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DR CONGO: NORTH KIVU'S LONG, ROCKY ROAD TO STABILITY

The deployment of the United Nations Force Intervention Brigade and the expulsion of the M23 rebel group have led many to herald a new era of peace in the Democratic Republic of Congo's North Kivu Province. Yet much of the province remains unsafe, many humanitarian needs are not being met, and stability over the long-term is far from guaranteed. A multitude of armed groups are still active, and clashes between them and UN and Congolese forces have led to displacement and human rights violations. The UN's much-touted "Islands of Stability" concept has also been poorly implemented, alienating many humanitarian actors. All of this is taking place in a difficult humanitarian context, with substantial funding shortfalls, growing pressure for the return of displaced people, and inadequate support for those who have gone home. A clear-eyed approach to North Kivu will be needed for the international community to tackle these challenges and preserve its hard-won gains.

HUMANITARIAN CRISIS AND IDP RETURNS

After a Rwandan-backed rebel group, the M23, captured the capital of North Kivu in November of 2012, the UN Security Council authorized a first-ever UN brigade with the authority to "shoot first" and neutralize armed groups. In November 2013, troops from this brigade and the Congolese army defeated the M23.

And yet almost eight months later, M23 fighters based in neighboring Uganda and Rwanda have yet to be demobilized, myriad other rebel groups remain active in

North Kivu, and a regional peace plan negotiated in early 2013 still has not been fully implemented. Joint operations between the Congolese armed forces (FARDC) and the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO) against the remaining armed groups have led to ongoing displacement and human rights violations.

Over 500 humanitarian agencies are operating in North Kivu. But significant funding constraints as well as complex displacement patterns – most internally displaced people (IDPs) live with host families and are displaced multiple

POLICY RECOMMENDATIONS

- Donors should increase funding for humanitarian programs in North Kivu while simultaneously funding transition and development programs.
- The Humanitarian Country Team, the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO), and the Great Lakes special envoys must maintain the position that all refugee and IDP returns must be voluntary and based on international law.
- No further Islands of Stability should be established and the International Security and Stabilization Support Strategy should be the framework that guides all stabilization activities.
- MONUSCO should play a more proactive role in protecting civilians from abuses by the Congolese army (FARDC) during joint operations, and the Force Commander should encourage MONUSCO troops on the ground to pressure FARDC offenders to halt actions that violate international humanitarian and human rights law.
- A civilian risk mitigation advisor should be placed in the Force Commander's office to strengthen the contingency planning process.

times – have made it difficult to effectively respond to the enormous needs.

One of the reasons for the weak humanitarian response is the lack of analysis of what the needs are and the most appropriate way to respond. This lack of analysis has extended to host families, and the relationship between IDPs and hosts. As in other parts of the DRC, the priority has been on short-term, life-saving assistance that focuses on the distribution of food and non-food items, as well as emergency health and sanitation. Given the short-term and fluid displacement patterns, this approach makes a certain amount of sense. However, humanitarians are starting to question whether this approach has eroded the coping mechanisms of communities and led to dependency on assistance.

In the past several months, non-governmental organizations and UN agencies have started discussing durable solutions for IDPs, and have become more focused on how to deliver assistance in a way that allows people to become self-sufficient. These discussions are quite nascent, but given the overall decrease in humanitarian funding in 2014 for the DRC, programs that assist people in becoming more self-sufficient seem quite logical and should be supported. When an RI team visited North Kivu in May, it met with an NGO representative who explained, “We can’t just keep giving out humanitarian assistance. It’s just not sustainable. We don’t have an exit strategy from humanitarian assistance.”

The discussions about how to provide longer-term assistance that builds the resilience of IDPs and host families are hampered by the lack of development capacity in North Kivu. Coordination and complementarity between humanitarian and development actors are weak and must be improved. In addition, there is a need to develop a comprehensive response in the DRC that recognizes the need for ongoing humanitarian assistance as well as the need for a community development approach. In other words, humanitarian capacity must be maintained at the same time as development capacity is strengthened.

The lack of overall humanitarian funding in the DRC is making it difficult to get funding for protection, education, livelihoods, and transition programs. For example, in the IDP camps and settlements around Goma, cuts to the World Food Program (WFP) have meant that only 27 percent of IDPs are receiving food assistance. While most aid agencies agree that providing prolonged food assistance is not realistic, there are few programs in place that support those IDPs no longer being assisted to become self-sufficient.

