

# A Fragile Future

## Why scaling down MONUC too soon could spell disaster for the Congo

The Democratic Republic of Congo today finds itself at a critical turning point, confronted with both the challenges and opportunities of rebuilding a nation from the ground up. The presence of United Nations peacekeepers (MONUC) has significantly reduced fighting and organised violence, and must be maintained with an appropriate troop strength and mandate to guarantee peace and long-term stability.

MONUC should not scale down its activities until the Congolese security forces – and in particular the army – stop posing a threat to their own populations and instead begin providing security and protection to the Congolese people.

## Summary

In 2006 the Congolese people defied widespread and deeply rooted scepticism to cast their ballots in one of Africa's most historic elections.

Their vote ended more than 40 years of misrule and civil war. In early 2007, despite continued threats to stability, the Democratic Republic of Congo (DRC) faces a period of unprecedented opportunity – if the correct policy choices are made in the next few months.

The United Nations Organization Mission in the Democratic Republic of Congo (MONUC) has supported the Congolese government in the political transition process. It deserves the praise it has received for assisting DRC with its successful elections and other recent achievements.

The importance of the electoral process should not overshadow the crucial role that MONUC has played in providing security in DRC. Through its military presence and operations MONUC has been able to restore stability to large parts of the war-torn country, thereby reducing incidents of organised violence against civilians and increasing humanitarian access and economic activities.

There is little doubt that, without a substantial and effective MONUC presence, this relative stabilisation of the security situation could quickly unravel and threaten the wider region as well. MONUC officials, humanitarian actors, and civilians who have been affected by violence are warning the international community of the catastrophic humanitarian consequences that a premature scaling back of MONUC presence could induce. 'If MONUC were to close its base and stop patrols, we would get in our boats and go to Uganda', explain community leaders in Ituri, eastern DRC. 'It simply wouldn't be safe here for us. Not yet.'

Despite the fact that 46,000 combatants (out of a total of approximately 130,000) have already been integrated into a new national army, it has become clear that the FARDC (Forces Armées de la République Démocratique du Congo) is in no position to defend itself – or any civilian in its care – against militia warlords, foreign rebels, local defence forces, or any other armed actors. Attacks on government forces in North Kivu in November 2006 have served as a timely reminder that, without full support from MONUC, the Congolese army is completely incapable of preventing attempts to seize major population centres such as Goma.

Underpaid, underfed, ill-equipped and badly led, FARDC soldiers in all of the eastern provinces remain the single biggest cause of insecurity in DRC, responsible for committing more than 80 per cent of all human-rights abuses against civilians. Similar accusations of abuse are also levelled against other arms of the security forces (including police) and 'demobilised' ex-combatants who continue to rely on violence as a means of survival.

In essence, most of the security forces that are meant to be protecting the civilian populations from the numerous threats still present in DRC are unable, or unwilling, to do so.

The new Congolese government has cited reform of the security sector as one of its highest priorities and MONUC has expressed a desire to support

the government in this process, particularly with co-ordination, training, and advice. A strong MONUC commitment to the security-sector reform (SSR) should be considered a vital element of any post-transition mandate, and any exit strategy for MONUC will inevitably need to be linked to progress indicators on SSR processes, most importantly the military, police, and judicial sectors.

Until the Congolese government can eliminate the threats posed by its security forces, other armed groups, and recently demobilised combatants, MONUC will need to remain in DRC, using its presence to protect civilians from immediate threats and creating a stable environment in which longer-term reforms can take place.

The UN Security Council must ensure that the concerted and extraordinary efforts of the Congolese citizens to lead their country into a new era are not rewarded with a 'cut and run' attitude of immediate disengagement by the international community. Instead, the Security Council must make it a priority with the key member states, such as the USA, to:

- Maintain the current strength of MONUC to support the protection of the civilian population from appalling levels of insecurity and abuse. Maintain the robust use of force to protect civilians but use the mandate review to take measures to improve MONUC's operational effectiveness.
- Explicitly link MONUC's longer-term exit strategy to demonstrable progress on security-sector reform, beginning with a clear reduction in the levels of abuses committed by the security forces themselves, and a basic ability of military, police, and judicial sectors to defend the population from external and internal threats.
- Ensure that existing MONUC military presence prioritises the protection of civilians, and provides peacekeepers with a clearer definition of protection, more operational guidance, and better tools to translate the concept of protection into concrete action on the ground.
- Assure the new Congolese government of MONUC's full support to the newly created democratic processes and institutions, and the protection and promotion of human rights. Offer strategic and operational support to the new sovereign government in combating the illicit exploitation of minerals and the illegal arms trade.

The Congolese people deserve no less than a clear signal that their massive sacrifices have been worth the effort, and that the international community will work together with their new government to make a better future in DRC possible.

# 1 Introduction

In 2006 the Congolese people defied widespread and deeply rooted scepticism to cast their ballots in one of Africa's most historic elections.

Their vote ended more than 40 years of misrule and civil war. In early 2007, despite continued threats to stability, the Democratic Republic of Congo (DRC) faces a period of unprecedented opportunity – if the correct policy choices are made in the next few months.

