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DR CONGO: IMPROVED CIVILIAN PROTECTION ACTIVITIES STILL NEED SUPPORT

The security environment in the Democratic Republic of Congo has worsened dramatically with the launch of a military offensive against the FDLR rebel group associated with the former Rwandan *genocidaires*. This offensive has displaced hundreds of thousands of people throughout North and South Kivu provinces. In the face of this conflict, the UN peacekeeping mission to the Congo (MONUC) has been mandated to support the weak and often criminal Congolese military, the FARDC, while simultaneously protecting civilians from ongoing violence. MONUC mission leadership and the UN Security Council must reinforce the mission's protection strategies, and ensure the rigorous application of human rights criteria to ensure that support given to the FARDC does not undermine overarching protection objectives.

EVOLUTION OF MONUC PROTECTION ACTIVITIES

The political and security environment in eastern Democratic Republic of the Congo has changed dramatically in the past year. During this time, MONUC has made important strides in the development of more creative and effective ways to keep people safe in the Kivus and these improvements should be extended throughout the mission. Refugees International conducted visits and interviews in a number of remote deployment areas in eastern DRC, and found that where MONUC soldiers are deployed, the security situation is consistently more stable, armed actors are — with some important exceptions — more disciplined, and civilians feel more secure. One local teacher credited the deployment of the small MONUC base with the return of some 450 families to the village. “Without MONUC,” he said, “none of these children would be in school.”

Throughout the Kivus, the mission has engaged actively with Protection Cluster actors to determine deployment priorities. MONUC military forces have been quite flexible with regards to the deployment and re-deployment of peacekeepers into new and often logistically difficult areas as the Kimia II operations undertaken by the Congolese army have progressed and the vulnerability of particular communities has shifted.

POLICY RECOMMENDATIONS

- Senior MONUC leadership should ensure that the innovative protection strategies in use in North Kivu are applied in South Kivu and other volatile provinces.
- Senior MONUC and UNHCR leadership should ensure the systematization of information sharing and protection cluster participation by the Joint Protection Teams (JPTs), especially with regards to trip debriefing and following up on recommendations.
- The UN Security Council and member states should support an increase in civilian staff to create a dedicated JPT capacity and provide the JPTs with adequate communications, transportation, mapping and accommodation resources.
- The UN Security Council should call for and support the development of a monitoring body outside of MONUC to conduct ongoing audits and analysis of the impact of MONUC support to FARDC units, and ensure the rigorous application of human rights guidelines.

The change in the public perception of MONUC is quite instructive, particularly in North Kivu. A year ago, the relationship between MONUC military and the local population in many areas of North Kivu was toxic. A combination of factors — from a real and perceived lack of responsiveness to deliberate political manipulation of the mission by local government officials — meant that MONUC soldiers were routinely attacked with rocks by the very people they had been sent to protect.

Today significant improvements in the speed and frequency with which MONUC soldiers in North Kivu are responding to security incidents has renewed trust in the mission. One example of MONUC's new, more systematic approach to communication and protection is the Surveillance Center, a 24-hour-a-day call center staffed by an interpreter and MONUC soldiers to direct patrols to respond to unfolding incidents. This concept was first developed at the MONUC Kiwanja base following the massacre of civilians there in late 2008 and has allowed civilians in the surrounding area to call in reports of security incidents as they happen. Critically, it has also improved communication between MONUC patrols — which are staffed overwhelmingly by soldiers who do not speak a local language — and local people, who can speak directly to the interpreter via telephone or radio while the patrols are still present. The Surveillance Center idea needs to be more systematically applied to areas in both North and South Kivu, where cell phone access is available.

It should be noted that while communication is crucial, it must be complimented with a rapid and effective response. In North Kivu this is happening. MONUC soldiers have been given clear directives and the operational flexibility to respond quickly to most incidents. In South Kivu MONUC soldiers appear to be operating with a less flexible command structure, and therefore tend to respond only after it is too late to prevent or stop attacks. Thus, the population in South Kivu is much less likely to turn to MONUC for day-to-day protection. The flexible approach that has been adopted by MONUC contingents in North Kivu needs to be standardized throughout the mission, and all MONUC commanders in remote deployments must be given the authority to deploy their troops quickly in order to respond in real time to the outbreak of violence against civilians.

CHALLENGES AND BARRIERS TO PROTECTION

The most vulnerable people are those in remote areas where atrocities can be committed without witnesses. While MONUC has deployed forces widely throughout North and South Kivu, bases in these remote locations can only be

established through highly difficult, resource-intensive efforts. Constraints on those resources and staff mean that the peacekeepers will never be deployed everywhere that there is violence.

