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DR CONGO: TOO SOON TO WALK AWAY

International interest in the Democratic Republic of Congo (DRC) is waning at a time when hundreds of thousands of Congolese continue to be displaced by ongoing violence. This shift risks squandering the substantial investments made towards peace and stability in the DRC and leaves internally displaced people vulnerable to further violence and suffering. Continued political and financial support by the U.S. and other donor governments is still essential to address both the root causes of the problem and emergency needs – all the more so in the context of November’s elections.

Donor governments should press for key changes to help protect people from harm and to reduce the appalling gaps in assistance for displaced people. Pressuring the Congolese government for effective reforms of the security sector will decrease the growing insecurity caused by efforts to reconfigure the Congolese national army. Hundreds of thousands of internally displaced people can receive more effective assistance and protection if humanitarian funding is increased and if UNHCR reallocates its resources appropriately. Finally, important efforts to address horrific incidents of sexual violence must receive continued support, as should wider protection needs of women and communities.

RENEW POLITICAL, DIPLOMATIC AND HUMANITARIAN COMMITMENTS

In the last few years, the Democratic Republic of Congo has seen improved relations with its neighbors and relative political stability. Years of funding by the U.S. and other governments have assisted millions, strengthened Congolese institutions and provided some protection for civilians. Nonetheless, eastern Congo continues to be wracked by low-intensity violence that affects millions of Congolese. Overall, more than 1.7 million people are internally displaced. Despite the ongoing needs, the U.S. and other major donor governments’ attention and resources have been stretched due to crises elsewhere. Further commitment in diplomacy, financing, and humanitarian coordination is required to continue progress towards the goal of a more peaceful Congo.

POLICY RECOMMENDATIONS

- ❑ The United States, the European Union, and other key donor governments must engage more with the Congolese government to foster commitment to protecting its own citizens through effective reforms of the security and justice sectors.
- ❑ Given the size and complexity of the ongoing humanitarian crisis in the DRC and the potential instability of the upcoming elections, there should be a stand-alone UN Humanitarian Coordinator position.
- ❑ UNHCR must reappportion its resources and attention to better assist and protect internally displaced Congolese, given consistently high levels of displacement and fewer returning refugees.
- ❑ The UN Humanitarian Coordinator must direct the protection cluster to prepare a contingency plan addressing possible destabilization resulting from upcoming elections. Specific approaches for enhanced protection of civilians, and IDPs in particular, must be developed in this context.
- ❑ The U.S. should continue its financial support for increased UNHCR protection staffing, and other donors should emulate these efforts.
- ❑ The U.S. and other key donor governments should maintain support for both humanitarian programming on sexual violence and the Congolese government’s National Gender-Based Violence Strategy.

The Congolese people notice the decreased international support and feel increasingly abandoned. First, international interest and support for November's elections has thus far been far less generous than the investments made for the 2006 elections. This has led many Congolese to believe that the outside world cares less about the DRC. Second, the UN peacekeeping and stabilization mission in the DRC (MONUSCO) is struggling with declining donor support. Historically, MONUSCO has been the most tangible proof of continued international commitment to the Congolese people, but it is not receiving any new funding, despite its expanded elections-related mandate. At this time of electoral and conflict-induced instability, Refugees International (RI) is concerned that MONUSCO will be forced to reduce its critical activities to protect civilians.

Finally, humanitarian programs are also receiving less support than last year. The UN Humanitarian Action Plan (HAP), which required \$722 million, is only 49% funded. The funding shortfall inevitably translates into inadequate levels of assistance to internally displaced people (IDPs) and this in turn creates protection risks. For example, when another gap in funding last year caused non-governmental organizations (NGOs) to stop work in one camp, there was a halt in fuel distribution. As a result, women were forced to go into the national park where illegal armed groups operate to collect firewood. On a single day in October 2010, fifteen women from this camp were raped. Donor governments that are funding activities specific to sexual violence prevention and response, but not providing sufficient humanitarian assistance, are failing to understand that this assistance gap leads to increased sexual violence and other abuses against displaced people. Sexual violence prevention programming is rendered meaningless when a lack of assistance to IDPs results in women and girls being forced to take these types of risks that expose them to sexual violence.