Over the past few years, DRC has transformed itself from a completely divided country (where travel between the eastern and western parts was impossible) to a nation united by a cautious but fervent sense of hope.

Yet, despite the incredible progress that has been made on some fronts, DRC faces a number of daunting challenges, most notably dealing with regular outbreaks of violence in the east, and the constant fear of renewed national instability.

Across many parts of the country – and especially in Ituri, the Kivus, and Katanga – Congolese people are still confronted every day with the threat of violence, extortion, rape, torture, or murder at the hands of hundreds of thousands of armed combatants.

An estimated four million civilians have died as a result of conflict since August 1998, the most devastating death toll in any armed conflict since World War Two.<sup>1</sup> There are clear indications that these trends are reversible,<sup>2</sup> but such progress will require strong political and financial commitments from both the new DRC government and the international community.

## 2 MONUC's impact to date

In 1999 – when the United Nations Organization Mission in the Democratic Republic of Congo (MONUC) first arrived in DRC – even optimists would have been hard pressed to predict the recent success of the Congolese elections.

MONUC deserves the praise it has received for the assistance it has offered the Congolese government in the political transition process. The importance of the electoral process should not overshadow the crucial role that MONUC has played in providing security in DRC.

Having evolved significantly over the years, MONUC's current mandate (defined in 37 separate UN Security Council resolutions) has often been described as a patchwork of wide-ranging – and sometimes competing – political, military, and humanitarian objectives. While humanitarian actors feel that MONUC's responsibility to protect civilians from violence<sup>3</sup> has not always been prioritised as highly as other elements of the mandate, and MONUC has failed to perform in some areas (including an initial failure to prevent incidents of abuse by a small number of its own peacekeepers<sup>4</sup>), there is no doubt that MONUC has been able to restore stability to large parts of the war-torn country.

In all of DRC's provinces, MONUC has gained control over and secured major towns and cities. In addition, MONUC's military presence and logistical capacity has significantly increased humanitarian access (and also economic opportunities) to previously insecure or remote rural areas (for example along the Rwindi-Rutshuru road in North Kivu, the Bunia-Kasenyi road in Ituri and the main Bunia-Beni and Bunia-Mahagi commercial routes).

The presence of MONUC troops has reduced incidents of organised violence against the civilian populations. Especially in Ituri, MONUC's operations against militia groups (for example around Mahagi)<sup>5</sup> have succeeded in disarming the majority of combatants<sup>6</sup> and allowing large parts of the population to return to their normal lives. 'When MONUC arrived, the militias left', explained displaced people in Djugu.<sup>7</sup> Though MONUC's performance has been criticised in some parts of the country (see Section 5), the Ituri example has shown that a consistent application of MONUC's robust mandate can contribute to improvements in the security situation.

The fact that people today walk along the street without fear in towns like Bunia, which in 2003 witnessed several violent massacres of

civilians, is a simple but powerful indicator of the impact of MONUC's presence.

In areas where the security situation has stabilised, MONUC has begun playing a role in helping displaced people return to their villages of origin. MONUC patrols in places such as Malumbi or Tshushubo (North Kivu) have given the population enough confidence to leave their temporary camps and begin rebuilding their lives in the villages.

On the whole, MONUC's presence has been effective in improving security in those areas where troops have been deployed. Proactive efforts to protect civilians from violence have at times been inconsistent or patchy, but there have also been a number of successes (see Section 5).

### **3 'Not yet' – the price of scaling down**

One of the easiest ways of measuring MONUC's impact is perhaps to ask what would happen if it were not present in DRC.

'If MONUC were to close its base and stop patrols, we would get in our boats and go to Uganda', explain village chiefs and displaced people in the lakeside villages of Tchomia and Kasenyi. 'We would leave tomorrow. It simply wouldn't be safe here for us without MONUC. Not yet.'<sup>8</sup>

Unfortunately, the sentiment is echoed not just in areas that are still dominated by rebel or militia groups. It is also heard regularly in those parts of the country that are under the control of the Congolese army.

Despite the fact that 46,000 combatants (out of a total of approximately 130,000) have already undergone the 'brassage'<sup>9</sup> process of being integrated into a new national army, it has become clear that FARDC (Forces Armées de la République Démocratique du Congo) are in no position to defend themselves – or any civilian in their care – against any kind of external threat or attack.<sup>10</sup> 'Brassage is just a word. It means nothing when translated into reality', admits a FARDC commander in Beni.

It is well-known that FARDC soldiers in all of the eastern provinces flee from the enemy when attacked,<sup>11</sup> regularly discarding their uniforms and hiding among the civilian populations. Command and control functions are in some cases non-existent, with commanders unaware of their troops' movements or operations.<sup>12</sup> 'Some of these guys can't even shoot a gun', explained a MONUC peacekeeper<sup>13</sup> that regularly carries out joint patrols with FARDC soldiers.