Once a base has been established, mobility within the zone of coverage is often problematic, for reasons of terrain, lack of equipment, or the sheer size of the area to be covered. A number of MONUC Temporary Operating Bases (TOBs) are supported entirely by helicopter as a result of the lack of passable roads in the areas. This limits the speed with which peacekeepers can respond to incidents, and the range of territory that a deployment, which typically consists of just over 50 troops, can reasonably secure.

Given the logistical challenges confronting the mission, helicopter support is a crucial element that is woefully under-resourced in the Kivus. Sixteen additional helicopters authorized for the mission in December of last year have not yet materialized. Neither have the intelligence gathering capabilities, such as radio and satellite intercept capabilities, that would allow MONUC soldiers to pinpoint the origins of messages from armed groups and better predict their movements.

MONUC military in both North and South Kivu have improved and regularized systems of communication with local authorities and civil society organizations, ordinary civilians, and FARDC commanders. Furthermore, the creation of community protection plans by the Joint Protection Teams has improved MONUC's ability to involve local leaders in the protection of the people in their communities. In North Kivu in particular, RI staff witnessed community and civil society leaders arriving — always on foot, and often from great distances — to speak with the MONUC commanders, an indication that they view MONUC as a reliable protection partner.

JOINT PROTECTION TEAMS

The Joint Protection Teams (JPTs) were created in 2009 to provide more civilian support to MONUC military deployments. The JPTs have been a highly constructive addition to the MONUC protection toolkit, as the RI team witnessed first hand when accompanying a JPT trip to remote Ntoto village in North Kivu. The teams have begun to facilitate more effective communication between MONUC military commanders and the communities that they have been deployed to protect. Yet, staffing, resource and communication challenges must be addressed to increase the ability of JPTs to help protect civilians.

While each JPT is slightly different, the teams generally consist of representatives from MONUC Civil Affairs, Human Rights, Child Protection, and Public Information sections, and are sometimes accompanied by representatives from UN humanitarian agencies or independent NGOs, depending on the needs and particular vulnerabilities identified in each location. The JPTs have spearheaded the development of detailed community protection plans, which list protection priorities (such as schools and dispensaries) and contingency plans that use the coordinating capacity of local leaders, as well as describing how and where MONUC will be able to respond in the event of an armed attack. These plans are particularly important in areas where distance and lack of cell phone coverage make it difficult for MONUC to reach vulnerable people quickly, and help to maximize the impact of scarce MONUC protection resources.

Unfortunately the JPTs are short staffed and critically under-resourced. All JPT staff are currently drawn from existing positions within the mission, which means that most people are being taken away from another job to undertake the JPT assessments and follow up on recommendations. In the upcoming budget MONUC leadership has requested 10 dedicated Team Leaders for the JPTs from within the existing staffing ceiling. This was agreed at mission level, and should be supported by member states. However, in order to create capacity for longer and more frequent JPT missions, MONUC Civil Affairs, Human Rights, Child Protection, and Public Information sections should each be allocated additional staff positions to be dedicated full time to the work of the JPTs.

Furthermore, these teams need to be allocated equipment that is reflective of the remote and dangerous conditions that they are working in. JPTs should be equipped with reliable, lightweight communications equipment, accurate maps and satellite imagery of the targeted areas, and military grade tents in order to ensure reasonable accommodation conditions for the teams in the field. Furthermore, JPTs should have access to light, small vehicles — such as ATVs — to widen the reach of the teams in areas that can currently be accessed only on foot. The impact of this marginal investment, in terms of longer and more frequent JPT deployments, would vastly improve MONUC's ability to properly assess and respond to threats against civilians in remote areas.

Another weakness in the implementation of the JPT concept has been the inconsistency in interaction and communication between the JPTs and the wider protection community. In both North and South Kivu, the JPTs participate

in Protection Cluster meetings, but this participation does not appear to be systematic in either location, and should be made standard practice whenever a JPT returns from the field. Furthermore, JPT reports, which are routinely provided to UNHCR (the co-lead of the Protection Cluster), are often not circulated to the rest of the cluster members.

Finally, individual JPTs have made an effort to reach out to particular organizations and agencies as their work relates to JPT recommendations and analysis, but this is largely personality driven, and has not been institutionalized.

The information gathered by the JPTs is current and often comes from volatile areas where humanitarian actors do not have a presence. The sharing of this information should be a critical part of the civilian protection discussions at both the provincial and national levels. This requires JPT staff with sufficient time to attend and actively participate in the work of the Protection Cluster, and a greater willingness on the part of humanitarian actors, many of whom have been resistant to engage with the JPTs, to incorporate JPT participation and information into the work of the cluster.