The U.S. government has yet to produce its inter-agency strategy towards DRC, although it was again discussed with non-governmental organizations in January. While many activist groups are calling for a U.S. Special Envoy, RI is not convinced of the added value of an Envoy to the DRC or to the Great Lakes region. Instead, the U.S. must first develop its inter-agency strategy without further delay and thereby empower the existing leadership of the U.S. Ambassador and his political apparatus.

HOLD CONGOLESE GOVERNMENT ACCOUNTABLE ON SECURITY SECTOR REFORM

The Kinshasa government has the primary responsibility for securing the safety of its own citizens. Despite having

not yet proved itself willing or able to consistently discharge this vital task, it has adopted a policy of refusing coordinated assistance with security sector reform. Donor governments have been too accepting of the restrictions imposed on their assistance to professionalize the Congolese army and police. They should exert coordinated pressure on the Congolese government to push for effective security sector reform and for coherent and fair management of troop salaries and benefits. Similarly, the U.S. and other donor governments should push the Congolese government to capitalize on U.S., EU and UN-backed efforts to improve the justice sector.

Currently, a lack of coordinated assistance has resulted in disconnected attempts to reform small parts of the security services by various donor governments. These attempts will never successfully upgrade the professional standards of the entire army and police. For example, the U.S. Government has supported the training of an army battalion in Kisangani, but the impact of this initiative is limited, because the Congolese government will not permit more widespread coordinated training programs by donor governments and MONUSCO.

In past reports, RI has noted that military operations carried out by the Congolese national army (*Forces Armées de la RDC* or FARDC) in eastern Congo have not led to greater security for civilians. Indeed, civilians are most often caught in the crossfire, forced to flee, and face retaliation from both sides. RI has recently found that the government's reorganization of the FARDC has left a security vacuum that is currently the major factor causing insecurity and displacement. This effort is forming and training new regiments in an attempt to provide better command and control of commanders and their troops.

In practice the regimentation process has pulled army units away from their forward bases, leaving entire swaths of territory without any protection from the *Forces Democratiques pour la Liberation du Rwanda* (FDLR) or other predatory groups. Individual citizens and community leaders complained to RI that the restructuring was poorly planned, and argued that units should have been taken out of an area one at a time, rather than removing all units from an entire zone, particularly in zones prone to insecurity.

In addition, there is much skepticism as to the outcome of the reorganization process, which one community leader in South Kivu referred to as a "masquerade." RI met with Congolese citizens and local leaders who expressed their fears that the current reorganization of troops into new regiments would only make a superficial change rather than

transforming the army into one capable of defending the country and protecting its citizens. They did not believe that incorporated armed groups will be fully absorbed into the FARDC, or let go of their loyalties to commanders from their previous armed group. If this is not achieved, then there will continue to be defections of “ex-rebels” who will return to the bush to operate independently. For example, in June 2011 a leader defected from a training center with his followers in Fizi and it is alleged that 120 rapes were committed when they turned on local populations.

A further complaint from IDPs and other citizens concerned abusive acts committed by FARDC rank and file soldiers themselves. Civilians most often put the blame for such acts on the propensity of the military hierarchy to withhold or even appropriate the salaries of soldiers, leading the latter to fend for themselves to the detriment of villagers. Despite efforts by the European Union mission for security reform in the DRC (EUSEC) to improve administrative and logistic support for the FARDC, these troops continue to be accused of raping, looting, forced labor, and illegally taxing the very people whom they are supposed to be protecting. Soldiers continue to be paid infrequently and inadequately. FARDC troops often live in pitiful conditions when deployed in the field, forced to improvise their own shelter and acquire food and other necessary goods by whatever means they can. As a result, soldiers loot and steal from nearby civilians to sustain themselves and their families, who typically have no choice but to follow the soldiers to the front lines. In Mwenga Territory, RI heard complaints that soldiers – and their wives – were stealing from the shops and fields in order to sustain their families during periods of army training.

In the justice sector, the government has made some effort towards reform, but this is often focused on building structures rather than budgeting for judges, court officials, prison wardens, and other required staff. Empty buildings only serve to frustrate the population further.

While there have been a few well-publicized trials, the average citizen is not convinced that there has been much progress in the fight against impunity. RI frequently heard complaints of prisoners freed after payment of a bribe, of sexual violence cases being resolved through informal payment of compensation (“*arrangements à l’amiable*”), and of the inability to pay the necessary fees for a case to make its way through the trial process.