In the absence of a capable FARDC, it has often fallen to MONUC soldiers to defend strategic areas. The recent example of dissident general Laurent Nkunda's attempted attack on the eastern city of Goma illustrated the army's reliance on MONUC. 'MONUC's Indian Battalion was the only thing standing between Nkunda and Goma. Without MONUC, Goma would have fallen', concluded one UN official in Goma.<sup>14</sup>

Military experts (both foreign and Congolese) agree that FARDC troops offer little protection against foreign or Congolese insurgent groups who continue to harass and terrorise civilians. Such groups include warlord militias, the FDLR (Forces Démocratiques de Libération du Rwanda) - presumed to be the remnants of the Interahamwe or the Mai Mai - the name for Local Defence Forces.<sup>15</sup>

In addition to their failure to protect civilians against external threats, FARDC troops are themselves considered to be the major cause of insecurity in DRC. MONUC's human-rights monitors hold FARDC soldiers responsible for committing more than 80 per cent of all human-rights abuses against civilians.<sup>16</sup> FARDC soldiers regularly extort or loot from the civilian populations,<sup>17</sup> and commit violent crimes such as arbitrary killings and rape.<sup>18</sup> Similar accusations of abuse are also levelled against non-organised armed actors, including 'demobilised' ex-combatants who continue to rely on violence as a means of survival.<sup>19</sup> The high incidence of crimes and abuses against the civilian population in DRC has been made possible due to a general climate of impunity and a complete lack of law and order.

Civilians are looking to MONUC to support their new government in combating these problems, and ensuring that a relatively stable environment will continue to allow humanitarian assistance to flow to those in need. One of the ways in which MONUC has been doing - and should continue to do - this is by supporting the new Congolese government with its efforts to reform the security sector, especially with regard to military, police, and judicial sectors.

## **4 No security without reform**

In 2005, former UN Secretary General Kofi Annan made it clear that 'the establishment of an integrated and professional army and police force is a key element of the exit strategy for MONUC'.<sup>20</sup> In other words, UN member states should not withdraw MONUC - whose deployment has been an expression of their responsibility to protect civilians<sup>21</sup> in DRC, until the new government establishes a functional and accountable national army and police force.

The examples above illustrate the army's current lack of capacity to provide even the most basic physical security. Reasons for this appear to be well-known, yet at the same time hard to tackle.

International advisers report extremely low rates of formal military education among all brigades,<sup>22</sup> and troops in the field are notoriously ill-equipped to perform in any kind of battle. One of the newly integrated brigades, for example, has been given just 24 hand-held radios (and no spare batteries) to share between approximately 3,500 people for communications during combat.<sup>23</sup> Bullets are in similarly short supply.<sup>24</sup>

Troops also lack motivation (and – not fearing any prosecution from a weak judicial system – begin to prey on local populations) because they are underpaid and underfed, and living with their families in conditions of extreme poverty and hardship.

Current monthly salaries<sup>25</sup> consist of a miserly \$25, and the complete lack of soldiers' welfare and health care routinely results in 15–20 deaths in each brigade per month.<sup>26</sup> The abject state of neglect in which soldiers and their families find themselves was aptly illustrated by the 4<sup>th</sup> Integrated Brigade who arrived in Ituri in 2005 spreading infectious diseases such as cholera and fever to the local populations in its path.

Other military actors are even less functional than the ground forces. The Congolese Air Force is considered 'structurally obsolete and in a state of life-threatening dilapidation [...], air or land combat capacity is zero'. Little training has been carried out for air crew, technical, or command elements since the Mobutu period.<sup>27</sup>

The remaining branches of the security sector, including police, judicial, and civilian agencies are as ill-equipped as the army to carry out their work properly.

Courts and magistrates are in short supply.<sup>28</sup> Only one prison (out of a total of 145) in DRC actually has a budget for feeding its inmates.<sup>29</sup> And even though DRC has 258 registered airstrips, only 50 of them are monitored by air-traffic controllers.<sup>30</sup> There is no radar surveillance system or navigational guidance system for aircraft in DRC, and air-force communication systems do not function to any satisfactory level.<sup>31</sup>

The new Congolese government has cited security sector reform (SSR) as one of its highest priorities<sup>32</sup> and MONUC has expressed a desire to support the government in this process, particularly with co-ordination, training, and advice.<sup>33</sup> MONUC's recently established SSR cell acknowledges that any exit strategy for UN peacekeepers

will need to be closely linked to the progress on reform, most importantly the military, police, and judicial sectors.

One of the challenges in this domain has been the fragmentation of processes and initiatives. While the active involvement of several bilateral donors in SSR processes is laudable, it is unlikely that small or ad hoc projects (most of them limited to certain geographical areas or specific units – ‘a few jeeps for two brigades in Ituri, a few pots of paint for three new courthouses in Kinshasa’<sup>34</sup>) will add up to an impact that is equal to or greater than the sum of its parts.

