



COUNTRY OPERATIONS PLAN

Country: Democratic Republic of Congo

Planning Year: 2004

Part I : Executive Committee Summary.

(a) Context and Beneficiary Populations.

After five years of war and civil strife that partitioned the country into many parts, the Democratic Republic of Congo has officially ended its war and has embarked on a political transition that has reunified the vast territory. This peace settlement comes after 18 months of arduous negotiations between the government, rebel leaders, opposition political parties and civil society. This significant achievement has been made possible by the resolute and visible backing of the United Nations and international community at large.

Consequently, a transitional government of national unity has been formed since July 2003, from previously warring factions and members of the civil society, with four Vice-Presidents, 36 Ministers and 25 Vice-Ministers. Two committees, namely, the National Follow Up Committee and the International Committee to Accompany the Transition (ICAT), comprising Ambassadors of the five permanent members of the UN Security Council, plus those of Belgium, South Africa, Angola, Gabon, Zambia, Canada and the African Union representative, was established in April 2003 and they participated actively in this peace-making process. The involvement of ICAT is expected to continue throughout the transition period, thereby underscoring the role and will of the international community in bringing about a lasting peace in DRC.

The persistent instability in the great part of the east of country remains a daunting challenge that lies ahead for DRC despite the reunification process. The Ituri province still needs to be pacified and the ethnic violence eradicated, in North and South Kivu as well as North-Eastern Katanga. While human rights violations are reportedly widespread as a result of war, their scope and frequency are higher in former rebel held territories. The abuses include rape, summary killings and abductions of civilians.

In territories controlled in the past by ex-rebel movements, the behaviour of ex-rebel soldiers pending their integration into the national army is unpredictable. Moreover, as the rebellion gives way to a unified government, there may be a “floating” period when the ex-rebel soldiers and militia groups will be unattended. There is a fear that this authority gap might trigger further insecurity in the concerned areas.

In July, MONUC’s mandate was strengthened by Security Council resolution 1493. This resolution was adopted under Chapter VII of the UN Charter, thereby authorising MONUC to take all necessary measures in the areas of deployment of its armed units, to, among others, protect civilians and humanitarian personnel under imminent threat of physical violence. MONUC’s troop level was raised to 10,800, enabling it to pacify the Ituri and other zones of conflict. By 15 September 2003, the transfer of control from the French-led EU force “Artemis” to MONUC II was completed in Bunia, Ituri district. It is hoped that with its enhanced mandate and capacity, MONUC will expand its space of operation to “the greater east” thereby contributing to the pacification of that region.

A positive development regarding UNHCR operations occurred in August 2003, when the Head of State signed the decree establishing the National Eligibility Commission, thereby

complementing the National Refugee Law, promulgated in October 2002. For all of these reasons, UNHCR has assumed a catalyst role for refugee assistance and legal protection in DRC.

Overview of beneficiary population and themes

As of January 2003, DRC hosts close to 334,000 refugees originating mainly from Angola, Sudan, Uganda, Rwanda and Burundi. There were also residual groups of refugees from the Republic of Congo and from the Central African Republic. It is expected that by the end of 2003, the refugee population will have decreased to about 255,000 mainly as a result of voluntary repatriation to Angola, Rwanda, Central African Republic and the Republic of Congo.

Enhanced Protection Framework:

In line with the Agenda for Protection adopted by States signatories of the 1951 Geneva Convention in December 2001 and the Comprehensive Implementation Plan adopted by the OAU in March 2000, the office will enhance the protection framework in DRC. The office will strive to develop national protection capacities. This will not only include promoting the Government's accession to international refugee instruments and adoption of national refugee legislation and eligibility procedures, but also advocating for adequate resources and sufficient commitment to carry out protection activities. In addition, the office will support the newly established eligibility commission and will develop government capacity to manage a registration system through technical expertise, equipment and financial support, training in RSD, interviewing techniques, registration etc. The office will make a special effort to reach out to the growing civil society and will encourage the introduction of refugee law courses in universities curriculum with a view to create a pool of expertise from which government and NGO capacity can be drawn.

With improved opportunities for repatriation, the office will ensure that agreed upon arrangements between the country of asylum, the country of origin and UNHCR for the return of refugees concerned in safety and with dignity are adhered to. As there will be refugees who may be unable to either repatriate to their country or to integrate in DRC, the office will also strengthen its capacity to use resettlement as a durable solution.