International donors, particularly the U.S. government, have invested in a number of impressive projects carried out by local and international NGOs to improve the justice sector, particularly in the light of alarmingly high levels of sexual violence in DRC. But the fight against sexual violence will never be successful in DRC until the national government takes up its responsibility to fight impunity, achieve real security sector reform, and to revitalize the justice sector into a robust tool for the protection of Congolese citizens. To help achieve this, donor governments must do more than provide funding. In a coordinated fashion, they must also pressure the Congolese government to protect its citizens.

FOCUS ON THE INTERNALLY DISPLACED

The UN Humanitarian Coordinator must refocus attention on the displaced in DRC. The Congolese government’s insistence on focusing on “stabilization” in the east has resulted in a lack of attention to the ongoing humanitarian crises in the east, particularly those linked to displacement. There is a need for the Humanitarian Coordinator to call for increased attention to the plight of IDPs, but he is also required to carry out the duties of Resident Coordinator. This role prioritizes long-term stabilization at the expense of humanitarian issues including IDP protection and assistance.

Complacency seems to have set in amongst agencies that have been called upon for years to respond to displacement crises and have not been given the requisite resources to respond adequately. Further, because no single agency has been assigned responsibility for IDPs, their needs consistently fall through the cracks. UNHCR is responsible under the UN “cluster system” for protection, camp coordination and camp management and shelter. Yet, this means that UNHCR has taken on a very limited role, as far more IDPs live among host communities than in camps. UNHCR also has an inadequate budget for IDPs, which results in the agency always running after emergencies, with no time to focus on possible durable solutions.

UNHCR budgeted nearly twice as much for refugees and returnees as compared to IDPs in 2011. There are an estimated 1.2 million IDPs in North and South Kivu, compared to 170,000 refugees in all of DRC, and few returning refugees. Despite this, UNHCR has not readjusted its attention and resources towards the large number of IDPs. In 2012, UNHCR has budgeted \$12.4 million for IDPs, while that for refugees and returnees is \$23.5 million. UNHCR’s Comprehensive Needs Assessment (CNA) for IDPs in DRC for 2012 is nearly \$45 million, which indicates a much

more realistic assessment of needs. UNHCR should reallocate some of its refugee funding for IDPs, but donors must also step up to provide extra funding for IDPs to reduce the huge gaps in assistance.

The UN Children's Agency (UNICEF) and the UN Office for the Coordination of Humanitarian Affairs (OCHA) have led a special program to assist IDPs, now called the *Réponse Rapide aux Mouvements de Populations* (RRMP). Implemented by several large international NGOs, the program is intended as an assessment tool and, if needed, as responder-of-last-resort, for approximately one-third of displacement cases (including returnees). The remaining two-thirds are supposed to be assisted with sector-specific help by various agencies. All organizations involved in running the program are aware that no one has the capacity to assist so many people. There is, in effect, a chronic shortage of assistance to IDPs, who are thus obliged to rely on host communities for their needs. RI spoke with IDPs in Mwenga in South Kivu who had been displaced for over a month and had not yet received any assistance. One IDP explained that he would soon return home given the lack of outside assistance and the lack of resources of the host community, saying, "I would rather die in my field than starve to death here."

RRMP carries out the necessary multi-sectoral assessment and shares that information with the humanitarian community. However, agencies can be slow in getting assistance out to beneficiaries – up to two to three months. Some delay is inevitable: in addition to security and access difficulties, time is required for the acquisition, transport and organization of distribution of goods. Further, the RRMP program is understandably cautious about creating factors to favor unnecessarily prolonged displacement. However, in Mwenga RI was told about many risks to IDPs that are caused by lack of assistance, including many IDPs returning to rebel-controlled territory despite the dangers this entailed, because they can no longer remain in host families that have no means of supporting them. IDP women have also resorted to prostitution as the only way to support their families.

RI visited two IDP camps in Masisi that had similar characteristics, but only one was currently supported by UNHCR. Those "spontaneous camps" that don't receive UNHCR and other UN support are said to be less safe. IDPs in camps in Masisi told RI that "women are raped because of poverty here," explaining that women collecting wood or working in remote fields are exposed to high risks of sexual violence. In camps where food assistance is available, fewer rapes are reported in the period after food distributions, since women have less need to go to unsafe areas to find ways to feed their families.

