

# FORCED MIGRATION

review

Issue 36  
November 2010

## Democratic Republic of Congo Past. Present. Future?

**Plus articles on:**  
Sudan's referendum,  
return for women in Liberia,  
the Kampala Convention,  
information and rumour  
... and more



## From the editors

The Democratic Republic of Congo is unfortunately synonymous with its dreadful past and its terrible present, despite its beauty, complex history and unachieved potential. Locked not only into its own internal troubles but also into those of the African Great Lakes region, it has provided more than enough material on forced migration, violence and political quagmires to fill this issue of FMR.

As Bernard Mumpasi Lututala's article reminds us, displacement did not begin in the early 1990s, yet there has been since then a continuous series of events triggering displacement, suffering and all manner of breaches of people's rights and security. Unconscionable numbers of people have died or been killed.

The historical and immediate causes of displacement are covered here. Also discussed – perhaps more importantly – are the ways in which displaced people experience those causes and their effects: the loss of livelihood and community, of stability and security. The possibilities for return, also covered here, are heavily constrained by the immediate forces that caused the displacements, as well as by longer-term and more deep-rooted political and historical factors. The widespread and brutal sexual violence found amidst the general violence in DRC is particularly shocking, eliciting outrage as well as attempts to find ways to curb it and to protect girls and women, and boys and men, from it.

While the articles contained in this issue of FMR make grim reading, they also offer glimmers of hope for better outcomes, at least potentially, alongside analysis of how and why these things have been happening. There are political and humanitarian agreements; there are laws and the beginnings of systems to uphold them; there are people determined to work their way out of their seemingly intractable situation. Potentially it can get better in DRC, and we hope that this issue of FMR will make a contribution to stimulating analysis and building awareness to support that process.

This issue is online at <http://www.fmreview.org/DRCongo/> and will be available in English, French, Spanish and Arabic.

We continue to try to make FMR more accessible to those with visual disabilities. The whole issue is available online as a PDF, and all articles in this issue are available in HTML format that is appropriate for screen-readers and as audio files. Our website also offers links to software downloads to aid accessibility.

FMR36 is being distributed together with a special FMR supplement on HIV/AIDS, security and conflict. See <http://www.fmreview.org/AIDS/>

All issues of FMR are freely available, and searchable, online at <http://www.fmreview.org.mags1.htm>. We encourage you to post online or reproduce FMR articles but please acknowledge the source (with a link to our website) – and, preferably, let us know. And if your organisation has an online library of resources or listings of thematic links, we would be grateful if you would add links to back issues of FMR.

### Forthcoming issues of FMR

- FMR 37 will include a feature theme on Non-state armed groups, due out in March 2011 (<http://www.fmreview.org/non-state/>).
- FMR 38 will include a feature theme on Technology and communications. See the call for articles at <http://www.fmreview.org/technology/>

Details of forthcoming issues can always be found at <http://www.fmreview.org/forthcoming.htm>

Finally, we would like to welcome Kelly Pitt to the FMR team as Promotion and Funding Assistant. She replaces Heidi El-Megrissi who has moved on to another post in the Refugee Studies Centre. We would like to thank Heidi for all her work for FMR.

With our best wishes

Marion Couldrey & Maurice Herson  
Editors, *Forced Migration Review*



Mugunga IDP camp outside Goma, DRC  
Norwegian Refugee Council/Truls Brekke

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**Invitation to write for FMR**

You don't need to be an experienced writer to write for FMR. Email us with your suggestions, draft articles or internal reports – and we will work with you to shape your article for publication.

Too often experience gained in the field is confined to an internal report, circulated within one office or organisation only; and too often research is disseminated only via

long academic articles in costly academic journals. FMR aims to bridge the gap between research and practice so that practice-oriented research gets out to policymakers and the field, and field experience, lessons learned and examples of good practice are shared as widely as possible. But we need you to help us do that.

We encourage readers to send us written contributions on any

aspect of contemporary forced migration. Each issue of FMR has a theme but a proportion of each issue is set aside for any other subject relating to refugees/ IDPs or stateless people.

Material may be submitted in English, Spanish, Arabic or French. For more details, please see <http://www.fmreview.org/writing.htm> or email us at [fmr@qeh.ox.ac.uk](mailto:fmr@qeh.ox.ac.uk)



# A scandal that needs to end

John Holmes

**While the crisis in the Kivus has been a focus of action and advocacy by the international community for decades, further conflicts characterised by massive internal and cross-border displacements have been proliferating in all four corners of the Democratic Republic of Congo (DRC).**

As of 31 July 2010, an estimated 1.9 million people were internally displaced in North and South Kivu, Orientale, Katanga and Equateur provinces of DRC. And it should not be forgotten that IDPs represent just a fraction of the people in need in DRC. The situation of returnees, host families and large numbers of populations in non-conflict affected areas is often dire.

## The Kivus

In the North and South Kivu provinces people are still routinely caught in the frontlines of armed confrontations between the Congolese army (Forces Armées de la

République Démocratique du Congo, FARDC) and various armed rebel groups, particularly the Rwandan former génocidaires,<sup>1</sup> the Forces Démocratiques pour la Libération du Rwanda (FDLR). Over the course of 2009, the situation initially improved in North Kivu, following the peace and integration agreement signed in March between the government and Congolese armed groups, including the former opposition group Congrès National pour la Défense du Peuple (CNDP). This led to the return of over half a million former IDPs during 2009. However, the total number of IDPs in North Kivu still stands at 875,000 due to frequent

armed confrontations between the national army and different armed opposition groups in the context of the government-led 'Amani Leo' military offensive against the FDLR and other Congolese armed groups. A recent worrying trend has been the impact of the extension of the government offensive to new armed groups, such as the FARDC 'Rwenzori' offensive against the ADF/Nalu rebel group at the end of July 2010 in Beni territory. This resulted in the displacement of 90,000 people.

In South Kivu, the situation worsened during 2009 and 2010 as the province became the main arena for military operations against the FDLR – especially in the Kalehe, Shabunda and Uvira territories – raising the total of IDPs in the province to 626,000. Whatever their military justifications or successes, these operations continue

to inflict a heavy toll on civilians and cause new displacements, while the armed groups targeted by the military operations have in no sense gone away.

In addition, all armed groups, including the FARDC, are responsible for widespread human rights abuses against civilians. Villages are routinely looted and burned, with entire communities uprooted repeatedly. This not only results in massive humanitarian needs but it also blocks and hinders the recovery and development prospects of large areas. Earlier this year, when I visited Mwenga territory in South Kivu, it was clear that people were still afraid to resume their normal activities because of continuing strong FDLR and other militia presence in the vicinity. Local representatives of the humanitarian community reported then that the military operations were also pushing IDPs towards even more remote and inaccessible areas, posing a further challenge for humanitarian operations.

Sexual violence remains amongst the worst abuses. Cases are registered on a daily basis in DRC. Most recently and horrifically, a group of alleged FDLR and Mayi Mayi rebels attacked and took control of villages around the town of Luvungi in North Kivu, looting the area and raping hundreds of women within four days. The UN Population Fund (UNFPA) estimates that in the two Kivu provinces alone over 8,000 rapes occurred during 2009, averaging around 160 rapes per week. Most of these are committed by armed men, including members of the national army. These abhorrent crimes are unacceptable, as is the virtual impunity for the perpetrators which accompanies them.

### Other provinces

In Orientale province in the north-east of DRC, the Lord's Resistance Army (LRA), the brutal armed group originally from Uganda, is still terrorising the local population, causing widespread displacement in that region. Since the LRA began their attacks in December 2007, 1,893 civilians have been killed, and over 1,600 adults as well as 854 children have been abducted. Currently, more than 390,000 people are internally displaced in the Haut- and Bas-Uélé districts of Orientale



Mugunga  
IDP camp  
outside  
Goma, DRC

province. Humanitarian access remains very challenging in the whole province, due to insecurity, the remoteness of many areas and very high transport costs. There are still groups of IDPs, for example in Bas-Uélé district, to whom it has not yet been possible to deliver assistance.

In this respect, the augmented presence and role of the UN peacekeeping mission in DRC (MONUSCO) in Orientale province remain crucial in deterring LRA attacks, in facilitating humanitarian access, and in providing essential logistical support for humanitarian operations. The suffering and trauma of the civilian population from LRA terror remain deeply disturbing. All concerned UN missions in DRC, Central African Republic (CAR) and Sudan, the governments in the region and UN Member States more widely must shoulder the responsibility for promoting new, decisive measures to end the LRA's reign of terror.

Another recent crisis erupted in DRC's north-western Equateur province in October 2009, when intense inter-communal violence gradually turned into a widespread insurgency. At the peak of the crisis in late 2009, approximately 200,000 people were displaced as IDPs in Equateur province or as refugees in the Republic of Congo and in CAR. With the gradual stabilisation of the security situation, an estimated 25,000 IDPs out of an initial caseload of 48,000 have already returned to their villages of origin. But most of the refugees have not yet returned. Durable return of these populations will not only require recovery

assistance for the re-establishment of livelihoods but further reconciliation and mediation efforts to address deep-rooted animosities between different ethnic communities on the ground, not least to avoid future political manipulation that could destabilise the region.

These examples bring out the sad reality that significant displacements will persist as long as armed groups continue to prey on the population, human rights violations are perpetrated with impunity and the Congolese government does not succeed in establishing its presence and providing basic security and social services to its population. For the UN, the gravity of the problems and the complexity of the tasks require not only determined action but also improved coordination between humanitarian, peacebuilding and development actors to develop a comprehensive vision that is shared by and jointly implemented with Congolese authorities at all levels. Those IDPs whom I have visited in DRC, many having been repeatedly displaced over many years, were in as bad a condition, with virtually nothing to their names, as any people I have seen anywhere. This is indeed a scandal that needs to end.