Risks of exploitation of refugees are high in DRC context. The office will continue to reinforce prevention and response to Sexual and Gender Based Violence and Exploitation and prevention of refugee enrolment as soldiers, particularly children. Key elements will be training and sensitisation of staff, refugees and police and monitoring the established referral and information systems.

Angolan and Rwandan refugees

Following the signing of the Memorandum of Understanding of 4 April 2002 between the Government of Angola and UNITA that put an end to 25 years of fighting more, UNHCR prepared a regional repatriation plan. On 9 December 2002, a Tripartite Agreement between the Government of the Democratic Republic of Congo, the Government of Angola and UNHCR on the voluntary repatriation of Angolan refugees from DRC was signed in Kinshasa. Organised movement and the promotion of the voluntary repatriation started on 20 June 2003 and will be carried on throughout 2004.

After the examination of the prevailing conditions in the region with regards to Rwandan refugees and noting the substantial increase in the number of Rwandan refugees voluntarily electing to return home, UNHCR reviewed and changed its policy from merely facilitating voluntary returns to promotion of voluntary repatriation. As per UNHCR strategy for the promotion of the repatriation of Rwandan refugees, actions aimed at switching to a more active phase of the repatriation operation in DRC are to be taken in 2003. Promoted

repatriation will continue in 2004 and culminate in the declaration of the “ceased circumstances” cessation clause, which is expected to come into effect by December 31 2005.

Sudanese and Ugandan refugees

The office is closely watching developments in the negotiations of the Sudanese peace process and has prepared a repatriation plan which will be consolidated into the draft regional repatriation plan for Sudanese refugees. In the interim, the office will continue to pursue its policy of local settlement for these refugees. Sudanese refugees in Biringi and Aba are self-sufficient in food and even produce surpluses but refugees in Dungu and Doruma have not yet achieved food security due to displacements and insecurity. The office will therefore focus on developing food security by supporting agricultural production and financing small income generating projects. As in all refugee locations, health and education infrastructures and staff receive no support from authorities, the office will continue to ensure that these basic services are available to the refugees and the local population hosting them by financing infrastructure repairs, staff and consumables. However the partial cost-recovery system introduced in 2003 in Biringi and Aba will be expanded.

Residual caseload and Burundians

Following events in Bangui in March 2003, Central African refugees who had fled in May 2001 expressed the desire to repatriate. 2,007 refugees accommodated in Mole, Equateur Province returned to Bangui, in June 2003. The status determination of the remaining 100 refugees is underway, meanwhile basic humanitarian assistance has been provided to them.

In the Republic of Congo, Ninja rebels signed a peace agreement with the government in March 2003, which should enable the office to shift the repatriation from facilitation to promotion. It is expected that there will be a small residual caseload 800 RoC refugees in continuous need of assistance and international protection at the beginning of 2004. As the economic, social and human rights situation in DRC remain precarious, local integration is not a viable option for these mostly urban refugees. In this context, while continuing to pursue repatriation, a more active identification of resettlement potential as a durable solution is foreseen for these residual cases and other urban refugees.

The current estimated population of 19,000 Burundian refugees is expected to remain stable throughout 2003 and 2004 as refugees are likely to adopt a wait and see position. If the Arusha Peace and Reconciliation Accords are fully implemented, there will be a possibility to start organised repatriation in a context of a regional plan. Many Burundian refugees live in the forest of the Kivus and are closely associated with the Rwandans. With the implementation of the DDR process and the repatriation of Rwandans, some additional 1,400 refugees are expected to come out of the forest and seek UNHCR assistance. Some of these refugees will come to urban areas or their periphery and be assisted as urban refugees. The Office may need to create sites to host others pending solutions.

Repatriation to DRC

The situation in areas of return is currently not conducive to organised return. However the situation may evolve positively in the coming months especially regarding return to Katanga and Equateur. A regional repatriation plan is being developed in 2003 and the Office may facilitate return to specific areas as early as 2003. This being a complete new operation that will require further assessments and a regional approach, resources needed for 2004 were not incorporated in the Country Operation Plan. In terms of strategy, the office will ensure that assessments and plans for the reintegration will be done jointly with the DRC Government and development agencies with a view to have UNDP co-ordinate the reintegration assistance and World Bank the rehabilitation and reconstruction.

(b) Selected Programme Goals and Objectives.

