



Democratic Republic of Congo Protection Cluster
GPC support mission
4 December 2012

I. Introduction

1. From 17th November to 10th of December, Procap SPO conducted a GPC technical support mission to Democratic Republic of Congo Protection Cluster. Procap SPO had to cancel coordination and leadership training originally planned and reassigned his assistance to support the Protection Cluster facing a new emergency in the eastern provinces of North and South Kivu. Procap SPO was also able to fulfil partially his second objective and conduct consultations to assess the capacity of the Protection Cluster. The following report refers to the current crisis affecting North and South Kivu, as well as the Protection Cluster coordination capacities and challenges in DRC, thus identified through consultations conducted with Protection Cluster coordination team, members and counterparts.

II. Eastern DRC crisis

A. Context

2. Following the eruption of hostilities between the M23¹ rebel group and the Congolese National Armed Forces (FARDC²) in early April 2012, the province of North Kivu witnessed large population displacement often accompanied by the commission of human rights violations and abuses. After a truce of three months, fighting between M23 rebels and the FARDC resumed on 15th November in Kibumba (30 km north of Goma) and population movement increased with the progress of M23 toward Goma, the capital of North Kivu province that the movement controlled on 20th November. On 21st November, M23 continued its offensive toward South Kivu and took the control of the town of Sake (20km south of Goma) where thousands of people were caught-up and several of them reported killed and injured in the course of the hostilities. On 30th November, M23 removed their forces from Sake and Goma in accordance to the Conclusions of the Kampala Great Lakes Conference, and FARDC returned in the city on 3rd November.

B. Major protection concerns

3. ***Impact of the hostilities on civilian populations:*** In Goma, at least 8 civilians were killed including a pregnant woman and a baby, and 80 civilians injured during the hostilities opposing FARDC and M23 between 15th and 20th November, thus resulting in the new displacement of some 50,000 people who settled in Kanyarucinya informal site to Goma and Mugunga IDP camps. In addition, 30 civilians were reported killed and 42 injured in the fighting that took place in the area of the town of Sake from 21st to 24th November, especially in relation to the indiscriminate use of artillery by FARDC in civilian inhabited areas.
4. ***Violations of IHL by M23:*** Alleged violations of International Humanitarian Law and Human rights abuses committed by M23 combatants in North Kivu, which include abductions, forced recruitments, summary executions, lootings, and SGBV. As an example in the night between 16 and 17 November 14 civilians including seven children were abducted in the locality of Kibiriki, Rutshuru territory and at least 5 civilians were summary executed including a child in Goma after the rebel group took its control. In addition, the night between 1st and 2nd November, a large group of armed men identified as M23 combatants surrounded Mugunga 3

¹ M23 was formed on 4 April 2012 when nearly 300 soldiers, a majority of them former members of the *Congr  National de D fense du Peuple* (CNDP), turned against the DRC government, citing poor conditions in the army and the government's unwillingness to implement the 23 March 2009 peace deal.

² Forces Arm es de la R publique D mocratique du Congo.



IDP camp where they reportedly looted IDP belongings including food that they received the same day from WFP, abducted twelve peoples and raped six women.