John Holmes (director@ditchley.co.uk) was the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and is now Director of the Ditchley Foundation (<http://www.ditchley.co.uk>).

1. Those implicated in the mass killings of the 1994 Rwandan genocide

# The dynamics of instability in eastern DRC

Pierre Jacquemot

**The conflict in eastern Congo has been the most deadly one since the second World War, and its social consequences have been disastrous. Solutions to the conflict – which has its roots in politics, in demographics and in economics – must look to the long term.**

The first significant displacements of the rwandophone<sup>1</sup> population began back in 1937 when DRC (then called Zaire) encouraged immigration of 'non-native' Banyarwanda (people from Rwanda) to provide labour on its large colonial plantations

disrupted the complex and already fragile demographic balance. Among the refugees were members of the Interahamwe militia (a Hutu paramilitary organisation), the group which formed the spearhead of the genocide, and soldiers of the

Forces armées rwandaïses (Armed Forces of Rwanda, FAR). Hatred between Hutu and Tutsi living in Congolese territory reached a new peak.

Pressure on land in Kivu also increased with a number of disastrous consequences. Competition for access to land and the essentials for life such as water and firewood triggered conflict between

groups forced to live together. These conflicts were poorly arbitrated by traditional elders, who themselves were weakened by upheaval and displacement, and who retained only a vestige of their previous powers.

From the end of the 1990s, another ingredient was added to make the whole region a potential powder keg: the discovery of much sought-after minerals, used in the electronics industry, as well as a range of other valuable natural resources. These include coltan and cassiterite (a tin oxide mineral) in North Kivu, and gold from Ituri and South Kivu, in addition to tropical woods, charcoal, meat, tea, quinine and

papain. The militias and armies were keen to exercise their power over the main mining sites, from which they drew and continue to draw significant sums of money.

## Criminal economy

The system which was established was a criminal one, privatised, militarised and highly profitable – and its unique feature is its violence. Each FARDC, FDLR or Mayi Mayi militia warlord controls his territory, his mine and his marketing territory; if one impinges on the playing field of another, it leads to clan warfare. Those who control the mine and the marketing territory make every effort to retain their position; those who seek to seize it use military force to achieve their ends. The absence of public order, accompanied by a culture of impunity inherited from the last years of the Mobutu regime, has enabled this economy to flourish – an economy which feeds on predation and which will, in the long term, self-destruct as a result of the overexploitation of the land, the minerals beneath it and its people.

As ever, arms are in high demand. The profits from mineral exploitation and trafficking have enabled armed groups to obtain heavy weaponry, cannons, long-range mortars, AK-47s, ammunition, radio equipment and uniforms from overseas. Despite the embargo on the supply of arms, the enormous market in light weapons has never faltered. At the end of 2009, there were some 40,000 Kalashnikovs in North Kivu alone.

There remains one last ingredient to exacerbate the conflict: malicious rumour, spread by word of mouth, anonymous tracts, posters, radio messages, text messages. It relies on credulity and awakens accumulated grievances, which further aggravate inter-communal hatred and feed the desire for revenge. Conspiracy theories abound. In Kivu and Ituri, the rumour mill ceaselessly circulates the idea that the 'Rwandans' monopolise the land and the mines,



Two boys on watch for rebels at the Mugunga refugee camp north of Goma

alongside existing communities identified as 'native'. By 1960 there were some 200,000 rwandaphones living in DRC. More Rwandan Tutsi and Burundian Hutu emigrated to the Kivus following their countries' independence in 1962; more fled Burundi following the genocide against them instituted by the Bujumbura Tutsi regime in 1972 and later again to flee civil war. In DRC they found a land much like their own, with green mountains, healthy air and familiar agricultural practices.

The flight of hundreds of thousands of Hutu refugees to Zaire after the Rwandan genocide in 1994 totally

dispossessing the traditional chiefs, continuing to speak Kinyarwanda. We hear of the sale of the 'national birthright' (Kivu) by the élites and military who seek enrichment by making secret pacts with the enemy. These accusations of betrayal deepen the gulf between 'native' and 'non-native'. Rural radio plays a very effective role in neutralising or propagating rumours; and mobile phones now enable faster, wider relaying of hate messages.

### Disastrous social consequences

The most obvious consequence of this climate of conflict is the insecurity in Kivu. In October 2010, there were still 1.5 million displaced persons, and new groups of people were fleeing their homes following a number of attacks, accompanied by rape, especially in Walikale territory. The human development indicators are extreme in Kivu. Poverty rates (84.7% in South Kivu and 73% in North Kivu) are higher than the national average (71.3%). School attendance rates are very low in primary schools (about 53%), and maternal and infant mortality rates are high. Very few households are connected to drinking water supplies and even fewer to electricity. Health services are inadequate, with one doctor per 27,700 inhabitants in South Kivu, one per 24,000 inhabitants in North Kivu.

Certain phenomena have profound consequences. There has been a significant exodus towards the mining sites, causing a probably irreversible uprooting of young people. There is a similar exodus to join a rebel group or militia. The Mayi Mayi groups, which are omnipresent in the Kivu area, present a different community from the traditional social structure – with closely structured internal organisation and egalitarian relationships. They offer an escape from the land and a new and more acceptable form of organisation than that of the village. The young recruits leave their homeland for the long term and thus leave, often forever, the authority of their ancestors. Parents lose their influence over their children who are more and more attracted by urban cultures than by traditional values. Elsewhere in Africa, the process has developed over the long term but in eastern Congo it has been rapid and violent.

Everywhere you look, agriculture has lost its workers to the mines.

This erosion of the resource base of many households is worsened by military pillaging, massacres of animals, and theft of harvests and livestock. The traditional forms of social and economic solidarity are now being replaced by the individual fight to survive.

### Protection: the highest priority

Successive peace accords (Kisangani, Nairobi, Goma) and UN resolutions, specifically those of December 2009 (resolution 1906) and June 2010 (resolution 1925), seek to provide improved security and humanitarian assistance, in particular:

- significant reduction in cases of abuse and violence
- reduction in the numbers of displaced persons
- increase in access to humanitarian aid and human rights services for vulnerable populations
- reinforcement of targeted protection, especially for women, children, refugees and IDPs
- ensuring that displaced persons are able to return to their original areas
- reducing impunity and bringing to justice those responsible for violence and human rights violations.

After protection of populations, the second priority – essential for the establishment of lasting peace – is the cessation of hostilities through the disarmament, demobilisation, repatriation, reintegration and reinstallation (DD3R) of armed groups. In December 2003 the government launched a national programme to substantially reduce the availability of illegal weapons and to rehabilitate demobilised fighters through community work, integration into the regular army or repatriation to Rwanda. This has been a partial success at least numerically. 21,500 fighters and their dependants returned to Rwanda between 2003 and 2009. At the start of 2010, there were only 3,000 fighters from armed groups awaiting rehabilitation.

The preferred method for settling conflicts, quashing insurrections and re-establishing peace in DRC has always been the integration of rebel groups into the army. The result is that the Congolese army is now a melting pot which includes 56 rebel groups, successively 'integrated' since the 1980s. The new 'integrated soldiers' join disparate elements from groups of fighters integrated previously. The year 2009 saw the 'accelerated integration' of almost 20,000 additional rebels into the national armed forces. In truth, this does not create the best conditions for building a national army – and can, to the contrary, have a destructive effect on the army. Elements of the CNDP, the former Tutsi rebel group, and other former rebels were integrated hastily in 2009, with no verification of the origin of the conscripts. The CNDP, which was well organised, was able to profit from its integration into the national army to create a parallel command structure and pursue its former objectives from within the army, specifically to track down the Hutu rebels of the FDLR and take control of mining sites. The rot had truly set in.

The resolution of conflict in eastern Congo will take time. After so many years of conflict and insecurity, the deaths of so many and the destruction of so much land, it is hard to change entrenched attitudes of defiance and reprisal. However, it is not beyond hope that one day in the future a federal structure will be able to initiate cooperation based on the concerted rehabilitation of the country, primarily for the benefit of local communities. It is also not beyond hope that the resources diverted by the fraudulent economy, especially those from the mining sector and biodiversity, will be channelled towards productive jobs. The only impossibility is a belief in simple and rapid post-conflict solutions; the time-scale for reconstruction will run into decades.

Pierre Jacquemot (Pierre.JACQUEMOT@diplomatie.gouv.fr) is French Ambassador to the Democratic Republic of the Congo (<http://tinyurl.com/France-govt-DRC>).

1. People speaking Kinyarwanda, the national language of Rwanda.

# The role of governance and research

Bernard Mumpasi Lututala

**Forced migration is not new to DRC but its extent and its consequences are still shocking. Good governance and research must play a stronger role if life is to improve for the citizens of DRC.**

Forced migration is one of the phenomena which have made the Democratic Republic of Congo (DRC) famous for all the wrong reasons. This is because of the sheer size of the populations affected by it, the contexts underlying it and its inhuman nature. Millions of Congolese have been repeatedly forced to leave their homes to flee the sound of marching boots, or because some catastrophe has stripped them of everything, or simply because they have no choice other than to leave. All we can do here is provide a brief summary of one of the factors behind these forced migrations: political crises and wars.

