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## DR CONGO: PROTECT CIVILIANS & END MILITARY OPERATIONS

The unexpected political cooperation between the governments of the Democratic Republic of the Congo (DRC) and Rwanda in 2009 led to optimistic assessments that the long-running conflict in eastern DRC would soon end. But nine months after the Congolese military launched operations against the FDLR rebel group in North and South Kivu provinces, there have been few signs of success and civilians continue to pay a horrible price. As the operations do more harm than good, the United States must increase its support for the protection of civilians and the overall humanitarian response, and promote political alternatives to the current military strategy.

### THE IMPACT OF MILITARY OPERATIONS

While the military operations, known as “Kimia II,” carried out by the Congolese army (FARDC) against the FDLR continue in parts of North Kivu, some of the most intense recent fighting has been in South Kivu, where the operations were officially launched in July 2009. At the same time, improved security in parts of North Kivu is leading some people to return home. However, the ongoing operations are still preventing most people from returning.

### *New Displacements in South Kivu*

In Luberizi and Sange towns in Uvira territory, Refugees International (RI) met with newly displaced people who fled their homes at night after hearing shots fired between the FARDC and the FDLR. Families were scattered in the chaos of the crossfire, most forced to leave with no belongings, seeking shelter in the forest until they could reach friends or family in other villages. Those with nobody to turn to took refuge in churches or schools. Those too old or infirm to walk to safety stayed in the forest.

Before the operations, a number of FDLR combatants in South Kivu had managed to integrate into Congolese society, marrying Congolese women and having families, although their exploitative and abusive relationship with

the local population largely continued. However, in the context of the operations, people told RI that the FDLR had become much more aggressive, turning on those who had made an effort to tolerate their presence.

### POLICY RECOMMENDATIONS

- The U.S. should persuade the Congolese government to immediately cease the Kimia II operations and should support non-military solutions to deal with the FDLR.
- Donors, particularly the U.S., must ensure that humanitarian funding is quick and flexible enough to respond to the constantly changing dynamics in the Kivus, including assisting people based on vulnerability.
- The U.S. should ensure that any gender-based violence programs it funds adhere to the UN Comprehensive Strategy on Combating Sexual Violence in the DRC.
- The U.S. should support better staffing and logistics resources for MONUC’s Joint Protection Teams and DDRRR section.

In the last few months, the FDLR has increasingly attacked the local population in order to punish communities or to send a wider message that the rebel group will not easily be defeated. If reprisal attacks by the FDLR in North Kivu are to be any guide, in South Kivu, where the FDLR are even more integrated into the local population, the Kimia II operation has the potential to create widespread human rights abuses and displacements.

A woman displaced from Ziralo *groupement* in Kalehe territory told RI that she fled after her husband and two young grandchildren were killed by the FDLR in July and all the houses in her village were burned down. Other people displaced from Ziralo said women were raped by the FDLR as they fled their homes. As a local official in Uvira territory said, "It's ironic that the army has come to chase the FDLR, and it's the population who flees."

In Mwenga, a number of people told RI that they were able to escape in advance of the operations after hearing government warnings over the radio. Many were forced by the FDLR to pay a "tax" to get out, but others who did not leave quickly enough are now being prevented by the FDLR from fleeing altogether. Among those who were able to flee with their personal items, many ended up having them stolen along the road by armed men as they attempted to make their way to safer areas. Many displaced people also heard that their houses had been completely looted or destroyed after they fled.

The FDLR is not the only armed group targeting civilians and causing displacement. RI heard reports of people in Mwenga and Sange being harassed or arrested by the Congolese government for alleged association with the FDLR. The presence of the Tutsi-dominated former rebel group, the CNDP, once an enemy of Kinshasa and now integrated into the ranks of the FARDC to help carry out the Kimia II operations, is also playing a destabilizing role, given the history of ethnic tensions in the region. As a member of civil society in Bukavu said, "We don't understand why the problems of North Kivu have been extended south. Are the aggressors now here to guard the peace?"

The majority of people who have fled their homes in South Kivu are staying with host families, who themselves are struggling with crowded conditions and a lack of basic necessities. While additional funding has been allocated to respond to the growing crisis in South Kivu, humanitarian agencies are not able to reach all those in need, including host communities, because of poor roads and ongoing insecurity related to the military operations. This means that displaced people along main axes such as the Ruzizi plain will quickly receive assistance, while those who have been forced to flee in other areas like Shabunda remain underserved.