The ultimate responsibility for the SSR process naturally rests with the newly elected Congolese government, and external SSR actors are currently looking to President Kabila to clearly signal his country’s strategic and operational needs in this area. Donors and other actors will need to ensure that their co-operation with the new government does not suffer from the same fragmented approach as past initiatives. A single actor (such as the European Union or MONUC) should be appointed to take a clear lead on the co-ordination of donor support to the SSR process. MONUC’s current involvement in SSR processes (which includes hosting weekly SSR co-ordination meetings) indicate that there is capacity to lead on day-to-day co-ordination processes. It should be recognised, however, that the temporary nature of MONUC’s mandate in DRC is unlikely to allow for the kind of strategic and long-term co-ordination that can oversee the entire lifespan of the SSR process (an undertaking military experts estimate to take at least 15–20 years).

On the issue of building national capacity, donors should acknowledge that MONUC’s presence in the field and its existing co-operation with security forces make it a logical choice for initial training schemes. For example, the proposed curriculum for a MONUC-led basic military training programme (to be carried out in all of FARDC’s integrated brigades) accurately reflects some of the most pressing needs and priorities on the ground – both in terms of basic military skills and the social welfare of soldiers and their dependants. It should be noted, however, that MONUC’s proposed 45-day trainings are little more than initial steps in the training process, and in themselves highly unlikely to allow FARDC to reach operational capability immediately.

In addition to supporting co-ordination and training initiatives, MONUC should increase its capacity to offer expert operational advice to government actors leading SSR processes, in particular regarding urgent but sensitive issues such as vetting of corrupt or abusive officials in the army, police, and judicial systems.

Any realistic exit strategy for MONUC will inevitably need to be linked to progress indicators on SSR processes.

Until the Congolese government can eliminate the threats posed by its security forces, other armed groups, and recently demobilised combatants, MONUC will need to remain in DRC, using its presence to protect civilians from immediate threats and ensuring a stable environment in which reforms can take place.

## 5 More effective protection of civilians

In March 2005, the UN Security Council reiterated its call to MONUC to use 'all necessary means within its capabilities and in the areas where its armed units are deployed, to deter any attempt at the use of force to threaten the political process and to ensure the protection of civilians under imminent threat of physical violence, from any armed group, foreign or Congolese'.<sup>35</sup>

Experts have described MONUC's Chapter VII mandate as 'the most assertive mandate yet regarding the protection of civilians'.<sup>36</sup>

Despite this, MONUC has sometimes been accused of behaving more like a Chapter VI observer mission, using force only in self-defence and doing little to physically protect civilians.<sup>37</sup> 'I don't think they're allowed to open fire', claims a Congolese NGO worker in Goma. 'They did nothing to stop women getting raped in Bukavu and Rutshuru. I'm scared they wouldn't protect my daughters either if there is more fighting here'.<sup>38</sup> Reasons for such inaction are numerous and often include a lack of resources and capacity, as well as the prioritisation of more political aspects of the mandate over protection objectives.<sup>39</sup>

In addition, the concept of 'civilian protection' has often remained vague and ill-defined, and peacekeepers are given very little guidance on how they are expected to translate their mandate into concrete tasks.<sup>40</sup>

For MONUC to adequately carry out its ambitious mandate, forces would benefit from a clearer understanding of the concept of protection, more operational guidance, and better tools.

On a conceptual level, MONUC should consistently prioritise the protection of civilians when considering how to counter ongoing and well-known threats, for example the problem of dealing with dissidents like Laurent Nkunda. MONUC's inaction in the face of Nkunda's violent attacks on Bukavu in 2004, Rutshuru in 2005 or Sake in 2006 is regularly cited by civilians in North and South Kivu as an example of the international community failing to protect them

from violence. These incidents stand in marked contrast to MONUC successes, such as the robust display of force MONUC battalions launched when Nkunda attempted to seize the (perhaps strategically more important) town of Goma in November 2006, or the way in which MONUC has dealt with the threat of militia in Ituri.

In instances where MONUC has failed to deal with urgent protection threats, populations have often expressed confusion and resentment.<sup>41</sup> A more consistent application of MONUC's protection mandate would do much to build confidence among these populations.

Operationally – and more concretely – MONUC would also do well to include clearer guidance<sup>42</sup> on appropriate protection activities in their military rules of engagement, for example troops' responsibilities in preventing other actors (including the state's own security forces) from committing abuses against civilians.<sup>43</sup>

Perhaps the single most important tool that MONUC can use to protect civilians from threats is its sheer military presence. 'When MONUC is not around, when they are not doing patrols or going to work as usual, people often don't leave their houses. You have to understand we still live in fear', villagers around Lake Albert explained.<sup>44</sup> Specific steps that MONUC could take in this area are outlined in the final recommendations in this paper.

It should be emphasised here that MONUC's existing resources in DRC are already overstretched. Any cut to current troop strength or resources would therefore spell disaster for communities currently benefiting from MONUC protection.

## **6 Beyond immediate security – a lasting peace?**

Oxfam believes that by supporting the Congolese government in reforming the security sector and consistently prioritising the protection of civilians in military operations, MONUC could greatly increase its impact on security in DRC. At the same time, it would be naïve to assume that either measure will guarantee the Congo's long-term stability – a job that clearly rests with the DRC government itself.