## Political crises and wars

These are certainly the reason behind the majority of forced migrations in DRC. The first political crises followed swiftly on the heels of independence: the Force Publique mutiny (July 1960), the Katanga secession (1960-63), the Kasai secession (August 1960). Then came the various wars of liberation, often classified as rebellions by the ruling governments of the day: the

Mulele rebellion in Kwilu in 1964, the Lumumbist rebellion in the east of the country, the two Shaba wars (1977 and 1978), the First Congo War of the Alliance des Forces Démocratiques pour la Libération du Congo (AFDL) in 1996, the so-called wars of aggression from 1998 to 2003 by the RCD (Rassemblement Congolais pour la Démocratie), the MLC (Mouvement de Libération du Congo) and others, and the CNDP rebellion headed by Laurent Nkunda. The most recent wars have forced the displacement of up to 3.4 million people, according to OCHA estimates. This is a vast number – more, in fact, than the entire population of some African countries. The provinces in the east of the country alone (North Kivu, South Kivu, Northern Katanga, Maniema) have seen some 1.4 million persons displaced.

But why did these people flee, when it was the soldiers who were supposed to be fighting? The answer is that the Forces Armées Zaïroises (FAZ), known today as the Forces Armées de la République

Démocratique du Congo (FARDC), were and are incapable of protecting the people against ‘aggressors’. Instead, they themselves at times persecute the very people they are supposed to be protecting. So, the civilian populations flee to save themselves from killing, sexual violence and all manner of cruelty. They are often the target of reprisals if there is the slightest suspicion – even if not justified – that they have been sheltering soldiers from the other side of the conflict, or simply been close to them, or for no reason at all. Their homes are burned, their belongings stolen. Young people are forced to carry loads or are press-ganged into the armies. As for the girls and women, they are subjected to horrific sexual violence. UNICEF reports that it cared for 37,000 victims of sexual violence in 2007, and MSF says that it took care of 2,800 victims of sexual violence in the first quarter of 2009 alone. So they flee but they are never completely safe because the new places to which they flee are often also infested with soldiers, whether ‘aggressors’ or FARDC. So they leave again, without really knowing where they are going, with nothing more than the barest essentials that they can carry.



They walk for tens, hundreds of kilometres, in rain or sun, leaving behind at the roadside those who cannot keep up. The strongest often end up in refugee camps, tented villages where promiscuity, disease, rape and all kinds of ills associated with their precarious situation await them. They are keen to return home to their villages but cannot return until they can be sure that the soldiers are no longer there. This is a real humanitarian drama, recognised as such by the international community, although that same community is unable, or perhaps unwilling, to prevent it.

### Is there a solution?

Forced migrations are often unforeseeable. It is only after the event that humanitarian organisations, rather than the government, can try to manage the consequences. Forced migrants lose almost everything, and have to rebuild their lives from nothing. They have urgent needs: access to drinking water, accommodation, healthcare, education for their children. A number of institutions have developed programmes to help them but their needs remain much greater than the aid on offer. UNICEF, for example, introduced a programme for family and community rehabilitation of children affected by armed conflicts in 2006. This included identification, temporary care, family reunification, and socio-economic and educational rehabilitation – but only 10% of

children have benefitted from the initiative. There are many difficulties in providing aid to displaced Congolese because of the sheer size of the country, problems with access to refugee sites and obstacles to access imposed by the military.

So what is the solution? Surely the solution lies in prevention and good governance. Forced migration is caused by or for political, economic and environmental reasons. It is therefore possible to avoid it if we know its causes. Even natural disasters can be predicted. To achieve this, we need monitoring and studies which will raise the alarm and invite the government to take whatever precautions are necessary to avoid the causes or manage the consequences. However, this demands good governance – a responsible government which puts the population's concerns at the heart of its actions, which promotes conditions of non-war, non-aggression, a peaceful life for its people. And also a government which adheres to the October 2009 Convention for the Protection and Assistance of IDPs in Africa (the Kampala Convention). This is all the more important since DRC never adopted nor implemented its own National Population Policy document, the first draft of which was drawn up back in ... 1988!

This is where the role of research lies, because we believe that there can be no good governance without

the enlightenment provided by research. Research should help to raise the alarm, allocate responsibilities, assess damage and propose solutions. Unfortunately, research in general and research on migration in particular seems to suffer from a kind of embargo on the part of the Congolese government. There is no finance for research. There are no highly regarded scientific reviews to report on the phenomena observed. There are no scientific conferences to discuss these phenomena. There is no study on a national scale to obtain statistics on levels, trends and characteristics of migration at national level. Even the work carried out by universities on migration in DRC is not well known – indeed, it is rather loftily ignored. A similar lack of interest in supporting Congolese research seems to be present in the wider international community as well. As a result, relatively little is known about Congolese migration and little is being done to manage it better, despite the fact that it is one of the major aspects that characterise Congolese life.

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### No peace of mind

Stories of displacement in the Democratic Republic of Congo

This photo, taken by Adrian Arbib, is included in an exhibition of photographs brought together by the Refugee Studies Centre to complement this issue of FMR. The exhibition runs from 1-14 December at the University Church of St Mary the Virgin in Oxford and is also online at:

<http://www.forcedmigration.org/photos/no-peace-of-mind/>

The exhibition showcases images from professional photographers and field practitioners illustrating the effects of the lengthy conflict in DRC on individuals and communities, and the different aspects of forced displacement.

Please feel free to use the online exhibition to highlight the issues at stake in DRC, and to share it with others.

Mugunga IDP camp  
Adrian Arbib [www.arbib.com](http://www.arbib.com)



# Displacement trends in DRC

Greta Zeender and Jacob Rothing

**Internal displacement has plagued the Democratic Republic of Congo (DRC) for nearly 20 years. This article provides an overview of the scale and causes of displacement during this period as well as efforts to address the assistance and protection needs of internally displaced persons (IDPs).**

In the early 1990s inter-ethnic confrontations in the central and eastern regions aggravated political instability which spread throughout the country and turned into a full-scale civil war in 1996. In the years that followed, the process of return and reintegration for IDPs was halted when a major rebellion against the Kinshasa government almost tripled the number of IDPs which reached two million by the end of 2000. Continued hostilities between government forces, armed contingents from several African nations and three rebel factions affected nine of DRC's ten provinces, plus the capital Kinshasa, with IDP numbers peaking at 3.4 million in 2003.

With the establishment in mid-2003 of a Transitional Government, which included the armed opposition, violence decreased by mid-2004 and many IDPs returned home. However, despite the power-sharing agreement and the withdrawal of foreign troops, the government struggled to assert its authority in the eastern provinces. The continued presence of up to twenty armed groups remained a threat to the population. The activities of domestic armed groups – entrenched within the local population and antagonistic towards civilians associated with other groups – triggered new displacement at alarming levels, illustrating that displacement in DRC does not depend so much on the scale of warfare but rather on how such warfare is carried out.

The government's response has been to integrate militants into the army and to disarm and repatriate foreign armed groups but this process has been marred by corruption and further conflict, often reflecting local ethnic divisions and competing command structures. The flawed integration resulted in

an undisciplined national army, which acquired the characteristics of the rebel groups it was absorbing. From the end of 2004 until mid-2006, the Congolese army launched a series of military operations – some with the support of the UN's peace keeping mission MONUC<sup>1</sup> – to disarm groups in Ituri and the Kivus before the national elections in June 2006. However, while these operations contributed to improving access to IDPs and allowed some to return home – particularly in Katanga province in 2005 – they also caused the displacement of hundreds of thousands of people.

In Orientale province, where the Lord's Resistance Army (LRA) was subject to a joint military strike by Uganda, DRC and Southern Sudan armies in late 2008, the LRA retaliated against civilians by killing thousand and displacing tens of thousands more.

## The struggle for resources

Members of the army as well as militia groups have been involved in the illegal exploitation of minerals, contributing to further displacement. In early 2007, for example, several thousand people in Kasai Oriental province fled as their villages were burned down following a conflict over a diamond mine in the area. In Lubero territory in North Kivu, Hutu militia forced the civilian population to act as slave porters for their mining activities, causing many to flee their villages. Competition between two communities over access to fishing ponds in Dongo, Equateur, in October 2009 turned into a full-fledged insurgency which forced 200,000 people to flee, two-thirds over the borders to the Republic of Congo and the Central African Republic, the rest within DRC.

Control over arable land has been at the core of the cause of displacement

in eastern DRC as well as during displacement and in the search for durable solutions. Access to land through displacement has even been an objective of the armed conflict itself, illustrated by how CNDP since 2006 have expelled Kivu peasants from one ethnic group to replace them with peasants from their own constituency. IDPs who need to cultivate during displacement in order to survive have put pressure on scarce land resources leading to disputes with host communities. When attempting to return, they have often been met by angry farmers who have occupied their land in their absence.

## Patterns of displacements

The vast majority of IDPs find refuge outside camp settings, whether with host families in other villages and urban areas, or in forests. Very often people are displaced on multiple occasions but for a short time. As a general rule, IDPs try to remain close to their place of origin but shifting frontlines in the Kivus have forced many to flee greater distances, making it more difficult for them to maintain communication with home areas or to return home permanently.

Host communities have become increasingly unable to cope with the influx of people and several hundred thousand IDPs have built makeshift settlements or found refuge in dilapidated buildings or camps in Ituri, North Kivu and Katanga. According to OCHA, the percentage of IDPs living in camps in North Kivu increased from 5% in 2005 to 35% in 2008 but fell to 16% by mid-2010.