PREPARE FOR POTENTIAL RISKS TO THE DISPLACED IN THE ELECTORAL PROCESS

The electoral process for presidential and legislative voting scheduled for November 2011 is well underway. The process faces various challenges, including that of registering all eligible voters and carrying out elections on time. Many Congolese people told RI that they fear that the timetables for registration and for the elections themselves will not in fact be adhered to. There are concerns about the registration process, with allegations of children being registered to vote. Disputes about the fairness of the registration process could result in conflicts in several provinces.

These elections, like those in 2006, present risks both to the general population and more specifically to displaced persons. Firstly, it is not clear if IDPs will be able to vote in their home areas; indeed, some are worried that they will be pressured to travel to unsafe areas in order to vote. In South Kivu, RI was told that IDPs might be manipulated to vote in specific areas in favor of certain candidates. In North Kivu, RI was told that there were "unofficial messages" being sent to the IDP camps that the government might try to close the existing camps – either to force them to vote elsewhere or in an effort to hide the IDP phenomenon from international attention. Previous episodes of manipulation and forced camp closures require that these fears be taken seriously.

The Humanitarian Coordinator must direct the protection cluster to begin planning for election-related risks now. Political parties are not respecting the electoral calendar and have begun active campaigning early. In addition, some of the political messaging – particularly from the governing party – has an especially aggressive tone, promising for a heated campaign. The risk that election campaigning could be a destabilizing factor in an already unstable situation in the East is real. The Humanitarian Coordinator must ensure that the protection cluster, led by UNHCR in coordination with other actors, prepares for potential responses to that destabilization.

SUPPORT UNHCR'S PROTECTION OF CIVILIANS WORK

UNHCR plays an important role in monitoring human rights abuses and threats to physical protection, which it supports via several local NGOs. This protection monitoring covers IDPs and other civilians and is seen as a valued service that enables humanitarian action. The monitors are often the first to report incidents and their reports help determine whether humanitarian assistance (via the cluster system or RRMP) is viable in the area in question and

whether the provision of assistance could bring any risks for the beneficiaries. Further, the information that comes out of the protection monitoring leads to advocacy with local authorities to try to improve protection.

UNHCR currently has 65 protection monitors in North Kivu and 95 in South Kivu. They lost twenty protection monitors in South Kivu due to budget cuts, but UNHCR states that these posts in South Kivu are soon to be replaced and in fact increased to 130 South Kivu protection monitors following a budget revision. U.S. funding has significantly increased UNHCR's own protection staffing in DRC, with the U.S. Bureau of Population, Refugees and Migration (PRM) supporting 32 protection posts for UNHCR in eastern DRC. This has enabled UNHCR to improve its protection work, without which humanitarian action would be severely compromised.

Working to enhance protection primarily requires human resources and this U.S. funding is an extremely important contribution to improving protection for civilians in DRC. UNHCR's enhanced protection capacity is starting to enable local protection monitors to improve their reporting, to analyze and use the information to address human rights abuses and sexual violence, and to follow up on individual cases. It is still early to evaluate the overall impact of this extra protection staffing, but it is important that PRM extend funding for these positions beyond 2011 to capitalize on the work now being developed.

SLOW IMPACT OF EFFORTS TO ADDRESS SEXUAL VIOLENCE

Sexual violence remains a horrific phenomenon in eastern DRC despite international focus on the problem. Recurrent incidents of mass rape, as well as a disturbingly high number of individual cases of sexual violence, continue to be reported, and the response to the needs of survivors is frequently too slow. Nonetheless, a concerted effort by donors and the UN to combat sexual violence in DRC has seen some impact.

The DRC's "comprehensive strategy on sexual violence" was drafted by UN Action on Sexual Violence in Conflict and then adopted by the DRC government. This strategy divides up work on sexual violence into five components – prevention and protection, multi-sectoral assistance to survivors, fighting impunity, security sector reform, and data and

mapping. The comprehensive strategy currently only focuses on the east of the DRC and it has been adopted as part of the Congolese government's stabilization plan for the east.

