to rebuild the state, but they can deliver services and governance structures and delivering these things are easier when MONUSCO facilitates the process.

Incentives.

When the MNCs engage in CSR, they do not do it for some greater good. Some incentives make them deliver services and help through their CSR. Incentives to deliver services and governance also exist for NGOs. The section on principal-agent theory brought up the ways these non-state actors are held accountable. In fulfilling their accountability, they are also incentivized to provide services and governance. An NGO like MSF has an incentive to provide services and governance to the region as they are partially held accountable by

their reputation. They maintain this reputation by helping the people in their areas of operations. Their accountability to peers also functions as an incentive to provide services and governance to the region. Furthermore, NGOs like MSF or ZOA are part of normative structures. These structures influence and incentivize them to do their best and provide where they can (Börzel & Risse 2010:120).

When NGOs like MSF launch operations in an area their main goal is to help as many people as possible. Just providing money would certainly help, but also engaging in governance building would be more effective. Therefore MSF has an incentive to provide governance. The corporations are incentivized to provide for the area through the already mentioned accountability structures. As seen in chapter four, there also exists market incentives in place to incentivize corporations to provide services and governance in weak states. MNCs like Banro or MMG could, for instance, argue for a higher price of their goods as they engage in CSR. Banro and MMG both provide services regarding health care and they have an incentive to do this as they need their employees to show up for work and be able to do their jobs. If they do not provide these services, their workers might be unable to work. The shaming campaigns against MNCs operating in the mineral trade is also an important incentive. There have been numerous campaigns against corporations involved in the DRC (Nest 2011:120). To avoid the shaming campaigns, corporations have an incentive to engage in CSR, they can use their work done in the region as a counter against these campaigns.

The functional equivalents and the other research questions show that non-state actors have an important role in the region. These actors provide much-needed services and governance to the region. They can provide this because of the functional equivalents. The importance of the functional equivalents is also evident from the fact that they are present throughout this chapter and not just in the third research question. From question one we see the many services that the NGOs and even the MNCs provide are helpful to the region. Furthermore, their work helps create some much-needed governance. However, we must also remember that these non-state actors become very powerful and the accountability structures from the principal-agent theory are very important in this regard. The inequality between the accountability holder and power wielders in the region is important to highlight.

Additionally, as discussed in research question one alternative forms of accountability can be helpful and are very much present in the region. The existence of inequality in regards to accountability also challenges principal-agent theory in a way. Does principal-agent theory

still function if the agent is more powerful than the principal? As noted in the theory the principal delegates some of its power to the agent. However, how is the relationship between the two affected by inequality, is the relationship between the two still viable? The questions raised in regards to inequality and whether it is a challenge to the principal-agent theory is not for this thesis to answer, but it might be an option for future research projects. Interaction between MNCs and NGOs occurs, but cooperation is limited at least for the MNCs investigated in this thesis. The symbolic legitimacy that the MNCs get from cooperation is evident, but how NGOs benefit is more unclear. Both the non-state actors try to showcase their legitimacy by displaying their credibility through their reports.

Chapter 6: Conclusion

The eastern region of the DRC mainly North and South Kivu and to a lesser extent Katanga struggles to provide for their citizens in several facets of life. The region has great instability mostly due to the many armed groups that operate in the region. Several of the armed groups causing the instability can be partially traced back to the Rwandan Genocide. Because of these groups and the accompanying instability the people of the eastern DRC lack many basic services that one would receive in a consolidated state. The natural resource sector also plays an important role in both the conflict and instability. Armed groups have in the past exploited the natural resources for their own gain. Several new laws and international standards have been created to combat the exploitation of illegal mining. The Dodd-Frank Act is one of the major recent developments in regards to conflict minerals. Although as chapter two discusses there are major concerns about the effectiveness of Dodd-Frank in regards to creating stability and removing funding from armed groups.

All the documents that feature in this thesis went through sampling, using purposive sampling and intensity and variance selection. MNC documents have gone through intensity sampling, and they all discuss the services and governance that the MNCs deliver to the region. NGO documents also go through intensity sampling, but to achieve variance between the NGOs they also go through variance sampling to have some variance between the NGOs and the services they deliver. All the documents are also evaluated using questions on authenticity, credibility, representativeness and meaning. For the most part, they all complete these questions, but the questions do raise the importance of remembering that all documents have a certain intent and audience. Regarding analysis, the documents in chapter five all went through content analysis. Since information on the services and possible governance creation is pertinent to answering the research questions content analysis was chosen.