A number of IDPs have fled to urban areas. Whilst such urbanisation swells slum areas, it is also an opportunity for adept IDPs to integrate locally. Camp residents near Goma, for instance, have found work in urban areas while maintaining part of the family in camps to access food rations.

The total of IDPs in DRC at August 2010 stood at almost 2 million.<sup>2</sup> North and South Kivu provinces had the highest numbers of IDPs,



UNHCR/S. Schuman

with some 1,542,000 people reported, i.e. close to 78% of the total number of IDPs. While close to a million people had returned home over the previous 18 months, the number of IDPs had still increased due to ongoing military operations against rebel groups and due to reprisal attacks against the population.

#### **Vulnerability exacerbated by displacement**

The International Rescue Committee's (IRC) mortality surveys indicate that the number of deaths resulting from conflict has grown steadily from 2.4 million in 2001 to 5.4 million in 2009.<sup>3</sup> IDPs also suffer gross human rights violations and social marginalisation.

The displacement of farmers, the burning of fields and food stocks, and the destruction of infrastructure have made trade and commerce extremely difficult and caused widespread malnutrition in eastern DRC, an area with considerable agricultural potential. Moreover, millions lack access to basic services. The health-care system, already in a weak state

when the conflicts started, has been degraded by looting, fleeing staff and lack of funds. On several occasions displacement crises have coincided with a sharp increase of epidemic diseases, such as hemorrhagic fever, measles and cholera. Some groups are more affected than others.

Those who are forced to flee into the forests are particularly vulnerable, as are the Pygmies who, uprooted from their traditional lands since 2003-04, struggle to survive.

Many displaced children have been forced into the ranks of the armed groups. UNICEF estimates that 20-40,000 children were associated with armed groups between 2003 and 2005, falling to 3,000 by 2008. Displaced children in North Kivu, particularly those separated from their families, remain at risk not only of being recruited by militias but also of being raped and exploited. Left on their own, many are homeless. Without food, medicines and shelter, displaced children have also been denied a range of other essential rights. Few attend

school under the current war-torn education system, reducing their prospects for a more secure future.

Rape has been used extensively in the context of military operations by most of the forces involved in the conflicts. Within the context of existing gender relations in DRC, much of the sexual violence is directed against women and girls; however, internally displaced men and boys are also sexually assaulted by combatants. Despite all initiatives undertaken to counter sexual violence, it continues to be widespread throughout the country, used against the population generally, against displaced people, and as an instrument of displacement.

#### **Erosion of local capacity**

Despite the national government's primary responsibility to protect and assist IDPs, there is still no national IDP strategy nor policies with a direct positive impact on the lives of IDPs. Some government ministries have been tasked with responding

to their needs, and governors of several provinces have established offices to coordinate humanitarian assistance but with little success. In search of new sources of revenue, the DRC authorities have inconsistently taxed humanitarian supplies.

Solutions at the local level have been far more in evidence. The vast majority of IDPs have survived on their own or with the support of relatives, friends and people of the same ethnic group who have taken them in with the encouragement of local authorities. Church and IDP leaders have often negotiated the modalities of settlements of IDPs with the host communities. Local authorities have also assigned to IDPs a place to stay, as well as land to cultivate while they are displaced.

With customary laws guiding most social relations in DRC, local authorities have an important role to play in managing most protection issues between civilians, including IDPs. In some cases, they have had some success in persuading militia commanders to change their conduct towards civilians, such as keeping combatants out of communities, the creation of safe spaces for communities in danger of being displaced and making military looting and recruitment practices less harmful. However, conflict has eroded their capacity to manage disputes.

Internal displacement has affected the regulating role of local authorities in at least four ways. First, the influx of large numbers of people from other areas has fuelled competition over scarce resources, leading to an overall increase in poverty. Second, due to the mixing of populations following displacement, local authorities have had to manage the conflict of interests of different ethnic groups for which custom and tradition offers limited guidance. Third, IDPs – having lost most of their resources – cannot compensate wronged families where there has been conflict as in the past, leading in some situations to a logic of revenge rather than resolution between IDPs and their hosts. Finally, local military commanders have, to a certain degree, replaced the traditional leaders trained to uphold customary law, leading to decisions

that do not respect restitution rights and international human rights.

### International humanitarian assistance and protection

International humanitarian agencies have been providing food assistance, health and other basic services to large numbers of IDPs for several years, both during displacement and upon return, focusing mainly on camps and small towns in eastern Congo. It has not been easy. Constraints on mobility have been a significant obstacle to assisting IDPs and ensuring quality in humanitarian interventions; attacks against national and international staff are common. UN agencies in 2009, for instance, were unable to access 94% of North Kivu without a MONUC escort, and have become reliant on international and national NGOs to reach the IDPs.

The Protection Cluster, led by UNHCR, coordinates its action with MONUC. They have developed a handbook for peacekeepers, detailing measures for the protection of IDPs and a strategy to better assist IDPs in host communities.<sup>4</sup> However, in December 2009 Human Rights Watch commented that, while this was an important initiative, there had been no formal training on the guidelines, no mechanism for monitoring and evaluation on whether and how these guidelines are followed, and nothing in the rules of engagement or force directives instructing troops to follow these guidelines.<sup>5</sup> The creation of specific mechanisms to respond to pressing protection issues, including MONUC's Joint Protection Teams (comprising civil affairs, human rights and child protection staff), has given the international community the capacity to catalogue violations and assess protection issues – but they have yet to find a way of translating that knowledge into effective action in the field.

MONUC has been crucial to guaranteeing UN access to communities in insecure environments, and people living near MONUC bases are reported to be safer than in other areas. At the same time, MONUC's reputation has been tarnished both by its inability to keep rebels at bay and by its support to a poorly trained, abusive national army. The relationship has embarrassed UN

peacekeepers who since 2004 have regularly threatened to withdraw their support for the army.

Rather than supporting local authorities (which can protect IDPs but which also come from a tradition that has favoured older men over women and children), agencies have instead strengthened alternative (and competing) structures such as national NGOs and women's groups. While these groups may coincide better with the Western worldview, the question is whether these groups really are capable of increasing protection.

### Recommendations to the international community

- Promote the development of policies for durable solutions for IDPs, focusing on security and on land tenure.
- Support customary law in tandem with the formal legal system in ways which are not vulnerable to abuse i.e. so that it neither legalises the injustices of the past nor poses serious obstacles to durable solutions.
- Work with existing governance structures and support their strengthening in line with international standards rather than creating parallel structures which can lead to further erosion of local governance.
- Ensure that the most vulnerable are reached by channelling resources through organisations which have access to the frontline.

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1. Known from 1 July 2010 as MONUSCO – Mission de l'Organisation des Nations Unies en République Démocratique du Congo / United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (Security Council Resolution 1925)

2. See latest statistics at <http://www.internal-displacement.org/countries/DRCongo>

3. <http://www.theirc.org/special-reports/congo-forgotten-crisis>

4. *Protection in Practice* <http://tinyurl.com/DRCpeacekeepers-handbook>

5. <http://www.hrw.org/en/node/87142/section/12>

# Beyond the silence: sexual violence in eastern DRC

Jessica Keralis

**The sexual violence laws introduced in DRC in 2006 have had only limited impact. A much louder condemnation of rape and a far more proactive approach to prevention are urgently needed.**

Dr Denis Mukwege has been called the ‘angel of Bukavu’. He is a gynaecological surgeon who runs Panzi hospital, a medical centre in South Kivu that specialises in the repair of vaginal fistulas<sup>1</sup> and the treatment of rape victims. Not only is he the only gynaecologist at Panzi but he is the only doctor with gynaecological expertise in all of South Kivu – an area of 65,000 square miles. He is probably the world’s leading expert in repairing injuries resulting from rape.

As of October 2008, he had treated over 21,000 rape victims, many of them repeat victims. Most of the patients are cared for under the hospital’s Victims of Sexual Violence programme.<sup>2</sup> Of the 334 beds at the hospital, 200 are allocated to this programme, and it is not uncommon to have 450 sexual assault survivors in the hospital at any given time. Women and girls arrive every day

for treatment but the hospital can only accept 10-12 new patients each day; the rest are asked to return the following day. One third of the women admitted to Panzi require major surgery. Dr Mukwege treats 3,600 women per year and performs approximately 1,000 reconstructive surgeries per year.

## The 2006 sexual violence laws: limited impact

In 2006, the Congolese government passed two laws specifically addressing sexual violence. The first provides a formal definition of rape, includes both sexes and all forms of penetration, and criminalises acts such as the insertion of an object into a woman’s vagina, sexual mutilation, sexual slavery, forced prostitution and forced marriage. It also defines sexual relations with a minor (any person under age 16) as statutory rape, establishes penalties for rape, and prohibits the

settling of rape cases by ‘amicable’ resolutions. The second law deals with criminal procedure with regard to rape cases. It states that victims have the right to be seen by a doctor and a psychologist, that judicial proceedings cannot last longer than three months, and that the security and psychological well-being of victims and witnesses must be guaranteed; it also prevents the use of character accusations or the plaintiff’s past actions from being used against them.

These laws, as well as the lobbying that led to their passage, have had some impact, though it has been minor. More cases are being tried in military and civilian courts. Military justice officials in DRC know more about the issue and seem more ready to try cases of sexual violence, and they are taking additional steps to protect child victims. Additionally, military courts have been actively applying the Rome Statute (of the International Criminal Court) to cases of war crimes and crimes against humanity.



Heal Africa  
Transit  
Centre for  
women  
victims  
of sexual  
violence

Despite these improvements, however, the extent and brutality of these crimes has remained largely unchanged. The stream of new victims coming to Panzi Hospital continues unabated, with women appearing in waves each time there is a new outburst of militia violence in the region.