5. **Violations of IHL by other Armed Non-State Actors (ANSA):** The security vacuum left by the relocation of FARDC forces from areas in North and South Kivu was followed by the return of Armed Non-State Actors (ANSA) such as Mai Mai Cheka, Raya Mutomboki, Nyatura, FDLR, etc.. The commissions of exactions against the civilian population always accompanied the activisms of these groups. Exhaustively, these violations were expressed by killings, mass lootings, destruction of civilian habitats, forced recruitment and SGBV. This setting resulted in new population movements in North Kivu territories of Masisi and Rutshuru and hampered humanitarian access to those areas where 30 camps are hosting some 100,000 IDPs.
6. **Human rights violations by FARDC:** Received reports mentioned the alleged commission by FARDC of gross human rights violations from 17th November to date especially when they withdrew from Goma and after their relocation in the city of Minova, Kalehe territory South Kivu. These alleged violations involve at least 6 cases of summary executions including 3 women and a child in Goma on the 18th November, a minimum of 200 incidents of lootings and 90 documented rapes cases, including 18 in Goma between the 17th and 20th November and 72 in the area of Minova (Kalehe territory in South Kivu) from 22nd November to date.
7. **Internally Displaced Peoples at risk in North Kivu:** The situation of IDPs in North Kivu is particularly concerning especially those located in Masisi, Rutshuru and Walikale territories where ANSA activism increased within the past three weeks. In these territories 19 CCCM camps hosting 47394 IDPs are actually under the control of ANSA³, 11 hosting 38547 by FARDC⁴, including 3 that IDPs left fearing the approach of ANSA. In Goma IDPs sites, the protection and humanitarian situation of IDPs is also a concern for the estimated population of some 138,000 IDPs⁵, to which only 29812 are hosted in a formal camp. Moreover, the lack of security forces in Goma and surrounding left a situation where IDPs are at permanent risk of violence and criminality by armed men. In addition, MONUSCO lacks capacity to provide permanent protection in IDP settlements implemented in a city hosting 1,000,000 inhabitants.
8. **Inter-communal conflicts:** According to IDPs testimonies as well as by land and property experts the dynamic of conflicts involving ANSA in North and South Kivu is often related to inter-communal relation and their attempt to control lands, properties and natural resources. The side effects of population movements are the loss of ownership by communities over their lands and habitats left by population displaced and occupied or destroyed by armed actors or other communities. In the course of attack directed against certain communities and its related displacement, acts of property and other documentations have been lost or destroyed, thus jeopardising durable solutions, especially the rights for return. In certain areas controlled by ANSA, legitimate authorities were threatened and replaced by members of group in control, as it is the case in Rutshuru territory partially controlled by M23.
9. **Child Protection:** The situation of children remains particular worrying. Recruitment of children continues to be a concern with numerous unconfirmed allegations of recruitment by various armed groups as well as FARDC. Messages have been passed through local TV and radio to prevent recruitment of children and the Child Protection Working Group is working directly with MONUSCO to increase patrols around centres of transit and orientation. The Child Protection Working Group through its tracing system have so far registered 671

³ Rutshuru : 11 camps hosting 18274 IDPs – Masisi : 7 camps hosting 27108 IDPs – Walikale : 1 camps hosting 2012.

⁴ Rutshuru : 1 camp hosting 4007 IDPs – Masisi : 7 camps hosting 34540 IDPs and 3 emptied.

⁵ This figure might change as displacement and return movement are reported.



unaccompanied and separated children (including 342 girls) identified in Goma IDPs population. The number of separated children increased as a result of new population movements from the city of Sake. Family tracing continues to be problematic with tracing teams unable to find families due to constant displacement. It is expected that more children will be reunified with their families as populations begin stabilizing. So far 19 unaccompanied children have been reunited with their families.

10. **Mines and UXOs:** Prior to the recent hostilities that took place in North and South Kivu, UNMACC and its partners have been working in the areas of Masisi and Rutshuru territories (North Kivu) over clearing areas contaminated with Unexploded Ordnance (UXO). Between August and October, UNMACC EOD teams have responded to 91 EOD reports clearing nearly 3,000 items ranged from air dropped bombs and rockets to artillery projectiles, recoilless gun/rifle projectiles, mortars and grenades. Since the hostilities resumed on 15th November at least 27 reports of UXO were received in Goma town including near IDP settlements and an indeterminate number on the roads used by IDPs.

