



Democratic Republic of the Congo 

What does the future hold for IDPs living in camps in central Masisi?

Return, local integration, and settlement elsewhere in the country

Summary and recommendations

Cover photo: Internally displaced people in Kilimani camp, Masisi, September 2011. *(Photo: NRC/C. Beau, September 2011)*

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Executive summary

The Democratic Republic of the Congo (DRC) has experienced an increase in armed conflicts between its national army and various armed groups, in particular the National Congress for the Defence of the People (*Congrès national pour la défense du peuple*, or CNDP) since 2006. As a result, a growing number of people in the province of North Kivu have had to leave their villages. As finding assistance in local communities became increasingly difficult, hundreds of thousands took refuge in what the humanitarian community has termed “spontaneous settlements”. Since 2008, the humanitarian community has organised the management of many of these settlements. International humanitarian organisations have established a Camp Coordination and Camp Management Working Group (CCCM WG) coordinated by the Office of the United Nations High Commissioner for Refugees (UNHCR). At the end of 2011, there were 31 official displacement camps in North Kivu and close to a dozen spontaneous settlements. The official displacement camps house more than 78,000 internally displaced persons (IDPs); 60,000 are located in the territory of Masisi, the subject of this report. The camps continue to receive people displaced by the violence between armed groups in their home areas, and camp populations increased over the course of 2011.

These camps had been considered by the humanitarian community and authorities to be a very temporary solution of last resort, and yet they remain, more than four years after they were first established.

This report analyses the Bihito, Kalinga, Kilimani, and Lushebere camps, located in Masisi, a territory in the province of North Kivu that has been greatly affected by displacement for close to the past twenty years. In order to gain a better understanding of durable solutions that are suitable for the IDPs living in the camps, this report investigates the causes behind their displacement, as well as their living conditions and their prospects for the future. Finally, it offers concrete suggestions to the actors involved, such as authorities in the DRC, including the National Commission on Refugees (*Commission Nationale des Réfugiés*, or CNR), which is charged with coordinating protection for IDPs. Other actors include international or Congolese organisations that provide assistance and protection to IDPs in the camps and strive for durable solutions to their displacement.

Despite their unique characteristics, the four camps analysed in this study have elements in common with

many other camps in the province. They were created spontaneously in 2007, like the majority of other camps in North Kivu. Their residents therefore face the same challenges related to protracted displacement as do the residents of other remaining camps. Like many others in the province, these four camps have been pressured to close, and that pressure continues today. They and all the other camps in the province are dealing with a distinct decline in interventions by humanitarian actors and with decreased access to essential services, due to lack of financing for humanitarian activities in the camps. Of particular note is the very low ratio of school enrolment in the camps: around 25 per cent for children of primary school age, and 10 per cent for secondary school. IDPs often must resort to selling part of their food aid in order to clothe themselves or pay for medical care. Many turn to small business and day labour, just like their non-displaced neighbours.

The four camps are located in a relatively stable area patrolled by MONUSCO (UN Stabilization Mission in the Congo) troops and benefit from the presence of police assigned to their security, unlike most of the other camps in North Kivu. Nevertheless, investigation for this report found that displaced women in the camps are exposed to risks of serious violence including sexual assault, in particular while gathering wood.

The majority of the population at the four camps is Hutu, while the surrounding communities are predominantly Hunde. It is interesting that the surrounding communities also hosted IDPs, mostly Hunde.

This report analyses durable solutions to displacement based on surveys of the four camps’ inhabitants conducted between April and June of 2011. Further information was provided by interviews with key players. The report examines the IDPs’ various options for achieving durable solutions, namely return, local integration, and resettlement elsewhere in the country. These options have all been provided for in the Pact on Security, Stability and Development in the Great Lakes Region, which was ratified by the DRC, along with the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which the DRC has signed but not yet ratified. Other documents endorsed by the United Nations, such as the Framework on Durable Solutions for Internally Displaced Persons, also discuss principles relevant to the implementation of durable solutions.

Return

The Stabilization and Reconstruction Plan (STAREC) and the International Security and Stabilization Support Strategy (ISSSS) aim to support return, reintegration, and community rebuilding (RRR) through a series of activities that allow for the restoration of social services and basic infrastructures, the promotion of employment and agricultural production, and the resolution of disputes related to housing, farming, and land ownership. Up until now, the Stabilization Support Strategy has only targeted limited areas in Masisi. In its second phase, 2012-2014, ISSSS will extend the targeted areas to include all the areas or *groupements* where the security situation allows for the organisation of support programmes for return or reintegration. It is important to note that the strategy does not recommend implementing community rebuilding programmes in areas where the security situation is still volatile. This designation includes the *groupements* in eastern and southern Masisi, the home areas of the majority of IDPs still living in the camps studied for this report.