#### How can protection be improved?

Dr Mukwege has said that in addition to a political response to the violence, he would like to see real protection for the women once they leave the hospital. While he can treat them and surgically reconstruct them, there is no guarantee that they will not be raped again, and he has often seen repeat cases where women return to the hospital, considerably more damaged than the first time they appeared. This underscores the need, now more than ever, for a multi-faceted approach to combat sexual violence in the DRC. This approach must include:

**Enforcing existing laws and ending impunity:** DRC has an established legal framework to hold perpetrators of sexual violence responsible for their crimes. The government must work to enforce those laws to ensure that aggressors are no longer able to act without fear of punishment.

Additionally, an actively working legal system might encourage more victims to come forward.

**Integrating education on civilian protection and sexual violence into military training:** Compliance with international humanitarian law should be enforced among all members of the armed forces. Both officers and lower-ranking soldiers should receive regular and comprehensive training on civilian protection, including protection of women and girls. This training should be evaluated regularly to determine its impact, and modified according to the results.

**Creating new protection interventions specifically for South Kivu:** Aid organisations should work with local communities to devise protection interventions which are specific for the area and based on evidence of typical patterns of attack.

**Working to change the culture:** Cultural awareness and re-education are crucial to both encouraging victims to come forward and helping them to heal. A key step in this process would be clear and audible condemnation of the violence by the Congolese government, which

Dr Mukwege complains is too often silent on the issue: "The problem is known but the government is inaudible. ...It doesn't need money to condemn the rape – they would need only a microphone and the will."

When Dr Mukwege accepted the African of the Year award in 2008, he stated that he would accept it only "if it will highlight the situation of women in eastern DRC."

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See FMR 27 'Sexual violence: weapon of war, impediment to peace', online at <http://www.fmreview.org/sexualviolence.htm>

1. An abnormal opening between the reproductive tract of a woman or girl and one or more body cavities or surfaces. See A Pinel and LK Bosire, 'Traumatic fistula: the case for reparations,' FMR 27, <http://www.fmreview.org/FMRpdfs/FMR27/10.pdf>
2. Harvard Humanitarian Initiative with Oxfam America, 'Now, the world is without me: an investigation of sexual violence in eastern Democratic Republic of Congo,' April 2010 <http://tinyurl.com/oxfam-drc-sexualviolence-2010>

# Protection from sexual violence in DRC

Sarah Mosely, Talita Cetinoglu and Marit Glad

## While service provision for survivors of sexual violence is the top priority, protection for women and girls can also be improved in DRC.

The humanitarian community has faced enormous challenges in trying to protect women and girls in DRC. Civilian-based prevention strategies traditionally implemented by humanitarian actors are critical to addressing the underlying causes of sexual and gender-based violence, as well as providing some measure of physical protection and accountability. However, real change in the shocking level of sexual violence against women and girls in eastern DRC will require changes that go beyond the mandate of humanitarian agencies and civil

society organisations. Real change will require substantial political will and action by national authorities, with concrete and sustained support from the international community.

DRC is struggling with both gender-based violence in society and conflict-related sexual violence. These will require inter-dependent yet distinct solutions. While the cases of sexual violence being documented across the country, including in non-conflict areas, indicate that a significant percentage of reported cases are perpetrated

by armed groups, there is no doubt that women and girls are also being sexually assaulted by civilians. Traditional gender roles and the already low status of women in Congolese society exacerbate their vulnerability to violence and exploitation. However, in eastern DRC women's and girls' greatest risk of sexual assault comes from the war, the armed bodies involved in the conflict, and consequent breakdown of state entities such as the judicial system and police force that might otherwise provide some measure of security.

Women and girls are being targeted by all armed groups with unparalleled levels of brutality.

Over the past year, the International Rescue Committee (IRC) has seen mutilation and torture become more common in relation to acts of sexual violence and more children among the survivors. Unfortunately, undisciplined members of the Congolese armed forces are also committing acts of sexual violence.<sup>1</sup>

### Traditional preventive strategies are not enough

Humanitarian actors have traditionally responded to violence against women either with programmes that increase protection in a particular physical space where women are most at risk, or with programmes that focus on changing negative or violent behaviour of men.

Arguably, these approaches are not sufficient in eastern DRC where 56% of women reporting to IRC are being attacked by members of armed groups while conducting their everyday activities. The IRC has found that women and girls are potentially at risk in many settings, some of which are far beyond the reach of the protection capacity of humanitarian and civil society organisations. Sexual assaults in these settings will not be prevented unless there are national or international security forces able and willing to protect the local population.

Various actors in DRC are implementing programmes focusing on preventing sexual assault by changing attitudes and behaviour, including of security forces. While training in human rights, gender and conduct of war has a place, the assumption that changes in knowledge and awareness will in fact lead to changes in behaviour is under-researched. Ensuring that these types of training become an integral part of the standard training package of Congolese security forces is an important and necessary step in the professionalisation of the national army and police. However, a real shift in behaviour is only likely when military command and control are instated, military personnel are regularly paid and provided adequate lodging and food, and members of the armed forces are consistently held accountable for acts of sexual violence.

Both conflict-related sexual violence and societal gender-based violence will require a security and judicial system capable of ensuring accountability of sexual offenders. Impunity for sexual offenders in DRC is widespread. Few sexual criminals are brought in front of a court of law and even fewer actually spend time in prison for their actions. Corruption, a fee-for-service system (under which the survivor has to pay to press charges) and length of trial are only some of the many factors discouraging survivors from seeking justice. As a result, despite the fact that survivors are offered legal services free of charge through IRC's programme, fewer than 5% of the women assisted by IRC seek support for judicial action following a sexual assault and an even smaller percentage take their cases to court. Fear of retaliation, stigmatisation by the community and spousal rejection can prove insurmountable obstacles for survivors when considering legal action. Safety and security concerns compound the issue, with police forces unable or unwilling to ensure arrest and incarceration of convicted perpetrators or those awaiting trial.

The problem of impunity unfortunately extends to members of the Congolese security forces – the same forces who are tasked to protect women and girls from crime, including sexual violence. The lack of accountability within the command structures of the Congolese army allows combatants to continue to carry out grievous human rights abuses with few or no repercussions. Sexual offenders among the national army and police are often not prosecuted, and middle- and senior-level personnel are not held accountable for the actions of men under their command.<sup>2</sup>

While the Congolese government declared a laudable zero tolerance policy for such violations by members of its armed forces in July 2009, there is still a great discrepancy between the policy and its implementation.

The UN's peacekeeping mission in DRC has outlined responses to these issues in its Comprehensive Strategy to Fight Sexual Violence,<sup>3</sup> in which

it has designated agency leads and activities for five thematic areas: security sector reform; prevention and protection; combating impunity; multi-sectoral assistance; and data and mapping. The Comprehensive Strategy is a new tool, which should be seen as an important pilot for how the international community can assist countries in addressing this issue. However, the strategy may be inadvertently promoting a fragmented approach by dividing different prevention activities – such as security sector reform and combating impunity – into separate pillars of response. It is particularly important to capture any key lessons identified and to modify the Comprehensive Strategy accordingly if this pilot effort is to be adopted as an international model for a unified UN-supported approach to sexual violence.

Practice is still slow to catch up with the new protection framework created for women and girls by UN resolutions 1820 and 1888. Unless political authorities elaborate security-oriented solutions and institutions are developed to implement them, sexual violence in DRC will continue to be treated as an unfortunate side-effect of war, not as a security problem which requires and deserves a security response.

Political will, national and international, must be generated and applied to all elements of security and justice sector reform – and reform of the military, police, penitentiary and judicial systems carried out – if we are to hope for an end to conflict-related sexual violence in eastern DRC.

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1. Baaz, Maria & Stern, Maria, 'Understanding and addressing conflict-related sexual violence', Nordiska Afrikainstitutet, Policy Notes 2010/3

2. 'Soldiers who rape, commanders who condone', Human Rights Watch Report, 2009 <http://www.hrw.org/en/node/84366/section/1>

3. <http://monuc.unmissions.org/Default.aspx?tabid=4073>

# Preventing sexual violence

Melanie Teff and Camilla Campisi

**While there has been more focus on assistance to survivors of sexual violence after they have been attacked, not enough resources or political attention are devoted to preventing these acts of violence from occurring in the first place.**

International focus on sexual violence in DRC by donor governments and the media led to the launch of a new UN comprehensive strategy on sexual violence in 2009. The strategy has five components, three of which are directly linked to prevention: combating impunity, security sector reform, and prevention and protection. While donor countries have in the past often been reluctant to fund prevention activities (apart from some impunity-related activities) because of their lack of tangible outcomes, they have pushed for the new strategy and for a focus on prevention and government ownership.

The comprehensive strategy has been incorporated into the government's own Stabilization and Reconstruction Plan in Conflict-Affected Areas of Eastern DRC (STAREC). The sexual violence element of the strategy is limited in its ability to address the needs in conflict zones since STAREC mainly focuses on more stable areas. This means that prevention activities under the strategy will be less focused on the unstable conflict zones where some of the most brutal cases of sexual violence occur. In the sections of the strategy that deal with prevention, impunity is by the far the strongest element, while other areas like security sector reform, prevention and protection activities have received less attention or strategic thinking.

In May 2010, Refugees International (RI) staff met with local women's groups in difficult-to-access conflict-affected areas. Women told us that rape survivors often tell them that even when medical care is available there is no point in seeking it because they have to go back to the fields where they were attacked in order to provide food for their families, and they know they will only be raped again.