Despite the ongoing conflict in many parts of North Kivu, some IDPs are returning to their homes, particularly to Rutshuru, the former M23 stronghold. Most humanitarian actors whom RI interviewed did not believe Rutshuru was stable enough to encourage IDPs to return, although thousands of IDPs have made the calculation that it is sufficiently secure. Other IDPs are being pressured to return home by the government, and some are returning due to the lack of assistance available in their area of displacement. Since February 2014, the government has been encouraging people to return, using the returnees as proof that the military strategy against armed groups is succeeding. In addition, RI was told that individual politicians have sent trucks to transport IDPs to their areas of origin in Nyiragongo and Rutshuru.

In North Kivu, there is a clear sense of déjà vu around discussions of IDP returns. Over the past decade, IDPs have been encouraged to return at different stages, only to be displaced again when other armed groups took control of the area. In 2009, some IDP camps around Goma were forcibly closed. To make sure the rights of IDPs are respected this time around, the Humanitarian Country Team, MONUSCO, and the Great Lakes special envoys must maintain the position that all refugee and IDP returns must be voluntary and based on international law.

Regardless of motivation, IDPs are returning and are in need of immediate humanitarian assistance. Many returnees lack shelter, food, and a means to support themselves. RI visited a community in Rutshuru and was told by an NGO working there that the government had demanded that they stop providing humanitarian assistance in order to focus on development programs. However, this is premature. Returnees have humanitarian needs, especially as the government in many areas is still failing to provide basic services.

There is a need to simultaneously maintain humanitarian assistance for returnees and their communities – who are often more vulnerable because they have probably never received assistance – while at the same time beginning longer-term development programs. Donors should therefore increase funding for humanitarian programs in North Kivu while simultaneously funding transition and development programs.

STABILIZATION

The predominant narrative among MONUSCO leadership these days is one of stabilization. Despite the high prevalence of conflict in some areas, other areas are indeed calm and

could be appropriate for stabilization programs. MONUSCO's widely publicized "Islands of Stability" concept has dominated all discussions on stabilization in eastern DRC for the past nine months. Unfortunately, despite the good intentions and efforts of many, Islands has not consistently delivered results and has become an unhelpful distraction.

The Islands concept has been championed by the Special Representative of the Secretary General in the DRC, and it involves pacifying an area (through either MONUSCO and FARDC military operations, or negotiations with armed groups) and then implementing programs over a six-month period aimed at restoring state authority, including quick-impact projects. Islands is reminiscent of counter-insurgency tactics used in Afghanistan. But in the context of the DRC, the concept has never been clearly articulated, has been inconsistently implemented, and has alienated many humanitarian actors who fear being seen as playing a role in MONUSCO's military strategy against armed groups.

There are deep divisions even within MONUSCO about the Islands concept, and there is a perception within the mission that only the SRSG and senior military officials support it, while civilians are deeply skeptical of its utility. RI believes that no further Islands should be created and all ongoing Islands projects should be completed within the agreed upon six-month time limit.

The alternative to Islands is the International Security and Stabilization Support Strategy (ISSSS). The first version of ISSSS was developed in 2008-09 and came under a great deal of criticism for focusing too much on infrastructure projects. The latest version, on the other hand, was developed through consultations with the government, UN actors, and civil society. It is civilian-led, and it is focused on addressing the root causes of localized conflict through community-driven projects. Programs under the ISSSS umbrella will also directly impact IDP and refugee returnees.

ISSSS enjoys broad-based support from a wide variety of actors, even if some humanitarians are wary about associating themselves with what is an overtly political strategy. Overall, most of the humanitarians RI interviewed believed the strategy itself was sound and that this new community-based approach to stabilization should be supported. Humanitarian support will be essential to make sure the revised ISSSS does not meet with the same fate as Islands. In addition, concerns were raised that ISSS does not align with the cluster system, which could complicate coordination efforts. Ultimately, as ISSSS is rolled out, humanitarian support must be maintained, and it should be made clear that ISSSS programming will be driven by

conditions on the ground and community needs, not by MONUSCO or FARDC operations.

PROTECTION OF CIVILIANS

It is generally acknowledged by aid agencies and MONUSCO that the first joint operations between the FARDC and the Force Intervention Brigade (FIB) aimed at the M23 rebel group had little humanitarian fallout. However, MONUSCO has acknowledged that the M23's tactics made it easily distinguishable from the civilian population. This is not the case with the other armed groups now being targeted by the FIB and FARDC, including the Allied Democratic Forces-National Army for the Liberation of Uganda (ADF-NALU), the Alliance of Patriots for a Free and Sovereign Congo (APCLS), and the Democratic Forces for the Liberation of Rwanda (FDLR).