A series of efforts detailed in the Humanitarian Plan of Action also supports the immediate needs of people who recently returned to their homes. This resulted in the extension of aid in 2011 to several million people in Masisi who were considered vulnerable.

More specifically, the international community, in conjunction with Congolese authorities, developed a strategy of camp coordination as part of the CCCM WG. The 2009 version of this strategy primarily aims to facilitate return while still ensuring protection for those who cannot return to their homes. In practice, a registration process for people who wish to return voluntarily to the areas where they previously resided allows the humanitarian community and competent authorities to identify and support those people desiring to return to their home areas. Programmes for distributing return kits were organised in the camps. Two return waves were organised in 2009, allowing the return of nearly 6,000 people, primarily within the Masisi territory; in 2010, four waves were organised, allowing the return of nearly 36,000 people, according to UNOPS (United Nations Office for Project Services). On the other hand, only around a hundred departures that were deemed “spontaneous” occurred at the four Masisi camps studied in 2011, and no returns were organised by the CCCM WG in 2011. Few people had expressed an interest to return, and with the November 2011 elections on the horizon, the Working Group preferred not to organise a return campaign that could have been interpreted as a signal that people should now return home. The reduction in return movements from 2010 to 2011, from the camps as well as from host families, was noticeable throughout the entire North Kivu province.

Obstacles to return

Close to 65 per cent of the people that the Norwegian Refugee Council (NRC) interviewed in the Masisi camps between April and June 2011 confirmed that they would prefer to return to their villages. The percentage varied from 59 per cent in the Bihito camp to 80 per cent in the Kilimani camp. The IDPs named two main reasons that explained the lack of return up to that point: land ownership issues and lack of security. The more serious of the two was the risk to their physical safety in their home areas, where murder, torture and death threats, sexual assault, forced recruitment and labour, and abductions during the night all are common. The IDPs linked the risks of violence and insecurity to ethnic conflicts, political conflicts, retaliation, and the presence of bandits. The lack of customary or administrative authorities in their home areas is one of the causes of the insecurity cited by IDPs. These IDPs are calling for the restoration of a government presence in their home areas, such as through the deployment of army troops created by and loyal to the government. The IDPs who were interviewed said they could not count on protection from the army troops positioned in the region; they felt that the troops remained affiliated with certain ethnic or political groups.

The home communities of the majority of displaced people in the four camps are located in areas still ravaged by insecurity, according to evaluations conducted by the UN Stabilization Support Unit, which is charged with coordinating UN support for stabilization in the DRC. With the exception of the town of Masisi Centre and along the axis between Masisi Centre and Goma to the east and the south of the territory, grave threats are posed to the security of the civil population in Masisi. This is caused in part by attacks by various armed groups: by the Democratic Liberation Forces of Rwanda (*Forces démocratiques pour la libération du Rwanda*, or FDLR), by the Alliance of Patriots for a Free and Sovereign Congo (*Alliance des patriotes pour un Congo libre et souverain*, or APCLS), and especially by the Mai Mai Cheka. The government of the DRC has a presence only in limited areas of Masisi, such as the territory's capital. A considerable amount of work remains in terms of integrating former armed groups and suppressing parallel chains of command, especially those based on adherence to the CNDP, a former armed group that has been officially integrated into the national army. In a similar trend, there are ethnic tensions within police forces, as they underwent the same process of integrating elements of various groups as the former armed groups. Moreover, “parallel” officials controlled by armed groups that have since been integrated into the army continue to receive taxes illegally and are not collaborating with Masisi's territorial administration or with traditional leaders. Seventy-five per cent of the Masisi territory is estimated to be controlled by police

forces who answer to parallel chains of command linked to the CNDP and PARECO, which has also been officially integrated into the Congolese army.

Along with insecurity, land ownership issues are the other main concern mentioned by the IDPs. The territory of Masisi is particularly vulnerable to land-related conflicts, as a result of demographic pressure and competition between ethnic groups to control the land. Armed conflicts have opened the way for certain armed groups to take over lands by putting pressure on the landowners. Many people have thus been obligated to leave their land, which they have sometimes been forced to sell for paltry amounts. Others have been forced by armed groups to give up their deeds to their lands before being evicted from them.

Local integration or resettlement elsewhere in the country

The CCCM WG's 2009 exit strategy, called *Plan de Sortie* in French, is one of the only framework documents that mention solutions other than return. The strategy notes that not all IDPs desire to or are able to return to their homes, notably for reasons of security. Even though one of the strategy's objectives provides for the implementation of "exit or consolidation" strategies, the strategy does not consider the option of local integration in a complete, concrete manner. It only plans for the continued provision of services and aid for those having chosen to remain in the camps due to the level of vulnerability.