Under STAREC, there are plans to work with communities to agree on

protection risks and to try to find ways to avoid them. However, there were no community strategies on prevention in the communities RI visited.

Local civil society groups are often active in areas where international organisations do not work due to insecurity or inaccessibility, and it is important to support their work with communities to set up sexual violence prevention committees.

## The fight against impunity

Combating impunity has long been a focus for donors when addressing prevention of sexual violence, particularly in DRC. In 2006 the Congolese government passed a law on sexual violence that looks good on paper — but there has been very little implementation.

The hope for the fight against impunity in DRC is that increasing criminal convictions and sentences for sexual violence will deter potential perpetrators but the civilian court system struggles to respond adequately to sexual violence cases. Most conflict-related sexual violence takes place in rural areas far from the towns, and it is hardest in these remote

areas for women to access police, lawyers, courts and medical services in time to obtain medico-legal reports (as well as to obtain vital medical assistance). All of these services suffer from a severe lack of staffing, training and infrastructure outside the provincial capitals. Increased support for mobile courts would help.

In the provincial capitals there have been some convictions for sexual violence but the sentences handed down tend to be short. According to some, judges are reluctant to add to the problem of prison overcrowding. The fight against impunity cannot be successful without improving the prison system more generally; in too many cases men convicted of sexual violence have managed to escape or bribe their way out of prison within a few days.

In conflict-affected areas, the majority of perpetrators are armed men, many of whom are members of the Congolese army. Training and awareness raising to inform potential perpetrators, particularly within the army, about the consequences of sexual violence for survivors and for perpetrators are essential to any prevention strategy.

In 2009, President Kabila issued a statement saying that there would be zero tolerance for perpetrators

A group set up by a survivor of rape to support HIV-positive women and survivors of gender-based violence in North Kivu developed into a network that assists survivors of sexual assault by accompanying them to ensure that they get access to medical help and, if they want to report their case to the police, legal assistance.

They also run a counselling centre (maison d'écoute) where women can stay overnight, and they help survivors of sexual assaults who have been abandoned by their families restart their lives by providing them with training in crafts, agriculture or animal husbandry. They run awareness-raising sessions with communities on

violence against women and on HIV/AIDS to try to overcome the stigma suffered by many survivors of rape.

Like far too many of the local NGOs, this group receives minimal financial support. It is always difficult for UN agencies and international NGOs to determine which local NGOs have the capacity to run programmes, handle funds transparently and be sufficiently independent of political influences. Yet no comprehensive national sexual violence strategy can be successful if it fails to involve the people most directly affected by it, namely the local women's groups that will continue to provide support long after the international agencies have left.

of sexual violence in the military. And there are reported to have been more convictions by military tribunals for sexual violence, which is having some positive impact. But these military prosecutions have not been of high-ranking officers, and often commanders refuse to allow their soldiers to be tried for sexual violence. The Congolese government needs to bring to justice high-ranking commanders of units responsible for sexual violence. And every conviction for sexual violence needs to be publicised, to enhance its deterrent effect.

### Changing the thinking about prevention

While there is increased focus on the fight against impunity in the DRC, more thinking must be done on prevention outside the traditional parameters.

The link between alternative economic opportunities for women and sexual violence prevention needs to be made. Survivors of sexual violence emphasised that if they could gain skills to support themselves by other means they would not be forced to walk for miles to farm fields in remote areas where they are at greater risk of sexual violence.

Sexual violence also occurs in settings where women are forced to live in overcrowded and undignified conditions which do not allow them any personal space. This is the case for many of Congolese women living in displacement sites or with host families. UNHCR is working on reducing overcrowding with host families; this type of initiative should reduce displaced women's vulnerability.

More effective prevention requires more effective communications systems, especially in remote areas. The ability to prevent sexual violence will always be limited in areas where communications systems do not function. Local authorities and women's groups pointed out that they feel especially vulnerable to violence when they cannot raise the alert about impending attacks. In areas where there are no mobile phone networks, no matter how much work has been done to set up community prevention committees and improve the work of police and peacekeepers

in addressing sexual violence, physical protection will be virtually impossible to arrange in time unless alternative methods of communication, such as radio, are set up.

Security sector reform is another key area of work on prevention but donors who fund this rarely link it with the fight against sexual violence. Training of the army is essential but more should also be done to support local community groups to lodge complaints about any abuses by the security services in their area.

Finally, it is difficult to plan prevention activities without having a clear picture of the trends in incidents and perpetrators of sexual violence. It is always extremely hard to obtain accurate statistics on sexual violence because only a small proportion of survivors come forward to report cases. Under the new comprehensive sexual violence strategy, the UN Population Fund (UNFPA) is the lead agency on data and mapping but they do not currently have the resources to conduct the incident mapping effectively. Further, some agencies have refused to hand over to UNFPA data that they consider sensitive because of concerns about the confidentiality of the system.

UNFPA in DRC is now instituting use of the Gender-Based Violence Information Management System – a database developed at the global level by UNFPA, UNHCR and the International Rescue Committee.<sup>1</sup> This should allow agencies to react quickly to fill the gap in information on incidents and assistance provided to survivors of sexual violence. Since the database has been validated at the global level, this will address some organisations' concerns about confidentiality.

Some measure of prevention has been provided by the UN Stabilization Mission in the Congo (MONUSCO, formerly MONUC). The presence of the peacekeeping force is a deterrent to some, although there have been occasions when the peacekeepers have failed to protect populations from attack, often as a result of lack of effective communications systems having been established with local communities. Any premature withdrawal of peacekeeping military and civilian staff would

leave women at even greater risk. In some areas MONUSCO does respond to community requests, such as conducting farm patrols to accompany women going to their fields, but peacekeepers need more training in how to address sexual violence and where to refer survivors.

### Conclusion

Donor governments should provide more funding for the humanitarian response to help local groups working in conflict-affected areas and to expand coverage in eastern DRC so that prevention activities can have a real impact. They should also fund the new government-backed sexual violence strategy.

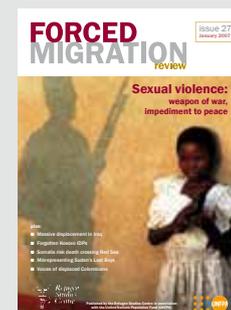
There are many vital activities that can be undertaken to prevent sexual violence in the DRC but the most important prevention activity of all is bringing about an end to the conflict. Donors need to increase pressure on the Congolese government to address the long-running conflict in the east, and find peaceful solutions in order to improve the lives of women and girls who continue to be targets for horrific violence and rape.

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1. <http://gbvims.org>

### Sexual violence: weapon of war, impediment to peace

FMR issue 27 explores the challenges and opportunities for combating sexual violence in conflict, post-conflict and development recovery contexts.



Available in English, French, Spanish and Arabic.

<http://www.fmreview.org/sexualviolence.htm>

# Land and property disputes impeding return and reintegration

Oumar Sylla

**A survey conducted by UNHCR in 2009 in IDP camps in North Kivu shows that access to land is the second factor after security which prevents people from returning to their zone of origin.**

On 17 February 2010, UNHCR, Rwanda and DRC signed the Tripartite Agreement<sup>1</sup> for the reciprocal repatriation of refugees between Rwanda and DRC. It has raised concerns, however, regarding the land conflicts which had already reached alarming proportions in Masisi and Rutshuru territories and their place in the overall peace process in North Kivu.

during this period of pacification.<sup>2</sup> Many land conflicts result from claims for the right to restitution after a long absence during which land has been transformed into pasture or farming land, or simply taken over for habitation.

Another cause of conflict is the acquisition of land by very large landowners. In Masisi and

of land laws, land in North Kivu and the majority of the country is managed and transferred on the basis of customary law, while the state only recognises land certificates issued by the property administration office. The registration procedure has enabled better informed groups to go to the land administration authorities to register plots whilst the former occupants are displaced.

Finally, the involvement of the military, often former members of rebel groups, is a growing phenomenon in Rutshuru and Masisi territories. A significant number of land concessions are under the control of former members of militias who are now integrated into the regular army. The local populations often dispute these acquisitions which seem to them to go against both legal and customary principles.

## Existing strategies

With the resurgence of land conflicts, UN-HABITAT, in partnership with UNHCR, has been implementing a programme to prevent and mediate land conflicts in the context of return and reintegration since May 2009. The aim is to offer communities alternative methods to resolve conflicts while the legal system is still paralysed by years

of war or simply inaccessible to rural populations, especially in the areas of return. In North Kivu, for example, more than ten local organisations working to prevent land conflict have come together in a coordination framework under the authority of the provincial ministry responsible for property matters. A land mediation centre has been set up by UN-HABITAT in Kitshanga town in Masisi territory. Centre staff offer training and information on land ownership issues with a view to preventing land conflicts but also



Community members with land problems looking for assistance, Kitshanga, Masisi territory

According to local communities, the massive return of refugees will fuel competition for land access. In post-conflict situations, access to land becomes a determining factor for cohabitation between communities and, above all, for the rebuilding of a community, and the emergence of land-related conflicts is understandable in such a context. In North Kivu, conflict over land – often linked to ethnicity – is a very old phenomenon. The varied nature of the current land conflicts tells us much about the land at stake

Rutshuru territories, land has been acquired by influential people during these periods of crisis on the basis of sometimes dubious procedures. These new owners are often challenged by both IDPs and local populations who find these acquisitions unjust, and this often turns into violent confrontation or provokes arbitrary arrests.

