

DEMOCRATIC REPUBLIC OF CONGO: CIVILIAN PROTECTION MUST REMAIN MONUC PRIORITY

After a successful democratic election in 2006 violence has re-erupted in the eastern region of the Democratic Republic of Congo (DRC) and security conditions continue to deteriorate, particularly in the volatile province of North Kivu. Violent confrontations between the Congolese military --- the FARDC --- and the armed group lead by dissident General Laurent Nkunda, claiming to fight on behalf of the Tutsi minority in the east, have precipitated new waves of internal displacement and have caused a sharpening of ethnic tensions throughout the region. Meanwhile, the security vacuum and persistent lack of a functioning justice sector has meant that rape, looting, and violence against civilians continue to go unpunished.

Civilians at Risk

Displacement in North Kivu alone has risen to nearly 400,000 people in 2007, with over 190,000 fleeing their homes in just the last four months and even greater displacement expected. The internally displaced are increasingly dividing themselves along ethnic lines, with non-Tutsis fleeing into areas controlled by the FARDC and Tutsis moving primarily into Nkunda-controlled areas, raising concerns about the potential for ethnically targeted massacres. These people have been traumatized by ongoing violence, and frequently arrive at IDP sites with almost nothing, having been 'taxed' and looted along the way. Furthermore, the prevailing insecurity has meant that access for relief agencies has been severely limited, and the distribution of aid has become more difficult even as the scale of humanitarian need has increased dramatically.

Due to lack of proper pay, housing, and family support, as well as a general sense of impunity enjoyed within the ranks of the military, the FARDC continues to be among the major perpetrators of violent crime, rape, and theft. The troops loot civilians through the exaction of 'taxes' and use forced labor to move military equipment and supplies to the front lines. Foreign and internal armed groups perpetrating violent crimes and intimidating civilians throughout North and South Kivu include: the forces of Laurent Nkunda, the FDLR (forces led by the remnants of the Rwandan genocidaires who fled to DRC -- then Zaire -- in 1994), and the Mayi Mayi militias (an ethnically based armed group operating throughout North and South Kivu).

Policy Recommendations

1. The UN Security Council should ensure that civilian protection remains the first priority of MONUC, and that force levels remain at present authorized strength, at a minimum. Any additions to the current responsibilities of MONUC must come with sufficient human and material resources to ensure that civilian protection priorities do not suffer.
2. MONUC and humanitarian agencies in eastern DRC should increase the number of high-level political and civilian representatives, including representatives from the Protection Cluster, in Goma and field locations in the east to give MONUC a civilian face, enhance analysis that can contribute to contingency planning and durable political solutions, and relieve some of the pressure on MONUC military forces.
3. The Congolese government should take steps to publicly denounce the anti-Tutsi rhetoric and fear mongering that is ongoing in the east, and take action to demonstrate a real commitment to the protection of ethnic minorities, while at the same time sustaining and redoubling efforts to find political solutions to continued insecurity, impunity, and human suffering in the region.

The Security Situation

General Nkunda is the major source of instability in North Kivu. Despite ultimatums, the buildup of FARDC troops in North Kivu, and President Joseph Kabila's very public intention to seek a military solution to the 'Nkunda problem,' Nkunda and his estimated 5,000 fighters continue to refuse to reintegrate back into the Congolese national army.

In South Kivu the situation is tense, but calm. The FDLR are currently concentrated in the Nindja Forest, Bunyakiri, and Fizi areas of South Kivu. The FDLR and their associated armed groups continue to pose a threat to civilians throughout North and South Kivu, and represent a major thorn in the side of the Government of Rwanda, which wants to see the former genocidaires brought to justice. Under increasing international pressure to resolve this issue, the Congolese Government recently endorsed the 'Nairobi Communiqué,' outlining their intention to take military action against the FDLR. Staff of humanitarian agencies fear that any military action against the FDLR will result in reprisal killings against civilians, a tactic that it historically favors.