As a reminder the three research questions this thesis attempted to answer are: How do MNCs and NGOs deliver services and governance in the region? Furthermore, how do NGOs and MNCs interact with each other in the eastern Democratic Republic of Congo? Finally, what enables the non-state actors to be able to deliver services and governance to the region? In regards to theories, this thesis has employed three different theories to answer the above mentioned research questions. These three theories are shadow of hierarchy theory, principal-agent theory and symbolic legitimacy. However, this thesis has also explored the English school of international relations. The English school is as shown helpful by its

concept of world society. Included in world society is the belief that there exists norms and common values between the actors of world society. These actors include states, but also non-state actors like NGOs and MNCs (Murray 2015:2). Some of the commonalities between the actors are explored to varying extents in all the research questions.

Shadow of hierarchy theory provides us with three functional equivalents that replace the shadow of hierarchy and enables non-state actors to deliver services and governance to the region. The equivalents are international legal standards, international community, and incentives (Risse 2012:709). Several international legal standards facilitate the NGOs and MNCs in delivering services. Furthermore, there are also non-legal international standards that are helpful for the region. Among the most important international legal standards is the UN Declaration on the Right to Development and the International Law Commission's article on states (Ladwig and Rudolf 2012:205, 223). The Dodd-Frank Act can be helpful for corporations as it may incentivize MNCs to also deliver CSR while operating in the region. The international community is as shown in chapter five quite important to both the region and to the non-state actors. The final equivalent incentives are also quite important in making the non-state actors deliver both services and governance to the region. As shown there are many incentives at play such as the accountability structures from principal-agent theory.

Principal-agent theory concerns the relationship between the principal and its agent. The theory has been for this thesis very important as it provides a way to look at the principal of these non-state agents and how they are kept accountable. When these non-state actors operate and provide services in the region, they have several principals. The principals are identified and discussed to some extent in chapter five. Mainly the principals that come into play are the DRC state, shareholders, donors, owners. There are many ways that they can be kept accountable. Chapter four introduces the eight most common accountability structures, but not all of them were relevant for the analysis. In chapter five we saw how these accountability structures function and how they keep both the NGOs and MNCs under control. As chapter five shows these accountability structures also relate to the functional equivalents. In addition to looking at standard accountability, the theory chapter also looked at how accountability is affected by inequality between the actor holding the accountability, usually the principal and the power wielder, usually the agent. According to Rubenstein, surrogate accountability can counteract inequality. The surrogate accountability can replace or at the very least reinforce standard accountability (2007:617). Chapter five explored some of the ways that standard accountability feature in the eastern DRC.

Although symbolic legitimacy was not originally meant for NGOs and MNCs, the theory was very useful in the study of the interactions and cooperation of the NGOs and MNCs operating in the region. Symbolic legitimacy was created for the study of IOs, but in this thesis, it highlights how the NGOs give symbolic legitimacy to the MNCs. They give the legitimacy to MNCs through cooperation, but as shown this cooperation is very limited at least for the MNCs discussed. One of the reasons for the limited cooperation most likely has to do with NGOs' fear of MNCs co-opting them. The legitimacy given is purely symbolic as there is no evidence that the MNCs actually gain legitimacy. Furthermore, it does not seem like the MNCs give anything back to the NGOs in this cooperation. However, there could be economic incentives for the NGOs, but there exists no public evidence that these partnerships include any financial gain for the NGOs. In addition to symbolic legitimacy chapter, four also explores the credibility of mainly NGOs, but the exploration is also relevant to MNCs as their way of showing credibility is similar. There are many ways for a non-state actor to display their credibility. Among the things explored in chapter four are displaying their virtuousness, highlighting common interests with their audience, showing off costly efforts, how much a poor reputation affects the actor, finally how easy it is to fact check the non-state actor (Gourevitch and Lake 2012:12,14-18). Chapter five's exploration of NGO and MNC documents show that the non-state actors attempt to display their credibility throughout their documents.

Chapter five attempted to answer the three research questions. In regards to question one, we have seen that all the documents show that the non-state actors deliver services to the region. Through its monitoring of private actors, Global Witness can shame private actors who overstep and engage in illegal activities. They release several reports on natural resource exploration in the region, but the main case featured in chapter 5 is their investigation and subsequent complaint launched against Afrimex and the money they paid to armed groups to do business in the region (Global Witness 2007:11-12). As shown they were able to use the OECD guidelines against Afrimex as they are a UK corporation. The NCP accepted their findings and condemned the corporation and provided several recommendations (NCP 2008:14-16). However, as the OECD guidelines are voluntary and have no real legal standing nothing more were done to punish Afrimex's actions.

The MSF's documents display the many health services they provide in the region. From their documents, we know that they provide support to already existing structures, but they also provide vaccines, mobile clinics, and outpatient consultations (MSF 2016:36-37). In

providing their services, MSF can help the inhabitants of the region and when they provide their services, they at the same time create governance structures. ZOA's services delivered to the local population are as shown more varied than MSF's services. They mainly deliver support for farmers and education to people who for several reasons have not been able to complete their schooling. All of the NGOs in the region deliver diverse services to the local population. In delivering these services, they at the same time create or bolster already existing governance structures. When MSF operates in the region, they support already existing hospitals. By supporting already existing hospitals, they strengthen already existing governance. Furthermore, the NGOs also create their own governance.