MONUC MATERIAL AND LOGISTICAL SUPPORT TO THE FARDC

In resolution 1856 passed in December 2008, the Security Council strongly re-affirmed its desire to see MONUC provide support to the FARDC. In the context of Kimia II, this has included medical evacuation, logistical support, petrol, and on rare occasions combat support to the FARDC troops actively engaged in the military operations against the FDLR.

The justification for the provision of this support is based on four propositions. First, the Nairobi Communiqué, which the international community supported, called for military action to eliminate the threat posed by the FDLR and recognized that the Congolese national army would require logistical support to achieve that end. Second, MONUC support to the FARDC would help prevent the use of tactics that would endanger civilians. Third, MONUC involvement would give them access to information so they could take preventive steps to protect civilians in the areas of operation. Finally, the provision of rations and similar support would reduce the temptation for FARDC soldiers to loot the people to support themselves.

Despite MONUC's provision of assistance, the behavior of some FARDC brigades has been nothing less than criminal, with some battalions known to loot, burn homes, rape, and forcibly recruit the local population. The looting often has nothing to do with need, but rather is perpetrated as

retribution against people who are believed to have supported the FDLR.

Further, the MONUC military have not been given the opportunity to shape the FARDC operations at the planning stage. Nevertheless, MONUC military reported generally good communication with FARDC commanders at the field level, a fact which has allowed MONUC to raise issues of individual troop conduct and discipline with both the FARDC and with relevant government officials. This has shown some positive results, in the form of investigations and several prosecutions of troops responsible for abuses against civilians.

The provision of material and logistical support to brigades that are guilty of crimes against civilians has raised questions of UN complicity in those crimes. MONUC is taking important steps to ensure that the mission does not continue to inadvertently support violent or corrupt practices in the military that they are seeking to reform. However, more comprehensive and in-depth monitoring and analysis of MONUC support is still needed.

MONUC staff have compiled a database dating back to June of this year, which records the FARDC forces that have received support, when and where it was received, who the commanders are, and any violations those brigades have perpetrated against the community. Work is underway to identify individual commanders who are perpetrating violations against civilians, and the mission has pledged to halt the provision of assistance to FARDC units that are guilty of violations. The first unit to be cut off from MONUC support was announced on November 2nd.

MONUC has begun to deliver food in the field at the battalion level, modifying the earlier practice of delivering large shipments in central locations and depending upon the FARDC to deliver them to the field. The mission is also preparing to institute spot checks on the delivery of that food below the battalion level to ensure that rations aren't being diverted for the personal gain of commanding officers.

Unfortunately, the political sensitivities associated with MONUC's mandate and governance work, coupled with real resource constraints, make it difficult for the mission itself to conduct ongoing and in-depth investigations or to act consistently on the results. Furthermore, the mentoring dimension of MONUC military vis-a-vis their counterparts in the FARDC makes it both difficult and undesirable for MONUC military to be asked to play the role of both teacher and investigator.

An independent body, created with the involvement of key Security Council member states, is needed to track the delivery of distributions and to analyze information gathered by MONUC staff and other national and international actors in order to determine exactly what impact MONUC support has had on FARDC operational plans and human rights compliance. Furthermore, this body should provide political support and cover to the mission in its dealings with the government of DRC on this sensitive issue in order to ensure that the terms of conditionality are rigorously upheld.

CONCLUSION

In the context of a renewed humanitarian crisis in North and South Kivu, MONUC is once again juggling conflicting mandated tasks while facing a critical lack of resources. In the past year MONUC has demonstrated a great deal of flexibility and creativity in deploying its forces for the protection of vulnerable civilians. It is important that these gains not be overlooked, and that the mission, the wider UN, and individual member states take the necessary steps to reinforce those gains and standardize good practices throughout the mission.

Support to FARDC operations, and the subsequent questions regarding complicity in gross violations of human rights and massive civilian displacement have begun to be addressed, albeit slowly, by the mission. It is crucial that MONUC apply the new criteria for support quickly and consistently. It is equally critical that the UN Security Council, where the mandate to support FARDC originated, be forthcoming with the tools and political support necessary to ensure that the political sensitivity of this issue does not undermine the mission's other essential work in the DRC.

Finally, discussions of the future of MONUC can not be held in isolation from the wider discussions of international intervention and support of Congolese institutions. The Security Council should take this opportunity to discuss ways in which the UN can facilitate a more coordinated and coherent approach, most notably with regards to a comprehensive reform of security sector institutions, to begin to address the source of insecurity in DRC.

Peacekeeping Advocate Erin A. Weir and Advocate Jennifer Smith assessed the UN peacekeeping force in the DR Congo in October 2009.