MONUC and Protecting Civilians

In this difficult context MONUC, the UN peacekeeping mission in DRC, has a mandate to protect civilians under threat of violence, and – somewhat paradoxically – to provide combat support to the undisciplined and under-resourced FARDC. In accordance with the responsibilities laid out in Security Council resolution 1756, MONUC forces continue to bolster FARDC capacity by providing logistical and material support, low-level capacity building, and – where necessary – taking strong intervening action in defense of strategic locations.

In spite of the heavy support burden shouldered by MONUC, the mission's primary responsibility continues to be the protection of civilians, a task not easily accomplished in the vast, hilly, densely forested eastern region, with just one MONUC soldier for every 123 square kilometers. In order to maximize limited resources the Protection Cluster, composed of the Office of the UN High Commissioner for Refugees, UNICEF, the Office for the Coordination of Humanitarian Affairs, MONUC Civil Affairs and Civil-Military Affairs officers, and a number of protection-focused NGOs, is working collaboratively to identify protection priority areas, and has shown great creativity and flexibility in meeting the current and projected civilian protection needs.

Resources are scarce, however, and MONUC military contingents are being stretched to their limits with mounting requests for mobile operating bases and flash deployments to respond to ever increasing civilian protection needs. In field sites, MONUC contingents are working hard to tailor their activities to the needs of civilians, initiating direct cell phone communication between MONUC area commanders and displaced community leaders, and targeting foot and vehicle patrols for times when civilians feel particularly vulnerable.

In this difficult context, MONUC forces, working closely with the many civilian agencies that make up the Protection Cluster, have shown extraordinary creativity and commitment to fulfilling their protection mandate. While MONUC can never guarantee complete physical protection, there is no doubt that this "thin blue line" has contributed substantially to the containment of military violence, the prevention of massacres, and the safe delivery of humanitarian assistance in a complex and often chaotic environment.

Nonetheless, huge protection gaps continue to exist. The new IDP camp management system is showing positive results, but poor and dangerous living conditions remain the norm for tens of thousands of displaced people. MONUC mobile deployments, large-scale protection operations, and tailored military patrols have had a clear impact where they have been used, but violence, theft and intimidation persist in the many areas that MONUC soldiers simply can't cover.

As the Government of the DRC and regional and donor governments consider the next steps in addressing the ongoing security threats in the east, it is imperative that the protection of civilians remains the single highest priority. If MONUC is tasked to expand current levels of combat support to the FARDC (as we are currently seeing in North Kivu, and as will likely occur if the current terms of the Nairobi Communiqué go forward), some very serious trade-offs will have to be made. Resource-intensive civilian protection efforts will be negatively impacted if the force's primary mission is diverted towards support to FARDC offensive operations. Given that the FDLR have traditionally responded to offensive operations with the massacre of civilians, any reduction in MONUC's civilian protection activities would leave the civilian population vulnerable, just as the relative threat of violence dramatically intensifies.

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DR CONGO: KEY FACTS ON INCREASING CIVILIAN PRESENCE IN THE EAST

MONUC and humanitarian agencies in eastern DRC should increase the number of high-level political and civilian representatives, including representatives from the Protection Cluster, in Goma and field locations in the east to give MONUC a civilian face, enhance analysis that can contribute to contingency planning and durable political solutions, and relieve some of the pressure on MONUC military forces.

- ❑ Since fighting re-erupted in North Kivu in August of 2007, there have been over 190,000 cases of displacement in North Kivu, and 50,000 new cases in South Kivu. Renewed fighting and deteriorating security conditions throughout the east have placed severe constraints on the movement of humanitarian agencies. This, compounded by the challenging physical terrain and poor transportation infrastructure, has meant that humanitarian access is severely limited, even as need increases. The displaced are getting frustrated with the lack of sustained humanitarian assistance. Furthermore, the lack of consistent representation of humanitarian agencies means that delays in aid go unexplained to desperate populations.
- ❑ Many of the displaced do not fully understand the nature of MONUC's mandate and the political and practical constraints that limit MONUC operations. They see that the Congolese national army, the FARDC, is incapable of eliminating the threat posed by renegade General Laurent Nkunda (among others) and believe that MONUC should be taking stronger military action to flush out and eliminate Nkunda and his forces.
- ❑ Due to insecurity and a lack of sufficient staff, MONUC military forces are often the only international staff with a consistent presence in the field sites where displaced people have settled. Therefore, IDPs have tended to project their expectations – and anger – for the international community as a whole onto the MONUC peacekeepers. For example, in November MONUC peacekeepers were confronted by a violent IDP protest near Rutshuru, where peacekeepers were pelted with rocks, sustaining broken bones and other injuries.
- ❑ Given the extreme frustration, the information gap, and the expected escalation of violence in North and South Kivu, there is a clear need for more consistent civilian representation in field sites. The Office of the UN High Commissioner for Refugees plans to establish a permanent presence in Masisi and Rutshuru, but this does not go far enough. There is a need for a representative from the Protection Cluster deployed in parallel with MONUC Forward and Company Operating bases to provide a consistent, accessible civilian interface with the displaced, to alleviate the pressure on MONUC military patrols, and to maintain a flow of accurate, timely information and analysis from remote areas.