Another source of conflict lies in the contradiction between law and tradition in respect of land management. Despite the existence

provide mediation at the request of the different parties involved when the traditional leaders and other community bodies are out of their depth in a land conflict. The strategy focuses on providing land-conflict mediation teams with a certain degree of mobility and flexibility, alongside activities to strengthen capacity of, for example, traditional leaders and local organisations in the prevention and resolution of land conflicts.

Other international organisations such as the Norwegian Refugee Council and local organisations are also investing in land-conflict resolution by means of local reconciliation and legal aid mechanisms.

#### **Weakness of the means available**

With the signing of the Tripartite Agreement disquiet is growing in relation to the repatriation of 53,000 Congolese people who have been living in camps in Rwanda. Feelings of hostility are already rising in the territories of North Kivu with the community's rejection of these refugees, considered by some traditional leaders to be mainly non-Congolese. Furthermore, some UN agencies, including UN-HABITAT and UNHCR, have been accused of having a 'hidden agenda' of facilitating the implantation of Rwandans in Congolese territory. The repatriation movement thus risks running up against the land problem with the chance of refusal to return or provide access to the land on the basis of ethnic considerations. Despite warnings given by the international community, the provincial government tends to downplay the issue on the grounds that "the land belongs to the state".

Agencies who invest in the prevention of land conflicts and the promotion of good land governance do not provide sufficiently for access to resources to deal with the many land conflicts which emerge in the return areas. Despite a plea by UN-HABITAT to recognise the importance of the land problem in the peace process and economic recovery, we still see poor commitment by the international community, especially donors, to the land sector. However, the inclusion of land issues in the International Security and Stabilisation Support

Strategy,<sup>3</sup> particularly in its Return and Reintegration component, is a first step towards making the international community aware of the importance of the land question in the process of reconstruction and bringing peace to the areas affected by armed conflicts.

The principal Congolese land law dates from 1973 and no longer corresponds to the socio-political realities of the country. Besides, it has never been applied effectively in rural areas, generally due to poor knowledge of the law or its inability to be adapted locally. It needs to be reassessed during this post-conflict period. For example, this law offers no perspective on possible harmonisation between traditional customs and the law, while the traditional leaders still play a significant role in the management of land and the settlement of land disputes within their communities. Land management is still centralised in a land administration which is almost non-existent in rural areas where the returning populations need assistance to secure their land rights or simply to re-establish themselves.

A lasting political solution to the land problem would require an integrated approach based on the link between land and the law concerning displaced persons and refugees. To date, international legal instruments governing the rights of displaced persons in the whole Great Lakes region have still not been applied to ensure the development of policies and legal frameworks to deal coherently with the legal rights of displaced persons and refugees. What is necessary is to strengthen the capacities of the political and administrative authorities with a view to promoting an environment favourable to the development of a land policy and a legal framework which would offer lasting solutions to the land problem for successful returns and reintegration.

#### **Concerted and coordinated action**

The many initiatives under way to prevent and resolve land conflicts require harmonisation and coordination in order to prevent setbacks while community social cohesion is still fragile. The strategies implemented by the

Government of DRC through its Stabilization and Reconstruction Plan in Conflict-Affected Areas of Eastern DRC (STAREC) may well provide a framework for a coherent and coordinated approach to the land problem. Such an approach would also have the advantage of leading to the national and provincial authorities taking a degree of ownership of the issue.

To take this concern into account more fully, a Land Coordination Group has been set up under the management of the provincial Land Ministry in North Kivu to provide a framework for dialogue and harmonisation between the various parties working on the land issue, using an integrated and cross-cutting approach. The group consists of state bodies (provincial ministries which have dealings with land and property) and non-state bodies, both national and international. It interacts with Clusters working on humanitarian issues and the recovery of communities, specifically the Protection Cluster which is under the lead of UNHCR, the Return and Community Reintegration Cluster and the Shelter Working Group, with an exchange of information and initiatives concerning human rights violations.

Effective prevention and resolution of land conflicts in the east of DRC remain subject to the existence of political will. In the forthcoming land reform, the Government of DRC should seek to integrate the land problems which are specific to displaced persons and refugees with the peace process in the east of DRC and in particular its links with its neighbours. A framework for regional cooperation is more necessary than ever for the development of a shared land policy vision in accordance with the Stability Pact for the Great Lakes.<sup>4</sup> These initiatives will also require greater involvement of the international community.

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1. [http://www.provincenordkivu.org/doc6/refugies\\_rwandais\\_vivant\\_rdc.pdf](http://www.provincenordkivu.org/doc6/refugies_rwandais_vivant_rdc.pdf) (French)

2. UN-HABITAT recorded more than 300 land conflicts between September and December 2009 in Masisi and Rutshuru territories.

3. <http://tinyurl.com/DRC-ISSSS>

4. <http://www.icglr.org/icglr-pacte.php>

# Land, IDPs and mediation

Baptiste Raymond

## Unmanaged resettlement of IDPs in eastern DRC might threaten an already fragile security situation.

Land-based conflicts are at the root of the turmoil in eastern DRC, where land constitutes both an insurance for bad economic times and a foundation of individual and community identity. All land in DRC is owned by the Congolese state, and legally Congolese people only have the right to use it. Customary chiefs receive tribute in exchange for granting to their people the right to use the land, thereby creating a form of stewardship, a collective system of risk management for economic uncertainty.



The fertile hills of Masisi district, in North Kivu

IRIN/Lisa Clifford

It has long been the responsibility of the customary chiefs, therefore, to mediate land disputes but the national government, in the person of the Minister of Land Affairs, preaches the supremacy of modern law and is suspicious of alternative methods of conflict resolution. The Minister, Maj Kisimba Ngoy, is also the father of property right reforms and the man who declared in 2009 in Goma that the key to ethnic conflict resolution in the East was sovereign land legislation. In order to address the issue of IDPs, he authorised property-rights title conversion, to bring formerly held property-rights titles under the modern legal framework, and the construction of new settlements in compliance with an official land tax register.

However, the modern legal framework is sometimes perceived, or denounced, by customary chiefs as the legacy of the colonial state, and most often people are simply not aware of the law. At the local level,

customary chiefs act as proxy for state authority, all the more so as the Congolese state has little capacity and reach in many of the regions to which IDPs might return. Even though their influence is fading, customary chiefs need to play a key role in the returns of IDPs in two ways. First, they may well constitute the best source of information and monitoring for authorities dealing with IDPs. Second, there is little chance for IDPs to live in peace on their land if their resettlement has not been approved by customary chiefs.

As land issues were recognised at the January 2008 Goma Conference as being central to the stabilisation and reconstruction of the country, UN agencies have also been prioritising land dispute resolution. UNHCR's target for 2010 has been for at least 80% of land property disputes to be successfully mediated or resolved by appropriate bodies.

UNHCR and UN-HABITAT have jointly developed an approach to land-based conflict resolution that is inclusive of all stakeholders and which focuses on mediation conducted either by conflict resolution and mediation committees or by individual mediators. Because it is participative and community-based, this approach has proven to be reasonably successful. For example, the Mediation Centre established at Kitshanga by UN-HABITAT has allowed 183 Pygmies to go back to their land, which had been taken away while they were in IDP camps.<sup>1</sup>

Finally, local civil society is also active in the resolution of land-based conflicts. Local NGO Aide et Action pour la Paix underlines the limits of an exclusively legal approach, as framed by Congolese law, which tends to end with an angry 'loser' and a 'winner' fearful of retaliation by the 'loser'.<sup>2</sup> Aide et Action pour la Paix addresses the issue of displaced people by raising awareness in communities in the areas where IDPs might return and fosters a

participative approach based on mediation, trying to draw in both the legal authorities and the customary chiefs. Without the involvement of both, any resolution might not be recognised under Congolese law, or might not be implemented locally or be respected by the parties.

Another local NGO, the Pole Institute,<sup>3</sup> relies on an international network of researchers and consultants and works in partnership with local peasants' organisations such as FOPAC,<sup>4</sup> religious leaders and local NGOs. It focuses on information sharing (mainly via radio, to bypass the issue of literacy) as a means to empower the local population and to ignite citizen-based dialogue, so that they can start to develop their own solutions and have a sense of ownership of them.

### What really matters

Eastern DRC has attracted most of the prominent players in the international community and it would seem useful, if not crucial, to agree on a set of guiding principles for coordination and implementation. Efficiency in the return of IDPs could be measured by three interlinked parameters: the sustainability of the action, its capacity to address the causes of displacement, and the sense of ownership each stakeholder is able to have in the activity.

IDP resettlement offers cases ripe for mediation. However, the foundations of mediation in DRC differ from Western models of mediation which tend to insist on the neutrality of the mediator, who acts as a guarantor of a safe space for the parties to interact. This vision reflects the relative importance of the individual, whereas in DRC community comes first. Therefore, mediators in DRC have to be acknowledged as such by the community of resettlement and must be integrated into its social network.

Government action appears to be inherently ambivalent. In the East, the government is often perceived as one of the parties to

conflict. However, the state is the only stakeholder able to design a sustainable framework to address land-based conflicts by addressing the roots of conflict. Imposing modern law in DRC might also have a positive impact on investments, which in the long run would enable more people to move from subsistence agriculture to develop other sectors of the economy, decreasing the cardinal importance of land as a mean of production.

Civil society's place in the spectrum of stakeholders makes it a privileged bridge-builder between IDPs, local communities and institutional authorities. Civil society can not only collect people's grievances and put them forward for consideration but can also participate in the development of the legal framework on land issues (such as the drafting of the Code Agricole).