Since these armed groups are often co-located with villagers, it is not surprising that abuses of civilians by FARDC have occurred – such as looting (including of health facilities), arbitrary arrest, extrajudicial killings, and rape. For example, in Masisi territory, where the FIB and FARDC are engaged in a campaign against APCLS, humanitarians documented alleged abuses by members of the 601st, 804th, and 810th FARDC regiments as well as the police. This presents a challenge for MONUSCO, which is obliged, under the UN Human Rights Due Diligence Policy (UNHRDDP), to withhold support from elements of the security forces who commit grave human rights violations.

MONUSCO takes the UNHRDDP seriously, and that is important both for the UN's credibility and for its ability to influence the behavior of the FARDC. Indeed, advocacy by MONUSCO has, in some recent cases, led to disciplinary action against FARDC officers. However, the UNHRDDP process is extremely cumbersome and can take months before action is taken. It is important, therefore, that MONUSCO try to prevent these incidents from happening in the first place.

Ever since the FIB was first authorized by the Security Council in March 2013, RI has been concerned that MONUSCO's contingency planning process is not sufficient to mitigate and respond to civilian harm during offensive operations. Fortunately, a contingency planning working group within the North Kivu Senior Management Group on Protection-Provincial (SMGPP) has recently been created, so some of these concerns about poor planning may soon be addressed. Adding a civilian risk mitigation advisor could improve the contingency planning process and the ensuing response.

The FIB itself could play an extremely important role protecting civilians from FARDC abuses. The SRSG and Force Commander should make it clear to all FIB military personnel that when they are confronted with FARDC soldiers committing human rights violations, they have a responsibility to intervene and press their Congolese counterparts to respect international humanitarian and human rights law.

CIVIL-MILITARY COORDINATION

The relationship between MONUSCO and humanitarians in North Kivu – as well as between MONUSCO’s military and civilian wings – has been strained for years. But the introduction of the FIB pushed these tensions to new levels.

Much has already been written about the theoretical fallout of the FIB from a humanitarian perspective. From the start, NGOs feared that the FIB’s joint operations with the FARDC could erode humanitarian space. They argued that because MONUSCO would become more of a party to the conflict through the FIB, being associated with the mission would put humanitarians at risk of violence or having their operations obstructed, particularly given that MONUSCO is a structurally-integrated mission. Most of these fears have not been realized, yet they have helped create an environment that is not conducive to effective civilian-military cooperation for the protection of civilians (PoC).

Humanitarians engage on PoC issues mainly through the Protection Cluster. Compared to some of RI’s experiences in other parts of the world, the Protection Cluster in North Kivu is well-resourced. Both the Protection Cluster coordinator and its NGO co-lead are respected by the cluster membership. In the case of North Kivu, the UN Refugee Agency (UNHCR) has taken its role as Protection Cluster leader seriously and has devoted the necessary resources to ensure that it is strong.

However, humanitarian NGOs as a group have decided to isolate themselves from the PoC process in important ways. They have withdrawn from the SMGPP, and they have barred the Protection Cluster coordinator from representing them there. The Protection Cluster provides PoC incident reports and analysis to MONUSCO but will not make recommendations.

Some attempts to bridge the civil-military divide are being made, including a revision of the UN’s Office for the Coordination of Humanitarian Affairs’ Civil-Military Guidelines for the DRC, and the creation of new MONUSCO briefing sessions for the NGO community. Important

though these are, the friction between MONUSCO and humanitarian NGOs is not being caused by bureaucracy or the lack of it – but rather by principles and policies.

NGOs have the right to disengage from MONUSCO, but it is clear that in so doing, they are giving up important opportunities for information-sharing and advocacy. NGOs should weigh the costs and benefits carefully. For its part, MONUSCO can help improve the civil-military relationship by addressing contentious policy issues transparently and expeditiously. Bringing the Islands of Stability policy to an end and implementing PoC contingency plans for the FIB are important steps in their own rite, but they might also address a few major areas of concern among UN civilians and NGOs. Moreover, they would send a clear signal that the views of civilians are being heard by MONUSCO’s military command and the SRSG. Such steps might do more to improve the civil-military dynamic than any working group.

CONCLUSION

The sense of enthusiasm and hope that characterized discussions on the DRC after the fall of the M23 has dissipated. These days, actors on the ground are focused on the lack of progress the FIB is making against the armed groups in North Kivu and the resulting humanitarian and human rights crisis. Yet at higher levels, the UN and donors are desperate to prove that there is progress in the DRC, and articulating a more accurate narrative that resonates with them is challenging. Donors are also being pulled away from the DRC by other crises, and the UN is ready for an exit strategy. Unfortunately, the facts on the ground require a different approach.

Michelle Brown and Michael Boyce assessed humanitarian and protection efforts in North Kivu Province in May 2014.