In a related document that lays out strategic instructions for camp management in 2012-2013, the UNHCR also mentions the situation of IDPs still living in the camps, and recommends the implementation of a "self-empowerment" programme along with self-sufficiency initiatives created by IDPs in the camps. The goal is to help them become autonomous in 2013, with particular support for developing means of subsistence. This document also touches upon the cases of IDPs facing land ownership issues in their home communities; for these people, suggestions turn to relocation and especially the construction of community housing in a secure location.

None of the documents related to stabilization propose solutions to internal displacement other than return.

As stated above, few IDPs opted to return in 2011, and the populations of the four camps studied increased that year. Many of the IDPs who had been in the camps since 2007 must have adapted to their precarious situation. Even the interviews and visits conducted in connection with this study made it clear that, while difficult, the situation of IDPs in the four camps seemed preferable to the situa-

tion in their home areas, at least with regard to perceived physical safety. The IDPs also had access – albeit limited access – to basic services available to the surrounding community.

According to investigations conducted for this report, nearly 34 per cent of the people who participated in the group discussions did not foresee returning home. Close to 23 per cent of the people chose the option of settlement elsewhere in the country, while 11 per cent opted for local integration in Masisi Centre, its surrounding villages, or villages near the camps. Some also reported having acquired plots of land inside the camps and planning to remain there after the camp closed. Finally, some IDPs married people native to the displacement area and planned to settle in the area on a long term basis.

There is a strong preference towards local integration or resettlement among men with physical handicaps, the elderly, and people without family members in their home areas. These IDPs tend to stress the fact that they have access to certain aid and services in the displacement areas from which they cannot benefit in their home communities. Some women who do not have access to land or who have been victims of sexual assault in their home areas and fear becoming victims to future attacks have also stated a preference for local integration or resettlement. Some men also say they prefer not to return for fear of being killed in the context of interethnic conflict, ethnic discrimination (especially against Hutus, the ethnic majority among IDPs at the camps), or personal vendettas.

In the absence of durable solutions, the IDPs who were interviewed, many of whom had lived in the camps for over four years, displayed ingenuity in adapting to a precarious situation. They registered to vote in the November 2011 elections, leased plots of land from their non-displaced neighbours, or offered their services in working others' fields. Nevertheless, as this precarious situation continues, a series of conflicts over land has broken out between IDPs and the major landowners who own the land upon which the camps have been established. Administrators in the territory, as well as humanitarian actors working on behalf of IDPs, continue to urge the landowners to tolerate the camps' existence.

Conclusions and recommendations: What lies ahead for the camps?

Preventing the risks of premature camp closures

The pressure to close directed at the camps is very real, but alternative solutions for the IDPs have not been systematically identified. In the Masisi camps, the pressure emanates primarily from the owners of the land upon which the camps have been established. For the time being, authorities at the provincial level have taken necessary measures to combat this pressure and allow the camps' continued existence on the land in question. The lack of formal agreements with the owners, however, continues to put the IDPs at risk of being evicted. In the past, camps in North Kivu have closed in response to pressure from authorities wishing to show progress in the securement of the province or to consolidate areas under their influence.

- All the actors involved, particularly the CCCM WG and state officials (including the CNR), need to officially ensure that all local authorities of territories, *groupements*, chiefdoms, and communities remember the crucial principles for protecting IDPs in the camps from the risks of arbitrary eviction. These principles must include:
 - the obligation of authorities not to force IDPs to return to or resettle in an area where their lives, safety, freedom, or health would be endangered;
 - the obligation that no IDPs should be forced to leave the camps without having access to an alternative solution determined with the IDPs' involvement and based on free and informed decisions.

These principles should be reaffirmed by the CCCM WG in its strategy and should be disseminated to all actors involved at the national, provincial, and local levels through advocacy and appropriate awareness campaigns.

- The CNR, with support from the CCCM WG, should explore potential processes for addressing the grievances of the owners of the land upon which the camps have been established. The processes should aim to calculate the damage incurred by the owners and to find a means of meeting with owners and IDPs to resolve the outstanding disputes. Possible efforts could include negotiations for a joint framework agreement that acknowledges the resources and interests of each party.

Setting basic criteria to facilitate durable solutions as soon as new camps are established

The proliferation of spontaneous IDP settlements in the North Kivu province has led the CCCM WG to plan for consolidating some of these settlements with existing camps, or else regrouping camps into larger units. However, the strategy gives no indication of how to avoid the risk of dependency and perpetuation in the creation of new camps.

- CNR and CCCM WG officials should specify basic criteria to be met in order to facilitate the search for durable solutions for camp populations and to avoid long term dependency on external aid. Such criteria could include:
 - Positioning camps in secure areas as close as possible to the home communities and lands of the IDPs;
 - Positioning camps on public lands that can be allocated on a long term basis to victims of protracted displacement, by means of clearly defined agreements with the landowners;
 - Availability of agricultural terrain near the camps and negotiation of short term leases for farming these lands;
 - Positioning camps in proximity to existing essential services, such as schools and health care, and reinforcing such services in order to support the surrounding communities' ability to accommodate IDPs and to prevent tensions between the communities and the IDPs.