NGOs like MSF, ZOA and Global Witness deliver services to the whole region, but MNCs like Banro and MMG deliver services in near vicinity to their region. Banro delivers services similar to ZOA in that they are varied, MMG also delivers varied services. Services delivered range from agriculture to education. The CSR documents of these two MNCs are quite detailed and long, but this does not appear to be the norm. Other MNCs have much shorter CSR documents, some devote 1-2 pages in their annual reports or possibly have a webpage or two. Both Banro and MMG consider due diligence in their reports. Banro discusses Dodd-Frank, and they both mention EITI. In delivering services to the area and focusing on due diligence both the MNCs improve the governance situation in the region, but to a more limited extent than the NGOs.

In regards to principal-agent theory, they all have their own principals. When NGOs deliver services to the region, they partially do it on behalf of the state. In delivering the services, the state becomes their principal as they have a certain control over the NGOs. They can in cases have the NGO removed. For MNCs, their principals are their shareholder and owners. However, the state also has some control over the MNCs. For NGOs, the donors also function as principals as the NGOs need the funds to operate in the region. The accountability structures should ensure that the non-state actors do not overstep their bounds. NGOs are kept accountable through reputational, fiscal and peer accountability. MNCs have similar structures, but they also have legal accountability. These accountability structures also to some extent work as the incentives introduced in the shadow of hierarchy theory. Surrogate accountability occurs in the region. The most prominent example shown in chapter five is the case against Afrimex. Global Witness acted as a surrogate for the people of the eastern region when they shamed and sent their complaint to the NCP they acted as surrogates for the inhabitants of the eastern DRC affected by Afrimex's actions in the region (Global Witness

2007). Furthermore, the case of Afrimex displays all types of surrogate accountability, surrogate standards, surrogate information and surrogate sanctioning. Global Witness provides the surrogate information, and they are involved in the surrogate sanctioning. The OECD and its guidelines provide surrogate standards and sanctioning (NCP 2008; OECD 2011).

Interactions between MNCs and NGOs occurs, but cooperation is not overly common. Based on the documents it appears that the MNCs are the winners of some of the partnerships. The most interesting aspect of the cooperation is that the NGOs have no mention of the partnerships in their materials, indicating that they may not be comfortable in advertising that they have cooperated with MNCs. Possibly this fear may come from the fear of cooption by MNCs. Hesitance in cooperating may also come from the accountability structures discussed in the first research question. Cooperation could make donors or peers react negatively. Furthermore, the MNCs operating in the region are often used in shame campaigns by other NGOs. In regards to the credibility aspect of legitimacy, the non-state actors often display their credibility in their reports. They do this in many ways, but these ways are the same described by Gourevitch and Lake (Gourevitch and Lake 2012:12-18). Both MSF and ZOA show their virtuousness, costly efforts, focusing on aspects that its audiences find interesting, they take their reputation seriously showing that a negative reputation would hurt them and finally, their claims can be verified (MSF 2016; ZOA 2015). The Banro corporation and MMG take similar steps to display their credibility (Banro 2016; MMG 2017).

In the final research question, we explored through the shadow of hierarchy theory how the non-state actors can deliver services and governance to the region. The three functional equivalents help facilitate the presence and operations of the non-state actors in the region (Risse 2012:709). The international standards help the non-state actors at it gives them certain rules they need to follow while working in the region. Among the standards discussed are both legal and non-legal. The EITI standard includes both MNCs, states and NGOs. Included in the standards are sections on legal/institutional framework, spending on social programs and the effect of the extractive industries (EITI 2016) The EITI standard might make it easier for non-state actors to deliver governance and services by having a forum to meet in, but also by having some standards to work after. One of the legal standards mentioned several times throughout this thesis is the Dodd-Frank act. Dodd-Frank is a legal act, it is not part of international law, but it has effects outside of the US' border (SEC 2013).

International law comes into play in the region, in regards to the delivery of governance and services the UN International Law Commission and the UN Declaration on the Right to Development are quite relevant. The two pieces provide laws for the non-state actors that provides clear paragraphs on how their behavior should be in the region (International Law Commission 2001; UN 1986).