### ***Cautious Returns in North Kivu***

The Kimia II operations continue to cause new displacements in parts of North Kivu, including isolated and inaccessible areas such as western Masisi and Walikale territories. Meanwhile, a lull in the fighting in areas such as Rutshuru territory has also led to an increase in the number of people returning home, as they can access their lands for farming. However, not all return areas are fully secure and many return communities include newly displaced people, the majority of whom live with host families.

While people are slowly returning to certain areas, this can not be taken as an indication of lasting peace in the region, particularly given the fact that many people have been displaced at least two or three times previously. The cycles of violence in eastern Congo have continued relentlessly for more than a decade, and the Kimia II operations are still creating insecurity in North Kivu. For many displaced people, the armed group that forced them to flee in the first place has been replaced by another armed group which is causing new displacements and preventing returns.

In some cases, former perpetrators of abuses have simply changed uniform. The rapid integration of the CNDP rebel group into the FARDC did not change the composition of the troops. While ex-CNDP soldiers may now be wearing the uniform of the FARDC, they maintained their command structures. As a result, some people who fled because of the CNDP last year are still wary of going home.

Some returns have been encouraged for political reasons, in order to send a message that the operations are succeeding. In Rutshuru territory, displaced people at the spontaneous site next to the MONUC base in Kiwanja told RI that earlier in the year the local CNDP controlled administration attempted to get the local population to help destroy the site, saying there was peace and people should return. While MONUC and humanitarian agencies eventually stopped the destruction of the site, it is clear that the returns process risks being manipulated. Representatives of the Congolese Government's Amani Program in Goma reportedly also encouraged returns in February 2009, telling displaced people that the war was over.

Insecurity still remains a major obstacle to returns in North Kivu. Assistance has decreased in most spontaneous sites in 2009, but despite the lack of services many displaced people are too scared to return home.

## IMPROVING PROTECTION STRATEGIES: HUMANITARIAN RESPONSE AND SECURITY

### *Need for a Flexible Humanitarian Response*

While the emergency response was already underway in North Kivu, where the operations against the FDLR were first launched, the response in South Kivu was just scaling up at the time of RI's visit. Despite needs being identified at the beginning of the year through contingency planning, it took several months for funding to be received. And as the Kimia II operations move south, many of the greatest areas of need originally identified in South Kivu have shifted, highlighting the necessity of quick, flexible funding to address the constantly changing situation.

Responding to the needs of communities that include displaced people, host families, and returnees will continue to pose a challenge. As a result, donors and humanitarian agencies need to move beyond assisting particular categories of people, such as "displaced" or "returnee", and look to assisting people based on their vulnerabilities.

In North Kivu, UNICEF is developing vulnerability criteria that will allow its Rapid Response Mechanism (RRM) to provide assistance to those with the most needs in a community, whether they are displaced or living with a host family. As the RRM has been a key element of the emergency response in South Kivu, donors should support expanding this approach of targeting the most vulnerable.

At the same time, the RRM is not intended to be the first responder in all crises. As the Kimia II operations continue to cause displacements in South Kivu, there will be a need for increased leadership and coordination throughout the cluster system. Rather than relying too frequently on the RRM, cluster leads should push agencies and partners to respond when they have the adequate capacity to do so.

As returns increase in parts of North Kivu, some donors are shifting their support away from displaced people towards returnees. However, there are still vulnerable people who remain in the camps, spontaneous sites, and with host families. The situation in North Kivu remains far from a durable peace and donors will need to stay engaged and flexible in order to respond to new displacements that are likely to happen as the operations continue. Moving beyond allocating assistance to particular categories of people can go a long way in helping humanitarian organizations adapt to the changing needs.

Rigid categorization of assistance in terms of "emergency" versus "development" further limits the overall humanitarian response. In the case of eastern Congo where infrastruc-

ture is extremely degraded, focusing greater attention on projects like road-building can have important immediate impacts in terms of improving security and humanitarian access. It can also set the stage for longer-term stability by opening up access to markets and increasing the freedom of movement for local people.

Finally, the proliferation of actors continues to make coordination of the humanitarian response more difficult, particularly in North Kivu. The current implementation of the UN's Comprehensive Strategy on Combating Sexual Violence in the DRC, intended to create a framework for existing activities of agencies responding to gender-based violence (GBV), exemplifies the need for greater coordination.