Funding for sexual violence programming in DRC has increased but is still insufficient to address prevention and response needs. The funding available for the Congolese government's Stabilization and Reconstruction Plan for War-Affected Areas (STAREC) sexual violence mechanism was only \$5 million (from Belgium and the Netherlands) for the first allocation in 2010 and \$7.5 million (from Belgium and Norway) for the second allocation in 2011. However, there is also some \$22.5 million in bilateral funding from the U.S. and other donors that are aligned with the strategy. The U.S. government in particular should be commended for committing to multi-year funding for gender-based violence (GBV) programming in DRC. USAID is supporting five-year programs focused on health-care for survivors, legal assistance and reform, and behavior change. These programs are greatly improving access to services for survivors of sexual violence in certain areas, but there are still large areas that are not covered, and few rape survivors in DRC receive timely and adequate care.

The comprehensive strategy on sexual violence has had some success in gaining a greater level of government ownership at the provincial level, but commitment by the national government is still totally insufficient. On provincial government leadership, a local NGO leader in South Kivu told RI that "it scares members of the army and the police who rape that the authorities are involved with the issue." There have been a few fairly high-level prosecutions of perpetrators of sexual violence, which is encouraging, but there are still so many cases where justice is not seen to be done that these few successful prosecutions are failing to shift the common perceptions over the lack of justice in sexual violence cases.

There has been progress in addressing some of the concerns that RI raised in its 2010 report about the initial roll-out of the strategy one year ago. There has been better communication with local and national NGOs working on sexual violence and increased involvement by them. And more strategic planning has gone into the second allocation of funding for the strategy, this time for North Kivu and Ituri. A collaborative note has also been drawn up to try to improve coordination between the humanitarian work on sexual violence by the protection cluster and the "transitional" stabilization work under the STAREC sexual violence strategy. The MONUSCO sexual violence unit now has more staff and is playing a useful coordination

role. Unfortunately, this also means that the strategy is led by actors focused on stabilization, and thus retains the division between humanitarian and stabilization work on sexual violence rather than taking a comprehensive approach.

Despite these advances, few concrete impacts of the strategy are evident, and its future is unclear. It may be unreasonable to expect significant advances within only one year – particularly when its STAREC funding has only been for one-year projects – and the increase in provincial government involvement and the improvements in overall planning and coordination are achievements in themselves. But many donors and participating organizations expressed frustration with the levels of bureaucracy that the strategy involves for the relatively small amounts of money going through the STAREC coordination mechanism.

The coordination of work on sexual violence can only really be improved if the key donors require their implementing partners to fully cooperate with the comprehensive strategy's implementation. Although, like most donors, the U.S. does require its partners to work in coordination with the strategy, and the U.S. has aligned its GBV strategy in DRC with the comprehensive strategy on sexual violence, agencies funded by the U.S. government should be required to fully share information with the agencies coordinating the strategy. That is not currently the case for all U.S.-funded NGOs, and without full information sharing, planning reverts to being ad-hoc.

RELIABLE MAPPING NECESSARY TO IMPROVE SEXUAL VIOLENCE PROGRAMMING

There is still no reliable mapping of the services that are available for survivors of sexual violence and gaps that exist, nor data to give a clear picture of trends in sexual violence in DRC. Although many people have focused on the problem of lack of data, the lack of accurate mapping of current services is even more critical. OCHA, and other agencies with greater technical capacity on mapping, must pay urgent attention to this issue.

Numerous conflicting studies have recently provided data about sexual violence in specific geographic areas and time periods, but none have given an accurate overall picture of the problem throughout the DRC. The lack of clarity on sexual violence data does impact the ability to plan prevention and response. For example, there is a different response to be planned if the main perpetrators of sexual

violence are teachers in schools or illegal armed groups in remote fields. Some recent studies have shown low rates of sexual violence by army and police, but RI met with service providers and local groups who were still seeing high rates of sexual violence by army and police in some areas. For example, one service provider pointed out that they did not see a change in the levels of sexual violence by armed men between the periods when the army was in charge of their area and the periods when rebel groups were in charge. Most areas had also seen a significant rise in civilian perpetrators.