MONUSCO through its state building activities facilitates for the non-state actors. When they attempt to rebuild the DRC state, they might help to stabilize the region. This makes it easier for an NGO like MSF to deliver services and governance to the region. If MONUSCO was not in the region at all the consequences could be dire for NGOs and MNCs. What little stability is left could completely disappear. Furthermore, NGOs and MNCs may find the region to be unsafe for their employees and volunteers. MONUSCO try to rebuild the state and stabilize the region through several forms. They try to engage in with rule of law, civil society, political affairs, security, and many other parts of state building (MONUSCO 2016). Finally, some incentives are at play in the region. Through accountability structures non-state actors are incentivized to deliver services and governance. When NGOs like MSF or ZOA come to the region, they are there to help the local population. They provide services, but in a more long-term picture, the provision of governance might help more people in the long-term. MNCs have an incentive to provide services and governance to counteract potential shaming campaigns, but they can also sell their products for more.

Based on everything explored in this thesis we have some answers to the research questions. In regards to question one, the non-state actors provide many services and some governance to the region. We see similarities in the ways that the NGOs deliver services and governance. Furthermore, we also see similarities between the MNCs in their way of dealing with governance and services. All the non-state actors consider accountability in their work. They are kept accountable to their principals in several ways. However, due to inequalities between them, surrogate accountability can be helpful. In regards to question two, there is interaction between NGOs and MNCs, but cooperation is less common. They, for instance, interact through arenas like EITI. Furthermore, the cooperation that occurs mostly benefits the MNCs as they use the cooperation in their reports, which are an extension of their public relations. All the actors attempt to display their credibility through their reports. In regards to question three, the non-state actors are helped by the functional equivalents to the shadow of hierarchy that exists in weak states.

Civil Society

There is one issue that this thesis has not yet addressed. However, it is an important issue that is deeply related to the actions and presence of the non-state actors in the region. The issue has to do with whether or not the civil society, specifically the NGOs, but also the MNCs are helpful to the region and why is the civil society preferred as a partner by some rather than the state. Organizations like the World Bank, the UN and some states see civil society as a very important partner in weak states (Magnoni 2018). Several arguments are used in regards to why the civil society is the best partner when trying to ‘fix’ a weak state. When aid is donated directly to the state the money might disappear into the pockets of corrupt leaders and bureaucrats. There are examples of developmental aid disappearing and not reaching the local population (Economist 2016). Exactly how much aid that disappears is difficult to judge. The Center for Global Development attempted to find the answer, but found it very difficult. Based on numbers from the World Bank they found that of the World Bank project about 29 percent of projects were rated as unsatisfactory. However, not all of these cases may have been unsatisfactory due to corruption, but some of them did not work out due to corruption (Kenny 2017). It is difficult to find a truly accurate number for how much aid does not reach those in need. Though, it is clear that aid does disappear and it is a concern.

To combat lost aid, some argue that civil society and NGOs should receive the money (OECD 2009). The non-state actors are viewed as being closer to the ground and the people being helped (Ibid., 2009:13-14). However, it is doubtful whether NGOs are the solution to all aid problems. Funneling aid to civil society rather than states can be helpful, but it also brings with it negative consequences. If the majority of aid and help flow through the NGOs and little goes to the state, the state loses some of its incentive to become strong. The state does not have to concern itself with delivering services or help to its inhabitants since the civil society will do it, but in turn, the state will continue to remain weak in the areas where the civil society are the primary provider. Perceptions of NGOs are also of concern, aid NGOs are generally non-profit and viewed as good. However, measuring good intentions and the effectiveness of the NGOs is difficult (Boulding 2012:116-117). Furthermore, NGOs will often have short-term goals; we must provide medical services, food is needed now. These short term things are needed, but one must also think in the long-term. The help provided by the civil society and NGOs is important, but what about the long-term, what happens when the NGOs are not there anymore, what happens when the major catastrophes have passed.

Some state capacities are necessary, but if these are not rebuilt in weak states and all the help is going through NGOs and civil society, the state will continue to be weak.

There are also concerns over whether this focus on NGOs is a part of neoimperialism. The INGOs are often western organizations. Furthermore, their involvement in development in weak states is often heavily encouraged by western states and organizations (Forte 2014:7-8). NGOs are seen as weakening the state in Africa and making the inhabitants dependent upon the aid and help given them by the NGO (Ibid., 2014:9). Some of this is reflected in the DRC. If MSF, for instance, was not operating in the region it is doubtful whether the DRC state would pick up the slack, the local inhabitants then became dependent on the NGOs to receive services and help. Coming to a definitive conclusion whether or not the non-state actors have a truly positive or negative effect and whether or not they are an extension of neoimperialism is to large an exercise for this thesis. However, it is important to realize that the non-state actors are not a quick fix to the problems plaguing the eastern DRC. Furthermore, challenges have been made in regards to their role as purely virtuous actors. Based on all the research and reading about the eastern DRC that has gone into writing this thesis it is clear that solving all the problems that plague the region is incredibly difficult. As noted by others any real and lasting solution must come from within, from the DRC population and state (Stearns 2012:336-337). However, it is clear that it will involve many actors, both domestic and external actors to achieve a long lasting solution.

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