III. DRC Protection Cluster

A. Protection Cluster coordination

11. Protection Cluster in DRC is established at national level and in ten provinces⁶. However, only five of them are being reported operational (Equator, North and South Kivu, Province oriental and Katanga) with established sub-clusters in protection sensitive locations. The non-operational provincial clusters are located in stabilised provinces where protection activities entered into a development phase. Three of them are coordinated by UNICEF, one by COOPI INGO and one by MONUSCO⁷.
12. Three working groups were set up at national level and in some of the provinces: Child Protection lead by UNICEF (all provinces where Protection Cluster is located) – House, Land and Property by UNHABITAT (National, North Kivu and Equator) – Mine and UXOs by UNMACC (National Level and focal points in North and South Kivu).
13. Protection Cluster Coordination capacities are limited in DRC especially in term of dedicated coordination resources. In addition to a P4 level Protection Cluster Coordinator deployed to North Kivu, Pool Fund allocated in 2012 an annual financial support for two UNHCR consultants dedicated for the Protection Cluster coordination in South Kivu and Province Oriental. This funding will expire at the end of December 2013 and won't be supported by any other planned financial capacity. Protection Cluster members and counterparts recognised the added value and difference made by such dedicated resources and expressed their concern regarding 2013 Protection Cluster Coordination in the two provinces. Moreover, no dedicated resource was deployed to other provinces such as Katanga where coordination is reported weak⁸ especially in the field of information management and analysis. Despite good commitment and competencies of the National Protection Cluster Coordinator, Cluster coordination at national level requires additional resources for covering the cluster activities, ensuring sustainability and continuity when the coordinator is absent of the country or on mission.
14. Protection Cluster term of reference at national and provincial level is out-dated⁹ and not adapted to the existing protection challenges. Participation is reported weak in term of

⁶ See index 1: Protection Cluster Coordination mapping 24/10/2012.

⁷ During consultations UNICEF Child Protection A.O.R recognised the need to deactivate these provincial clusters.

⁸ In September 2012, the national inter-cluster intervened to the Katanga CPIA (Interagency permanent committee located at provincial level) and raised the issue of the weak humanitarian coordination in the province.

⁹ Protection Cluster T.o.R at national level has not been revised since 2010.



technical expertise and too much inclusive of non-protection mandated agencies. This resulted to a difficult management of the forum, its lack of strategic and operational capacity as well as an erratic participation of its expert members. Protection mandated members expressed the need to establish clear participations criteria and refocus the participation to strengthen technical expertise in cluster core function (advocacy, information management, coordination, capacity building).

15. Protection Cluster information management system is reported generally weak by Cluster members and coordination. It is reported lacking essential information on protection risks, population of concern, community self-reliance as well as monitoring and evaluation of Protection response. Protection monitoring system lacks precise information and analysis on Protection incidents and risks, and needs to be strengthened and. Protection Cluster assessment tools as well as reporting system is not harmonize at country level and result in the difficulty for the National Protection Cluster Coordinator to consolidate information, produce analysis and establish protection priorities at country level. Thematic information especially on child protection, mine and UXOs risks and SGBV are not systematically refer and integrate into Protection Cluster reporting system due to weakness in the collection of these specific issues. MONUSCO SGBV section and UNHCR Protection and Prevention of SGBV programme are currently revising the information management method and tools.
16. Efforts have been made in protection mainstreaming for the past months and a protection officer is deployed within OCHA office, however, the overall humanitarian coordination lacks systematic integration of protection standards into its policy, programmatic and advocacy response. Protection Cluster lacks direct communication capacity or confidential forum to share protection issues and concerns with DSRSG-HC/RC, thus hampering the capacity to address protection concerns at highest political level.
17. In term of capacity building of Protection Cluster members, good practices have to be highlighted. National and Provincial protection Cluster coordination developed trainings based on needs identified by members. As example on Protection Mainstreaming and do not harm principle, management of project cycle especially in relation to the pool fund mechanism, etc. However, these dynamics were not harmonized or disseminate at country level and remain provincial creativities

B. Protection Cluster co-facilitation

18. Protection Cluster coordination team recognized the added value of the dedicated NGO co-facilitation made between 2010 and early 2012. However, interviewed INGOs members of the cluster and donors raised concerns on the lack of clarity in the tasks and responsibilities on which NGO co-facilitator did focus. Based on lesson learnt from the two experiences, they recommended the development by NGO Cluster's members of specific programmes dedicated to Protection Cluster coordination such as Protection mainstreaming, information management, capacity building, etc.¹⁰

C. Coordination with MONUSCO

19. Coordination mechanisms between Protection Cluster and MONUSCO have been established at national and provincial level through the implementation of Protection of Civilian referral mechanisms, specific forums or advocacy tools.
 - At National Level:

¹⁰ Three of the four donors consulted expressed their interest in supporting such approach.