The UN Fund for Population Activities (UNFPA) was given leadership of the data and mapping component of the strategy, and has thus far been unable to produce statistics for 2010. In fact, it is impossible for UNFPA to collect reliable data at this time, as several key service providers refuse to share data with them, citing worries about confidentiality. In addition, the lack of confidence in UNFPA's capacity has resulted in low funding for its assigned task, and it has very limited staffing and insufficient operational capacity for the task. It lacks sufficient technical support and a number of questions have arisen about its statistics, such as omitting cases from the data where the perpetrators are unreported, and counting women running prostitution networks as sexual violence perpetrators.

While many agencies complained to RI about UNFPA's performance on data and mapping, no one suggested an alternative or offered to take on this difficult task themselves. There are proposals for MONUSCO to secure funding for the Ministry of Gender to take on this role. This could be helpful in the long run, but the Ministry of Gender currently does not have sufficient capacity and still needs outside involvement and support to perform this task. Until a viable alternative is offered, supporting UNFPA to do the job properly – including working with them on using the GBV Information Management System which is currently being piloted in DRC – appears to be the only realistic option. But the vital task of mapping of services should be taken on by the separate component leads of the strategy with the support of OCHA.

SUPPORT SEXUAL VIOLENCE PROGRAMMING, BUT NOT IN ISOLATION

The increase in resources and attention to sexual violence, and particularly to conflict-related sexual violence, tends to obscure communities' wider protection needs, which are currently severely under-funded. For example, forced

recruitment of children into armed forces remains a serious problem in DRC, but there is now minimal funding allocated to child protection. As highlighted above, shortfalls in humanitarian funding lead to increased risks of sexual violence. Sexual violence rarely takes place in a vacuum and planning to respond only to sexual violence is short-sighted.

Women in DRC are subjected to other forms of violence, not just sexual violence, and programs that address wider issues of GBV such as domestic violence and forced marriages must be supported, too. There has been a disproportionate focus on conflict-related sexual violence in DRC with the attention given to “rape as a weapon of war.” This phenomenon certainly does exist in DRC and there are armed groups in the country that use this tactic, notably the FDLR, but this is a very small proportion of the sexual violence that is perpetrated in DRC, most of which is opportunistic and not part of a specific war strategy. Further, possibly as a result of continuing impunity for sexual violence following decades of conflict, a large proportion of sexual violence cases are now in fact committed by civilians. Future funding for the UN comprehensive sexual violence strategy should be considered in the wider context of the Congolese government’s National Strategy on GBV, which is not focused on sexual violence alone and which covers the whole country, not only the east.

In addition, there have been increasing demands for an emergency response capacity to sexual violence, particularly following the mass rape incidents in Walikale, North Kivu in August 2010 and Fizi, South Kivu in January 2011. In both cases, the response to the violence was slow and few survivors were treated within 72 hours to benefit fully from post-exposure prophylaxis (PEP) kits. Some of the slowness in response is due to inherent problems of insecurity and inaccessibility common to many such incidents. After an attack, survivors tend to run and hide and may not be able to come forward to seek help within the 72 hours. But delays were also caused by a lack of information about services, as well as lack of medical services and PEP-kits and lack of training on how to use them. In South Kivu – and currently only in South Kivu – the protection cluster plans to set up an “emergency response cell” to respond to mass rape incidents that exceed local response capacity. However, the cluster plans to only cover incidents of sexual violence. Refugees International is calling for the cell to also address mass outbreaks of other human rights violations, such as forced displacement and other forms of violence against civilians.

CONCLUSION

Congolese citizens in the Kivus, especially the one million people displaced from their homes, remain at great risk, whether it be from rape or other forms of violence. The continued gaps in assistance are making the situation even worse. The answer to the seemingly endless insecurity, however, is a fundamental and thorough reform of the Congolese military, the FARDC. Similarly, reform of the justice sector is vital to end the culture of impunity that allows free reign to perpetrators of sexual and other forms of violence. In the meantime, the humanitarian community must refocus its efforts on protecting internally displaced people and consolidating its progress towards preventing and responding to sexual violence. Despite the ongoing challenges, the DR Congo has seen some progress towards stability in the past decade. As the next round of democratic elections approaches, now is the time to continue to help the Congolese people move forward into a more peaceful era.

Melanie Teff and Peter Orr assessed the situation for internally displaced people in eastern Congo in June 2011.