Following his success in the recent national elections that ended DRC's transitional period, President Joseph Kabila has assumed the unique rights and responsibilities that are assigned to any leader of a sovereign nation.

To achieve a lasting peace, the new Congolese government will need to begin addressing long-standing problems of weak governance and political and economic marginalisation, especially among young people, who make up more than half of the Congo's population.<sup>45</sup> Until the government is able to offer current or ex-combatants a true alternative to militia life, their disgruntled citizens remain at high risk of resorting to the rule of the gun.

In order to encourage long-term stability, MONUC will need to support the Congolese government with the development of its new democratic institutions and processes, and protect and promote human rights. It should also assist the new Congolese government with political processes such as searching for creative and sustainable solutions to the threat posed by 'foreign' armed groups such as the FDLR and ADF-NALU (Allied Democratic Forces - National Army for the Liberation of Uganda). Sensitive issues, including the presence of Congolese fighters and the question of Congolese citizenship for some of the foreign elements in these groups, should be discussed without delay.

In addition, more resources will need to be made available by DRC donors for civilian agencies (UN, government, and NGO) to eventually replace national DDR (Disarmament, Demobilisation, and Reintegration) programmes with long-term and broad-based community-recovery programmes.<sup>46</sup>

In order to tackle the illicit exploitation of minerals and the illegal arms trade - both of which are likely to sustain conflict in DRC - MONUC should continue, where appropriate, to offer strong support to the government, in particular through providing analysis and logistical support to monitoring activities. The existing mandate that MONUC has been given in these areas must be matched with appropriate resources and capacity if MONUC is to make any progress in assisting the new government with tackling such difficult problems.

The election of a new government should not be seen by the international community as an excuse to extract itself from any of these processes when it is clear that a limited or superficial response to these problems will merely allow them to fester beneath the surface and breed potential for future instability.

## 7 Conclusions and recommendations

The Democratic Republic of Congo today finds itself at a critical turning point, confronted with both the challenges and opportunities of rebuilding a nation from the ground up.

In recent years, DRC has exceeded all expectations: in record time, it has established basic democratic institutions (including a constitution and democratic elections at both national and provincial levels). The country's macro-economic framework has recovered at least partially,<sup>47</sup> and economists expect investment expansion, particularly in the country's lucrative mining sector.<sup>48</sup>

Yet, Congo's impressive developments and even the successful elections will mean nothing if a scaling down of efforts allows the country to lapse back into full-blown violence. It is imperative that the international community recognise that investing in stability will also be more cost-effective than responding to the fall-out.<sup>49</sup>

The UN Security Council must ensure that the concerted and extraordinary efforts of the Congolese people to lead their country into a new era are not blocked by an immediate disengagement and withdrawal of interest from the international community. Instead, the Security Council must make it a priority to:

- Maintain the current strength of MONUC to support the protection of the civilian population from appalling levels of insecurity and abuse. Maintain the robust use of force to protect civilians but use the mandate review to take measures to improve MONUC's operational effectiveness.
- Explicitly link MONUC's longer-term exit strategy to demonstrable progress on security-sector reform, beginning with a clear reduction in the levels of abuses committed by the security forces themselves, and a basic ability of military, police, and judicial sectors to defend the population from external and internal threats.
- Ensure that the existing MONUC military presence prioritises the protection of civilians, and provides peacekeepers with a clearer definition of protection, more operational guidance, and better tools to translate the concept of protection into concrete action on the ground. Oxfam believes that, in order to maximise the limited resources at their disposal, MONUC's troops on the ground should focus especially on:
  - Establishing overall security and humanitarian access in areas where displaced populations are returning to their villages of origin. It is imperative that MONUC

maintain close contact with humanitarian actors in planning for such operations in order to avoid instances of forced, politicised, or uninformed returns.<sup>50</sup>

- Carefully assessing the humanitarian impact of planned joint MONUC-FARDC offensives and refraining from carrying out operations that achieve political objectives but have a disproportionately negative impact on civilians (for example, clear risk of militia reprisal killings against local populations or unduly high levels of displacement).<sup>51</sup>
- Instructing troops to apply the protection mandate in a more consistent way. This includes the robust use of force in line with the Chapter VII mandate, when the protection needs require it, and proactive attempts to prevent abuses such as looting and extortion. This should involve encouraging the reporting of abuses and where possible supporting their prosecution through military justice mechanisms.
- Transmitting information about protection threats to local humanitarian actors or the protection clusters<sup>52</sup> (which MONUC civilian staff co-chair) so that appropriate solutions can be discussed. Protection clusters have often been able to co-ordinate effective humanitarian responses and mount joint advocacy initiatives to address identified threats.<sup>53</sup>
- Increasing humanitarian space for independent aid agencies by putting a stop to self-promotional (and sometimes inappropriate<sup>54</sup>) 'quick impact projects' and 'winning hearts and minds activities', except where these are directly linked to military co-operation (for example, the rehabilitation of latrines or water sources in military barracks or prisons).
- Assure the new Congolese government of MONUC's full support to the newly created democratic processes and institutions, and the protection and promotion of human rights. Offer strategic and operational support to the new sovereign government in combating the illicit exploitation of minerals and the illegal arms trade.