GBV is a serious concern for millions of women and children in the DRC, and with the Kimia II operations, the number of cases of violence against women has greatly increased. GBV also remains a prominent issue in the media, particularly with the recent visit of U.S. Secretary of State Hillary Clinton to Goma. Because of the high profile nature of the work, donors and organizations may be tempted to "go it alone" rather than conform to the UN GBV strategy. However, without a coordinated response and clear accountability to ensure that the strategy is implemented, GBV interventions risk being ad hoc and having less impact than the overall investment.

### *Enhance MONUC's Protection Role*

The mandate of the UN peacekeeping mission, MONUC, to provide logistical support to the FARDC has resulted in vocal criticism from the humanitarian community in the context of the Kimia II operations. MONUC's involvement has visibly damaged relations between the mission and humanitarian actors and has weakened collaboration towards the shared goal of protecting the Congolese people. Facing heavy criticism, MONUC has taken a number of steps to improve its ability to protect civilians which should be supported.

MONUC has recently established mobile operating bases in Hombo-North, Otobora and Ntoto in North Kivu and continues to coordinate with the humanitarian community through the "protection matrices," which identify priority locations for MONUC's protection activities.

MONUC's Joint Protection Teams (JPTs), led by the mission's civilian sections, continue to gather valuable information about the security and political situation in North and South Kivu and develop recommendations to improve MONUC's protection capability. While the JPTs are making positive strides in improving MONUC's capacity to respond to protection concerns, the teams are still under-resourced

in logistics and staff. With insufficient resources, the ability of the JPTs to be preventive as opposed to reactive is reduced. Civilian staff should be urgently redeployed to the east to reinforce the JPTs, particularly as MONUC draws down its functions in the western provinces in accordance with Security Council resolution 1856.

At the request of humanitarian organizations, MONUC's Civil Affairs Section no longer co-leads the Protection Cluster with the UN Refugee Agency (UNHCR). UNHCR now leads the cluster in partnership with an NGO co-facilitator. The result has been a reduction in the effectiveness and accountability of the cluster, as NGOs struggle to find funding to cover co-facilitation tasks and MONUC, one of the key protection actors in the Congo, no longer has a formal leadership role.

The humanitarian agencies that lead and participate in the Protection Cluster have also failed to capitalize on the JPTs as a valuable information resource, despite the fact that they often go where humanitarian organizations do not have access. As cluster lead, UNHCR should ensure that the JPTs are given the opportunity to share relevant information within the framework of the Protection Cluster, and that the information gathered by the JPTs is distributed systematically throughout the wider humanitarian community. Although MONUC and humanitarian actors have different mandates and activities with respect to civilian protection, their work should be seen as mutually reinforcing. Their collaboration is critical.

## **SUPPORT ALTERNATIVES TO A MILITARY SOLUTION**

While civilian protection strategies must be made as effective as possible, they will ultimately not solve the core problems that create such high vulnerability for the people of the eastern Congo. Kimia II has received significant international support, but the enormous cost to the civilian population cannot be justified, especially as there is little likelihood of success. A sustainable solution to the violence and presence of armed groups in eastern Congo is needed.

MONUC reported in August that the FDLR had been dislodged from 70% of their strongholds in both Kivus. However, in parts of South Kivu like Mwenga, where the FARDC do not have the capacity to hold all of the areas they have captured, the FDLR are reportedly retaking some of their old positions and attacking the local population as a result.

A number of non-military options have been pursued in the past to deal with the FDLR, particularly through MONUC's disarmament, demobilization, repatriation, reintegration and resettlement (DDRRR) program. These programs, however, have often suffered from a lack of political and institutional support.

A different kind of pressure is needed on the FDLR, beyond a short-term military strategy. This alternative pressure should focus on revitalized support to DDRRR through better staffing and logistics as well as more direct targeting of senior FDLR leaders both in Congo and abroad, with a view to cutting off their funding sources, dismantling the leadership, and arresting and building criminal cases against them.

The U.S. must also use its influence in the region to put equal pressure on both the Congolese and Rwandan governments to address the underlying causes of the conflict and find peaceful solutions to their shared problems, including the uncontrolled exploitation of mineral resources and unresolved land issues.

Dealing with the FDLR will not solve all of the problems in the DRC, however, and donors will need to remain engaged for the foreseeable future in assisting vulnerable populations that are still in need of basic services. As more displaced people return home, more funding must also go to support early recovery activities in communities so that a path can eventually be paved to sustainable peace in the region.

*Camilla Olson and Jennifer Smith assessed the humanitarian situation for internally displaced people in the DR Congo in July and August.*