<ul style="list-style-type: none"> • Theme: Enhanced Protection framework 		FMIS Project Code : 04/AB/COD/LS/401
Goals: <ul style="list-style-type: none"> • To improve the legal framework and procedures for protection and durable solutions • To increase government and civil society knowledge of refugee rights and capacity to address refugee issues • To enhance refugees protection against exploitation 		
Principal Objectives		Related outputs
<ul style="list-style-type: none"> • Refugees benefit from improved individual asylum procedure (Objective 1.2 of the Agenda for Protection). 	<ul style="list-style-type: none"> • an asylum procedure is set up by DRC government • funding and human resources allocated by DRC government to eligibility commission • training on RSD procedures and interviewing techniques organised for officials 	
<ul style="list-style-type: none"> • Strengthened partnerships for protection with civil society, including NGOs. (Objective 3.3 of the Agenda for Protection). 	<ul style="list-style-type: none"> • "legal clinics" established where asylum seekers and refugees receive legal and social counselling • case files for national eligibility committees prepared by NGOs • Public information campaigns conducted to foster understanding of refugee issues and combat xenophobia • Refugee law introduced in faculty of Law curriculum 	
<ul style="list-style-type: none"> • Prevention of age-based, sexual and gender-based (Objective 4.4 of the Agenda for Protection) 	<ul style="list-style-type: none"> • training and awareness raising at camp level organised • referral- reporting systems established • SGBV trends analysed and strategies revised • legal and rehabilitative remedies to victims established 	
Beneficiary Population : Angolan and Rwandan refugees		FMIS Project Code : 04/AB/COD/CM/202; 04/AB/COD/RP/330; 04/AB/COD/RP/380
Goals: <ul style="list-style-type: none"> • To provide care and maintenance towards self-reliance pending repatriation • To promote and organise the voluntary return of refugees in safety and dignity 		
Principal Objectives		Related outputs
<ul style="list-style-type: none"> • Refugees make an informed decision on repatriation 	<ul style="list-style-type: none"> • Mass information campaigns on the conditions prevailing in areas of return in countries of origin • Mine awareness campaigns organised and material distributed 	
<ul style="list-style-type: none"> • Refugee movement is organised, secure and dignified 	<ul style="list-style-type: none"> • Roads and bridges repaired • Transportation by trucks or planes in co-ordination with country of origin • Security and immigration authorities escort convoys 	
<ul style="list-style-type: none"> • Beneficiary Population : Sudanese and Ugandan refugees in Province Orientale 		FMIS Project Code : 04/AB/COD/LS/404

and North-Kivu		04/AB/COD/RP/380
Goals:		
<ul style="list-style-type: none"> To ensure availability of basic services and to support economic self-reliance for refugees who have not yet reached an acceptable level of food security and to new arrivals To facilitate the voluntary repatriation of individuals and small groups who ask for return 		
Principal Objectives		Related outputs
<ul style="list-style-type: none"> Refugees in Dungu and Doruma produce sufficient basic food 	<ul style="list-style-type: none"> inputs distributed; seed co-operatives set up refugees trained for crop monitoring. 	
<ul style="list-style-type: none"> Refugees in sites benefit from basic health services to which they contribute 	<ul style="list-style-type: none"> Preventive and curative primary health care delivered contribution system established (initiative Bamako) Medical committees determine priorities and control use of refugee contribution 	
<ul style="list-style-type: none"> Increased school attendance particularly for girls and increased refugee contribution to school costs 	<ul style="list-style-type: none"> Pre-school and primary education services delivered Incentives for girls given Refugees are able to cover part of school expenses Education Committees manage education contribution 	

Beneficiary Population : Residual caseload and Burundian refugees		FMIS Project Code : 04/AB/COD/CM/202; 04/AB/COD/RP/380; 04/AB/COD/LS/400
Goals:		
<ul style="list-style-type: none"> To ensure availability of basic services and to support economic self-reliance for refugees in sites and urban areas pending a durable solution To facilitate or promote return and identify resettlement cases 		
<ul style="list-style-type: none"> Newly accessible Burundian and other new refugees receive care and maintenance assistance towards self-reliance pending solutions 	<ul style="list-style-type: none"> land negotiated and agricultural inputs distributed arrangements for health services made primary school children receive material support/ scholarships monthly subsistence allowances given for six months in urban areas and individual micro-projects financed 	
<ul style="list-style-type: none"> Refugees for whom repatriation and local integration is not feasible are resettled 	<ul style="list-style-type: none"> Resettlement needs/ opportunities upon completion of RSD reviewed approved individual cases/ groups submitted 	