## Notes

<sup>1</sup> B. Coghlan, R. J. Brennan, P. Ngoy, D. Dofara, B. Otto, M. Clements, and T. Stewart (2006) 'Mortality in the Democratic Republic of Congo: a nationwide survey', *The Lancet* 367(9504): 44–5 (carried out for the International Rescue Committee).

<sup>2</sup> The International Rescue Committee (IRC) found, for example: 'If the effects of insecurity and violence in Congo's eastern provinces were removed entirely, mortality would reduce to almost normal levels. Such was the case in Kisangani-Ville, where the arrival of peacekeepers helped quell fighting, allowing the IRC and its partners to rehabilitate basic health care, water, and sanitation services. Crude mortality rates subsequently declined by 79 per cent and excess mortality was eliminated', International Rescue Committee (December 2004) 'IRC Study Reveals 31,000 Die Monthly in Congo Conflict and 3.8 Million Died in Past Six Years. When Will the World Pay Attention?', [http://www.theirc.org/news/irc\\_study\\_reveals\\_31000\\_die\\_monthly\\_in\\_congo\\_conflict\\_and\\_38\\_million\\_died\\_in\\_past\\_six\\_years\\_when\\_will\\_the\\_world\\_pay\\_attention.html](http://www.theirc.org/news/irc_study_reveals_31000_die_monthly_in_congo_conflict_and_38_million_died_in_past_six_years_when_will_the_world_pay_attention.html), accessed 23 January 2007.

<sup>3</sup> A responsibility first assigned to MONUC by the United Nations Security Council on 24 February 2000 (S/RES 1291), and subsequently confirmed in other major Security Council resolutions such as S/RES/1493, S/RES/1565, and S/RES/1592.

<sup>4</sup> Following reports of unacceptable behaviour by MONUC peacekeepers in 2003–2004 (see for example BBC News website <http://news.bbc.co.uk/1/hi/world/africa/4027319.stm>, accessed 23 January 2007), the UN instituted a high-level investigation and the mission has encouragingly taken a number of tough steps to combat serious disciplinary offences such as sexual abuse and exploitation (SAE). New measures include mandatory annual SAE trainings for all MONUC personnel, strict non-fraternisation policies for troops, and universal evening and night time curfews/lockdowns for all non-ranking soldiers. As a result of these measures, MONUC's Conduct and Discipline Team now reports that less than 0.5 per cent of MONUC staff are accused (not convicted of) SAE.

<sup>5</sup> For example, a MONUC official recalls observing how members of the MONUC Nepali battalion were welcomed as heroes by the cheering residents of Mahagi after chasing out militia groups in 2004. (Interview with the author, Goma, December 2006.)

<sup>6</sup> Seven of the Ituri militia groups – FNI (Le Front des Nationalistes et Intégrationnistes), FRPI (Forces de Résistance Patriotiques en Ituri), PUSIC (Le Parti pour l'Unité et la Sauvegarde de l'Intégrité du Congo), UPC (L'Union des Patriotes Congolais), UPC-K (UPC-Kisembo), FPDC (Forces Populaires pour la Démocratie au Congo) and FAPC (The Forces Armées du Peuple Congolais) – agreed to a ceasefire and peace agreement in 2004 (a move that led to the disarmament of 10,000 militia in 2005). Three of the major remaining militia leaders (Peter Karim, 'Cobra' Matata, and Mathieu Ngujolo) recently followed suit and signed a new Ituri peace agreement in

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November 2006 (though it should be noted that some have not yet surrendered their weapons).

<sup>7</sup> Interviews with the author, Ituri, November 2006.

<sup>8</sup> Both villages, situated in Ituri on Lake Albert, have been threatened by various attacks from militia groups over recent years. The most recent attacks in May 2006 caused Congolese army troops stationed in the area to flee and hide from the enemy among the local population. Villagers and displaced communities in the area credit MONUC (which has had a presence along the lakeside since 2003) with protecting them from attacks and driving out the militia.

<sup>9</sup> Interview with the author, Beni, November 2006.

<sup>10</sup> As summed up succinctly by the European Union Security Advisory Mission (EUSEC) in its General Concept on Security Sector Reform, April 2006: 'The Congolese military, at every level, is currently incapable of providing security against an external national threat'.

<sup>11</sup> See also endnote 5. During the Rutshuru crisis in January 2006, some members of the 5<sup>th</sup> Integrated Brigade were seen fleeing to population centres, while others deserted and joined the enemy in shooting at MONUC (reported to the author by a MONUC official, Goma, November 2006). Similar behaviour was observed among integrated brigades deployed to Ituri, for example during the militia attacks on Tchomia in March–April 2006. 'The FARDC soldiers fled without firing a single shot', report Tchomia residents (interview with the author, Tchomia, December 2006). More recently, MONUC witnessed the flight of the 11<sup>th</sup> Integrated Brigade from the town of Sake following an attack by a group of soldiers from the non-integrated 81<sup>st</sup> and 83<sup>rd</sup> brigades.