DR CONGO:

KEY FACTS ON DEFUSING ETHNIC TENSIONS IN THE EAST

The Congolese government must take steps to publicly denounce the anti-Tutsi rhetoric and fear-mongering that is ongoing in the east, and take action to demonstrate a real commitment to the protection of ethnic minorities, while at the same time sustaining and redoubling efforts to find political solutions to continued insecurity, impunity, and human suffering in the region.

- ❑ In North Kivu, when asked who is responsible for the insecurity in the province, internally displaced people almost invariably answer “Nkunda” – that is dissident General Laurent Nkunda and his forces, who claim to be the protectors of the Congolese Tutsi minority, particularly against the FDLR, the group lead by the ex-FAR and Interhamwe who fled Rwanda after perpetrating the genocide of 1994. This almost exclusive focus on Nkunda by the vast majority of the displaced in North Kivu, in spite of the presence and violent activity of the FDLR, Mayi Mayi militias, and other armed groups, is highly significant.
- ❑ The overwhelming majority of displaced people are of non-Tutsi decent. By claiming to act on behalf of the Tutsi minority, Nkunda and his men have implicated all Tutsi in the violence that is affecting civilians throughout the east. In other words, the very existence and continued activity of Nkunda amounts to a self-fulfilling prophecy, whereby he and his forces are actually creating an atmosphere in which non-Tutsi are increasingly hostile towards their Tutsi counterparts.
- ❑ This ethnic division is increasingly manifesting itself in displacement patterns as Tutsis flee into Nkunda-controlled areas, fearful of retribution. Likewise, non-Tutsi, fearing ethnic cleansing by Nkunda’s Tutsi dominated forces, tend to flee into areas controlled by the Congolese national army, the FARDC. The concentration of displaced along ethnic lines has created a real threat of ethnically targeted massacres.
- ❑ As DRC begins its preparations for the local elections – currently slated for 2008 – local politicians are capitalizing on this prevailing anti-Tutsi sentiment, and hate speech is emerging again, unchecked by the Government in Kinshasa. In the long-term the crystallization of the political dialogue around issues of ethnicity and exclusion creates an uncertain future for Congolese Tutsi, and minority protection more generally. This is clearly an issue that needs to be addressed publicly and unambiguously by the Government of DRC before hate mongering has a chance to become further entrenched in local politics, and ethnic divisions get cemented into the institutional structure of this new democracy.
- ❑ The terms of the recent Nairobi Communiqué, designed to appease the Rwandan government, would seem to address this, as the agreement commits the Government of the DRC to pursue robust action against the anti-Tutsi/anti-Rwanda FDLR, the existence of which is Nkunda’s justification for his continuing resistance. Though the FARDC vastly outnumbers the FDLR, it is bogged down in operations in North Kivu and does not have the training, the mobility or the resources to be able to pursue a successful counter-insurgency campaign against the small, but well-organized FDLR. Further, the FDLR have a history of responding to FARDC attacks by massacring civilians in retaliation. As there can be no military solution to the conflict in eastern DRC, the Congolese government needs to make a clear assertion of their commitment to the protection of minorities, and a concerted effort to resolve the underlying conflict through an aggressive political outreach campaign.