- Protection Working Group (PWG): chaired by the Protection Adviser attached to the HC/RC with the participation of MONUSCO civilian section (Human rights – Civil Affairs – Child Protection), UNHCR and OCHA. PWG held meeting every two weeks.
 - Humanitarian Advocacy Group (HAG): opened forum chaired by the HC/RC and OCHA with the presence of humanitarian agencies, donors and MONUSCO G3 Officer and JMAC. HAG is taking place every Friday.
 - Protection Cluster: MONUSCO Human rights, Civil Affairs and Child Protection are members of the Protection Cluster, and their presence is irregular and their substantive participation limited. Protection Cluster held meeting every two weeks.
 - At Provincial level:
 - Protection matrix: Protection of Civilian tool established in 2010 and led by MONUSCO Civil Affairs section, with the participation of Protection Cluster Coordinator, MONUSCO CIMIC officer and OCHA. Based on protection priority identified by the Protection Cluster it refers immediate protection threats to the MONUSCO security forces.
 - SMGPP (Senior Management Group on Provincial Protection): Chaired by MONUSCO Head of Office, with the participation of MONUSCO CAS, Human rights integrated Office, OCHA and UNHCR. It ensures the liaison for the Protection Working Group at provincial level.
20. The low capacity by national security forces and law enforcement agencies in the country often results in MONUSCO being the only security capacity to provide physical protection to civilian. However, the recent events in eastern DRC demonstrated the limited operational capacity of the mission to provide protection. Amidst precise requests for interventions made by the Protection Cluster, MONUSCO was not able to respond on time or adequately. This situation raised the need for more precision in MONUSCO mandate of specific Protection of Civilian duties and responsibilities and to improve accountability mechanisms for the application of the PoC mandate.
21. Despite good coordination at national level especially with the human rights integrated office and Civil Affairs Section, the relationship between Protection Cluster and MONUSCO civilian component is reported difficult in some of the provinces. MONUSCO head of office and Civil Affairs Officers are described to be intrusive into humanitarian operational management and Humanitarian Principles badly understood. In addition, in North Kivu the mission mandate of logistical support to FARDC seems to discourage NGOs partners to collaborate with MONUSCO civil sections.

D. Coordination with National counterparts

22. The level of engagement with National authorities by the Cluster in DRC is limited due to the lack of direct contact by Protection Cluster Lead to high-level government officials. However, partnership is established by UNHCR with the National Refugee Commission¹¹ especially in the field of CCCM.
23. National and provincial authorities have not showed strong commitment to fulfill their responsibilities to protect and assist the population affected by displacement. This situation being mainly related to the deficiency of national legislative and policy framework on internal displacement.
24. At provincial level, coordination with authorities is also limited to ad hoc advocacy exchanges with military and police representatives as well as a partnership by UNHCR with the National Refugee Commission on CCCM.

¹¹ Affiliated to the Ministry of Interior office supported by UNHCR funding.



E. Relation with donors

25. The only direct contact established between the Protection Cluster and a donor is through the Humanitarian Advocacy Group mentioned before major protection advocacy being controlled by the DSRSG-HC/RC. This situation might explain the difficulty faced by the Protection Cluster to fund its activities. During consultations conducted, donor's representatives recognized the importance of protection in the current DRC crisis and expressed their request to receive regular briefing by the Protection Cluster. In addition, they emphasized their capacities to bring protection concerns to the government.