<sup>12</sup> As demonstrated by the recent example of the 8<sup>th</sup> Military Region (North Kivu) Commander not being aware in advance of offensives launched by his 14<sup>th</sup> Integrated Brigade around the town of Sake on 9 December 2006 (reported to the author by MONUC officials, Goma, December 2006).

<sup>13</sup> Interview with the author, Ituri, November 2006.

<sup>14</sup> Interviews with the author, Goma, December 2006.

<sup>15</sup> Interviews with the author, Kinshasa and Goma, December 2006.

<sup>16</sup> MONUC human rights report, Jan–June 2006.

<sup>17</sup> For example, around 90 per cent of the houses in the town of Sake were looted by the 11<sup>th</sup> and 14<sup>th</sup> Integrated Brigades after fighting between integrated and non-integrated FARDC elements in November–December 2006 (OCHA Sake Situation Report, 1 December 2006). Reports of day-to-day looting, for example soldiers taking freshly caught fish from fishermen on Lake Albert, are also common.

<sup>18</sup> Confidential interviews with aid-agency health clinics operating in areas like Irumu or Walikale confirm that more than half of the rape cases they treat (including rapes of young children) are committed by men presumed to be part of the integrated and non-integrated army.

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<sup>19</sup> For example, humanitarian agencies in Beni observed intense harassment of the local population by the 89<sup>th</sup> non-integrated brigade along the axis Mavivi–Mbau, and expressed fear that violations will not stop unless reintegration programmes for demobilised military are put in place (UN official, interview with the author, Beni, November 2006).

<sup>20</sup> Seventeenth report of the Secretary General on the United Nations Organization Mission in the Democratic Republic of the Congo, March 2005.

<sup>21</sup> “Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity (...) The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter of the United Nations, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.” Paragraphs 138–140 of the UN World Summit statement, September 2005.

<sup>22</sup> For example, only 3 per cent of officers in the 11<sup>th</sup> Integrated Brigade have formal military training (confidential interview with international military expert working with FARDC, Goma, December 2006).

<sup>23</sup> After a battery has run out (batteries last for approximately 12 hours), soldiers must retreat to their base to recharge the battery (which means the process can take up to 24 hours). Communications about operations are not possible during this period.

<sup>24</sup> Examples given by international military expert working with FARDC, confidential interview in Kinshasa, December 2006.

<sup>25</sup> Monthly salaries have only very recently started being paid in a reliable manner, thanks to a European Union-funded payment system that separates chains of payment from chains of command.

<sup>26</sup> International military expert working with FARDC, confidential interview with the author, Goma, December 2006.

<sup>27</sup> EUSEC General Concept on Security Sector Reform, April 2006.

<sup>28</sup> There are currently only 120 courts in DRC, nearly all of them in a terrible state of disrepair and neglect. Less than half of the 5000 magistrates needed for the judiciary to function are in place (MONUC Rule of Law PowerPoint Presentation, October 2006).

<sup>29</sup> *Ibid.*

<sup>30</sup> Ministry of Foreign Affairs official, interview with the author, Kinshasa, December 2006.

<sup>31</sup> EUSEC General Concept on Security Sector Reform, April 2006.

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<sup>32</sup> See for example President Joseph Kabila's inauguration speech, 6 December 2006, <http://www.presidentrdc.cd/practu061206.html>, accessed 23 January 2007.

<sup>33</sup> See for example media interview with Jean Marie Guehénno, Head of UN Peacekeeping Operation, 8 December 2006, <http://www.reliefweb.int/rw/rwb.nsf/db900SID/HMYT-6WALX5?OpenDocument>, accessed 23 January 2007.

<sup>34</sup> MONUC official, interview with the author, Kinshasa, December 2006.

<sup>35</sup> S/RES/1592, 30 March 2005.

<sup>36</sup> V. K. Holt and T. C. Berkman (2006) *The Impossible Mandate? Military Preparedness, the Responsibility to Protect, and Modern Peace Operations*, Washington: P The Henry L. Stimson Center.

<sup>37</sup> *Ibid.*

<sup>38</sup> Interview with the author, Goma, November 2006.

<sup>39</sup> Oxfam has advocated against decisions to prioritise certain political objectives over the protection of civilians, for example during the MONUC–FARDC joint offensives against the ADF–NALU in North Kivu in December 2005. While Oxfam staff have observed MONUC's willingness to prioritise protection of civilians in some parts of Ituri, the communities we work with have expressed major concerns about MONUC's apparent hesitance to protect civilians in Bukavu (June 2004), Rutshuru (January 2006), and Sake (August 2006).