Reinforcing support for all durable solutions to displacement

Up until now, stabilization strategies and humanitarian involvement in the DRC have focused on the return of IDPs to the exclusion of other durable solutions to internal displacement, such as local integration or resettlement elsewhere in the country. This omission risks translating into a lack of support suitable for people who wish to rebuild their lives in areas other than their home areas. Moreover, there is little data on the integration of IDPs in their displacement areas or elsewhere in the country.

- The CCCM strategy should plan for the three durable solutions to internal displacement and should provide

for indiscriminate and appropriate assistance and protection for IDPs who wish to assimilate into their displacement areas or elsewhere in the country. The process for registration and declarations of voluntary return set forth in the 2009 CCCM strategy should be formally expanded to include other durable solutions, such as local integration and resettlement elsewhere in the country.

- Stabilization strategies in provinces affected by displacement (the government's STAREC plan and the ISSSS international support plan) should plan support for the three durable solutions in order to support the choices of IDPs.

Reinforcing the collection of data regarding durable solutions implemented by IDPs

The information available on return movements and the process of integrating IDPs in their home areas is still insufficient. As mentioned above, there are no systematic data on local integration and resettlement of IDPs.

- National authorities, with support from provincial authorities and humanitarian partners, should reinforce the data collection and analysis processes related to IDP movements in search of durable solutions. This especially applies for provincial commissions on population movements (forums for collecting population movement data). Follow-up on the integration process for IDPs in areas of their choosing (return, local integration, or resettlement elsewhere in the country) should be reinforced. Existing forms of follow-up and protection, in particular the HCR's monitoring protection and the multi-sectorial investigations by the Programme for Rapid Response to Population Movements (*Programme de Réponse Rapide aux Mouvements de Population*, or RRMP), should supply specific analyses of the situations of people who returned home or were integrated elsewhere, and should identify instances of insecurity and discrimination.

Responding to land ownership conflicts inhibiting the return of IDPs

The information available on obstacles to return and conditions in home communities is insufficient, especially regarding obstacles related to land ownership. As of yet there has been no response to land ownership conflicts that pit major landowners against IDPs or to situations of systematic obstruction of the return of certain ethnic groups.

- The CNR and North Kivu's land coordination group (*groupe de coordination foncière*, protection cluster) should map out in detail conflicts preventing the return

of IDPs, such as those that pit major landowners against IDPs and those involving obstruction to the return of certain ethnic groups. Based on this information, the CNR and the land coordination group should develop a strategy for facilitating the resolution of such disputes and the restitution of or compensation for IDPs' property rights in their home regions. This proposed conflict resolution should be planned in collaboration with the Permanent Local Committees on Conciliation (*Comités Locaux Permanents de Conciliation*, or CLPC) created by the DRC government.

Exploring solutions to allow for temporary or durable resettlement of IDPs

Available data confirm that some IDPs in the four camps in Masisi Centre wish to be integrated into their displacement areas or elsewhere in the province, whether on a long term basis or while waiting for return to their home areas to become possible. Some of these IDPs have taken the initiative in exploring possibilities for settling in hosting communities, for example, by negotiating agreements with owners of farmable lands. Support for the integration of IDPs into hosting communities, however, is still insufficient, particularly with regard to facilitating land allocation to IDPs so they can settle there.

- The CNR, with support from the land coordination group in North Kivu and the CLPCs, should explore processes and possibilities for allocating lands on a temporary or permanent basis. This would allow for durable resettlement for displaced households that do not have land but wish to be integrated locally. For example, awareness campaigns and negotiations with major landowners in displacement areas could be organised in order to secure contracts between owners and IDPs for access to farmlands (leases, farm tenancy, etc.) under equitable conditions.

Mobilising governmental authorities, humanitarian institutions, and institutions for development

The 2012-2013 CCCM strategy being prepared promotes support for IDPs who wish to return home and aims to encourage the autonomy of people who remain in the camps. This strategy risks not being implemented due to insufficient financing and partnerships. Living conditions are precarious for IDPs, particularly with regard to shelter and food security, and access to certain basic services such as education is insufficient.

- The 2012-2013 CCCM strategy should be presented and finalised with all of the clusters and authorities

concerned. Partners should develop a plan of action to support the strategy, especially with regard to support for durable solutions, and should specify the measures to be taken, responsibilities, and budgetary implications. The strategy and the plan of action should be presented to national authorities and donor nations in an effort to mobilise their political and financial support.

- Humanitarian actors should mobilise the necessary means for responding to basic needs within the camps related to shelter, water, hygiene, nutrition, and ensuring indiscriminate access for IDPs to certain basic services, such as education.

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