F. Specific challenges

26. As mentioned earlier, humanitarian access to affected populations continues to be a major challenge in some areas of North Kivu and South Kivu due to conflict-related insecurity and ANSA activism, especially in Masisi, Rutshuru and Walikale territory (North Kivu), but also in certain parts of Kalehe, Shabunda and Uvira territories (South Kivu). Restricted access has seriously affected the implementation of protection and humanitarian assistance activities, including in IDP camps/sites located in unsafe areas: withdrawal of humanitarian and government actors, including camp management agency, health actors, the National Commission for Refugees in charge of camp administration, remote monitoring resulted in further displacement of those seeking for protection.

IV. Follow-up and recommendations

A. Protection Cluster coordination

27. Protection Cluster to strengthen its coordination capacities:

- Dedicated Protection Cluster Coordinator need to be maintained in South Kivu and Province Oriental, consider in Katanga and reinforce in North Kivu and at National level.
- Information management system needs to be revised and capacitated through the deployment of dedicated information manager at national level. Protection Cluster analysis needs to be reinforced by the development of an information management response plan that integrates information collection and analysis programmatic responses (population profiling – community based protection referral system – early warning system – rapid protection assessment tools – data management system). UNHCR protection monitoring system needs to be improved, incident must be better documented and followed-up, and focus more on analysis of protection risk. Link to be made with the Protection Cluster information management system and priority risks identified.
- The Protection Cluster needs to revise its Term of References at national and provincial level and prioritise its core technical functions, in which criteria of participation and member responsibilities should be clearly defined.
- Protection mainstreaming must be reinforced and integrated into inter-cluster programmatic response and within the humanitarian coordination policy framework and advocacy messaging.
- Protection Cluster good practices and tools need to be harmonised and disseminated at country level.
- House, land and property A.O.R needs technical support through surge deployment especially in the field of land rights and inter-communal based conflict.
- Protection Cluster must revise and harmonise its protection coordination tools and mechanisms. Term of References must be updated in accordance to the specificity of Protection Coordination in DRC and inclusiveness more focus on technical expertise than number of participants.



- The role of OCHA protection officer to ensure the interface with the Protection Cluster needs to be clarifying and dedicated to support protection mainstreaming into humanitarian coordination.

B. Coordination with MONUSCO

28. MONUSCO protection of civilian response should be improved and adapted to specific population protection needs. The mission should balance its priorities based on critical threats. Protection Cluster plays an important role in identification of priority needs for PoC as well as monitoring and evaluating the response given, and must be consulted accordingly. Adequate security forces should be used for protection of civilian, such as Formed Police Units (FPU)¹² that could be reinforced and dedicated to the protection of IDP settlements inside and outside of Goma. This specific function should appear in a revised mission mandate. Protection Cluster could contribute in induction training of such forces and facilitate liaison with humanitarian actors and beneficiaries. Clarification should be made regarding rules of engagement for MONUSCO Forces in relation to its PoC mandate.

C. National protection response

29. Protection Cluster should engage with National authorities in order to support the government to ensure its primary responsibility to protect civilian. Protection Cluster should identify National and Provincial responsibilities for protection and develop specific forums.

30. Protection Cluster should support National authorities to initiate national policy and reform on IDP protection: 1st by conducting advocacy with National counterpart (national authorities, civil society) for the ratification of the Kampala Convention. 2nd by establishing in coordination with national authorities a Protection Cluster strategy and response plan to promote the establishment of a national policy on internal displacement, thus identifying and integrating specific activities.

D. Advocacy and external relation

31. The Protection Cluster needs to improve its advocacy and external relation especially with national counterpart and donors:

- The drafted advocacy strategy needs to be implemented and cluster members capacity build accordingly.
- The Protection Cluster needs to establish a technical task force to coordinate the identification, establishment and communication of key protection messages.
- Advocacies should be improved in term of information and clear deliverables.
- Soft and confidential advocacy should prioritise to public denunciation and generic.

¹² 7 units are actually deployed in DRC.