<sup>40</sup> Holt and Berkman (2006), *ibid.*

<sup>41</sup> MONUC's inaction in 2004 in Bukavu led to country-wide protests against the international community (see for example BBC News website: <http://news.bbc.co.uk/1/hi/world/africa/3773153.stm>, accessed 23 January 2007), while a lack of military intervention during the 2005 Rutshuru crisis angered displaced populations in Lubero so much that they initially refused to accept assistance even from independent aid agencies (United Nations Office for the Coordination of Humanitarian Affairs representative in Beni, interview with the author, November 2006). Civilians in Goma began throwing rocks at MONUC cars shortly after Laurent Nkunda's forces seized the neighbouring town of Sake on 25 November 2006, though this anger quickly turned into approval when MONUC prevented a similar attack on Goma two days later. It should be noted that perceptions of MONUC's impact can vary significantly depending on locality: during interviews with the author, for example, communities in Ituri (where MONUC has consistently applied force to protect civilians from militia threats) were overall much more likely to consider MONUC an effective protection force than their counterparts in North Kivu were (where MONUC has intervened less consistently against aggressors such as Nkunda).

<sup>42</sup> Such guidance could include instructions on how to deal with some of the most common scenarios peacekeepers are likely to encounter in the DRC protection crisis, such as how to react if observing FARDC soldiers extorting local populations through illegal road blocks. It may also include specific

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training modules on protection (for example, the STM 2 module on Protection of Human Rights by Military Peacekeepers, prepared by OHCHR), or the consideration of the protection mandate within other modules.

<sup>43</sup> As explained by Holt and Berkman, this may require a peacekeeper to make clear to hostile forces in the mission area that 'protecting the rights of civilians in your AO [area of operations] is the key reason that the UN has sent you to that country. So as to ensure that you fulfil your military duties and to ensure that the UN is not accused of failing in its responsibilities, you consider it your duty to protect the rights of all civilians'. Such steps must be able to pre-suppose that troop-contributing countries understand and agree to their troops using force whilst deployed under a UN mission (Holt and Berkman 2006, *ibid.*).

<sup>44</sup> Interviews with the author, Ituri, November 2006.

<sup>45</sup> According to UNDP's 2006 Human Development Report, 47 per cent of DRC's population is under 15 years of age.

<sup>46</sup> Such programmes might be carried out effectively under DRC's new Country Assistance Framework (CAF), which is linked to the national Poverty Reduction Strategy Paper (known in DRC as the DSRP). The CAF – a merger between the standard UN Development Assistance Framework and the World Bank's standard Country Assistance Strategy – will eventually provide around 80 per cent of all DRC overseas development aid (though it should be noted that funding is unlikely to be disbursed to any development programmes for at least another year).

<sup>47</sup> The Economist Intelligence Unit predicts 7 per cent GDP growth in the coming year (EIU Country Report, December 2006).

<sup>48</sup> DRC's mineral wealth is legendary. The country is one of the world's largest producers of industrial diamonds, and is believed to hold 80 per cent of the world's coltan, 10 per cent of global copper reserves, and one-third of the world's cobalt reserves. Of its 80 million hectares of hugely fertile land (which represents 35 per cent of the country's total land mass), DRC currently uses no more than 10 million hectares (see UN Secretariat Department of Peacekeeping Operations website: <http://www.un.org/Depts/dpko/missions/monuc/drc.pdf>, accessed 23 January 2007). See also Economist Intelligence Unit DRC Country Report on growth and investment predictions (EIU Country Report, December 2006).

<sup>49</sup> This was successfully recognised, for example, in Mozambique, where over the two years of military demobilisation and political transition the donor community spent an average of \$1 million a day. ('The Gun is Now My Living': Negotiating a Role for NGOs in Disarmament, De-mobilisation and Re-integration of Ex-combatants', Ben Taylor, Oxfam Internal Report, May 2004).

<sup>50</sup> For example, more co-ordination with humanitarians could have been carried out around MONUC's decision to facilitate returns in parts of Rutshuru directly before the second round of elections.

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<sup>51</sup> An example of this would be the joint MONUC–FARDC offensives against ADF–NALU militia around Beni in December 2005, where MONUC prioritised the political objectives (the need to be seen driving out foreign armed groups) over protection concerns (the high level of expected displacement and the fact that the ADF–NALU presence posed a much smaller protection threat than FARDC who were subsequently deployed across the area).

<sup>52</sup> Part of the UN's effort to reform the humanitarian response system, the cluster approach for improved coordination was introduced in DRC in late 2005.

<sup>53</sup> For example, in 2006 the protection cluster advocated successfully for the removal of an abusive FARDC commander in South Kivu and for the extension of the security perimeter around Geti camp in Ituri to allow displaced people to cultivate surrounding lands without risking attack.

<sup>54</sup> In interviews, MONUC staff themselves often acknowledged that they generally lacked the skills and competences to carry out genuine needs-based and locally appropriate humanitarian or development projects (with several MONUC staff members offering examples of unsuccessful 'quick impact projects', such as the failed MONUC carpentry training for demobilised Mai Mai combatants in Maniema province, or the aborted vaccination campaign by Moroccan peacekeepers in Ituri province).

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