Modern law provides an objective opportunity to start rehabilitating the state in the East, as long as it is not enforced bluntly. Current developments in decentralising DRC are working in that direction, by allowing customary chiefs to act as magistrates in well-defined cases. There is space and need for the participation of both Congolese

civil society and UN agencies in this context. It is important that UNHCR and UN-HABITAT continue in a role of technical cooperation, training mediators from civil society, gradually differentiating the role of mediator from that of community leader, a role that could eventually have status in Congolese law.

By building trust, all those who have been sources of trouble for each other become part of the solution leading to peaceful development in DRC. In order to foster the desire and the habit of living peacefully together and to contribute to solving the complex equation of IDPs in eastern DRC, other more specific recommendations include the need to:

- clarify the process of access to land and its right of use, in order to empower IDPs
- map customary chiefs' territories
- identify, train and pay district community mediators under the umbrella of the provincial government
- establish local IDP Return Committees staffed on a voluntary basis by customary

chiefs, influential representatives of the local community, IDP spokespersons, members of the justice arm of the provincial government and UN staff.

The main objectives of the IDP Return Committees would include:

- collecting and disseminating information about IDPs
- mobilising resources for IDP resettlement
- facilitating early warning and response in the case of IDP-related conflicts
- promoting and advocating peace, based on the rule of law, between local communities.

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1. [http://www.landcoalition.org/wp-content/uploads/unhabitat\\_n\\_3.pdf](http://www.landcoalition.org/wp-content/uploads/unhabitat_n_3.pdf)

2. 'Ce qu'il faut connaître sur le sol en droit Congolais' <http://tinyurl.com/sol-et-droit-congolais>

3. <http://www.pole-institute.org/>

4. Fédération des Organisations des Producteurs Agricoles du Congo au Nord-Kivu <http://www.fopac.org/>

## Not going home: displaced youth after war

Timothy Raeymaekers

**In preparing for a post-conflict DRC, we should be more aware of young people's aspirations, the opportunities open to them, and the challenges they face in building a decent life.**

Current intervention programmes in DRC rarely focus on 'youth' as a social subcategory but tend rather to single out children or child combatants as preferable target groups. This is surprising given the current focus on 'youth bulges' in Africa and the risk such youth are believed to represent for the outbreak and re-emergence of violent conflict. Besides such negative stereotyping, very little research is done on youth employment and their opportunities for a better life in the aftermath of war.

This article outlines the findings of research undertaken in 2008 into the livelihoods of (unarmed) displaced youngsters who have settled in and around the city of Butembo in eastern DRC.<sup>1</sup> As in other urban African contexts, one would expect war-affected youth to face severe problems of poverty and marginalisation in eastern DRC due to precarious and badly paid work, arguably making them more vulnerable to criminal activity and recruitment by armed groups. Overall, this study confirms their

vulnerability, with close to one third of them (28.6%) forced to find a second job – mainly in petty commerce (41.6%) or agriculture (29.7%) – to supplement their daily income. As a first occupation, these displaced youngsters are employed mainly in agriculture (27.5%), petty commerce (11%) or the transport sector (6.8%); in the rural periphery these percentages expand to 70% in agriculture and 12.5% in commerce and transport together. This constitutes a major departure from their previous lives, as around half of the youngsters (52%) formerly worked as farmers and all of them come from rural backgrounds. The

majority (98%) left home because of combat and security threats.

Two observations seem particularly worth exploring. The first concerns these youngsters' aspirations to construct a home for themselves. Contrary to common belief, most displaced youngsters prefer not to return to their parental homes or agricultural backgrounds once security permits it but favour a future life in the city in, for example, commerce and services (about 40%), teaching and other forms of intellectual work (17%), artisan occupations (10%) or administrative jobs (10%). Their mentions of the city's favourable social and economic environment and potential access to work and resources suggest a fundamental shift in identity among these young people, who now consider themselves to be urbanised and detached from their rural origins. In north-eastern DRC, the combined consequences of war, rural under-development and social marginalisation have stimulated a growing urbanisation and adoption of 'modern' lifestyles by migrating youngsters – reflecting a dominant trend on the African continent as a whole.<sup>2</sup>

A second observation can be made, with regard to these youngsters' access to a decent livelihood. Whereas the city theoretically offers an endless array of jobs and opportunities, displaced youngsters often find themselves on the margins of the urban labour market, which continues to be delimited by sharp social divisions. A considerable segment of displaced youth in Butembo is forced to secure a daily income through petty commerce and temporary jobs, or what the city's inhabitants refer to as *bikakala* – 'through offer and demand'. Such daily labour can involve anything from digging toilets to crushing stones and carrying sand (usually done by men) to selling snacks, bananas and *aracque* (an alcoholic maize drink) on the side of the road (mostly women's work) or to loading trucks or riding traditional wooden delivery bicycles (*chukudu*) through Butembo's dusty streets. Rather than a luxury urban life full of opportunities, therefore, most displaced youngsters seem to be trapped in a daily struggle

characterised by a high degree of uncertainty and unpredictability.

Some of this daily suffering can of course be related to their fragile social context. Even though most displaced people in eastern DRC seem to be living with host families, young IDPs are commonly only partially assisted in terms of food and accommodation, and hardly at all in terms of school fees, medical care or clothing. It might be useful to reassess the term 'host family', as it insufficiently captures the dispersed nature of Congolese households and the ways in which IDPs secure food and accommodation. A more frequent pattern among displaced youngsters is in fact that of a circular migration between their original (rural) home and their new urban home, in which the latter remains their main place of residence.

A deeper look into the mechanisms of Butembo's cash-earning economy suggests that youngsters' access to a sustainable income cannot be reduced to a simple problem of social capital, however, but is rather driven by an exploitative labour market. Access to jobs and commerce in Butembo continues to be manipulated by a closed circle of import-export traders, some of whom have a vested interest in regional conflict economies.<sup>3</sup> A local cartel (known locally as the 'G8') which consists of a number of family-run businesses controls the chain of imports and exports from small agricultural markets up to the border with Uganda, where commodities arrive from Kenya and the Far East. The fact that most of these businesses are organised on a family basis makes it very difficult for outsiders to gain a job in this 'second' economy (the first one – administration and services – having collapsed years ago under Mobutu). The immediate result of this is that more regular commercial jobs like book-, store- or shop-keeping are confined to a small circle of kin around these 'G8' families. Immigrant youngsters frequently refer to this mechanism as 'tribalism'.

### Implications

Two conclusions could be pulled from this. On a practical level, programmes to support displaced

people in DRC might do well to single out the labour opportunities and ambitions of migrating youth. Too frequently, development interventions have been confined to either children or child combatants, disregarding the large numbers of peaceful youngsters trying to make a decent living. For some time now, the dominant tendency has been to depict urban youth in Africa as a ticking time-bomb but perhaps at least part of the problem lies in the perpetuation of the vision of African urban youth as 'alienated outcasts'<sup>4</sup> and their lack of social resilience.

Rather than taking for granted the economic rationale of household coping mechanisms and modes of survival, future studies should take seriously the inherently political nature of (informal) economic markets and the daily meaning that people attach to notions of access to livelihoods, power(lessness) and vulnerability. As the stories of Butembo's displaced youngsters seem to suggest, such meanings continue to be fraught with imageries and ambitions about a possible life outside marginality but inside an often closed and protectionist society.

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Thanks to my Congolese research team (under the supervision of Dr Meni Malikwisha), to my Masters students (particularly Lennart Vandamme and Lies Sacré) and to the European Commission and MICROCON.

1. The sample consisted of 348 self-settled youngsters (190 male and 158 female IDPs) divided more or less equally between the city of Butembo and its urban periphery (Bunyuka), aged 15-36 years (with the majority aged 18-26).

2. See FMR 34 'Adapting to urban displacement' <http://www.fmreview.org/urban-displacement/>

3. See Raeymaekers, T (2002) 'Network War. An Introduction to Congo's Privatised War Economy', Novib, Den Haag: <http://tinyurl.com/raeymaekers2002> and (2010) 'Protection for Sale? War and the transformation of regulation on the Congo-Ugandan border', Development and Change, July (41/4) <http://tinyurl.com/raeymaekersDev2010>

4. See Sommers, M (2003) 'Youth, wars, and urban Africa: challenges, misunderstanding, and opportunities' in Ruble, B A et al, eds Youth explosion in developing world cities: approaches to reducing poverty and conflict in an urban age, Woodrow Wilson International Center for Scholars, Washington DC, pp25-46 <http://www.wilsoncenter.org/topics/pubs/ACF1AEF.pdf>

# Evictions from DRC's protected areas

Kai Schmidt-Soltau

**There is an increasing number of people who are being evicted from DRC's 'protected areas' both by the government and by international conservation organisations.**

Conservation-induced economic and physical displacement cannot be treated as a minor issue since it affects the lives and livelihoods of as many as 17 million people in DRC – nearly 25% of the total population. The establishment of new protected areas with a total area of 20 million hectares and the enhanced protection of DRC's existing seven national parks and 57 other protected areas, which also cover some 20 million hectares, inevitably have a significant impact on the people who live in these areas or depend on the resources in these areas for their livelihoods.

Current standards define development-caused displacement as the compulsory removal processes initiated when a project's need for 'right of way' is deemed to override the 'right to stay' of the inhabiting populations. As a result, local dwellers are forcibly evacuated, and lose their lands and/or their houses are expropriated. Furthermore, in an economic and sociological sense, displacement occurs not only when taking land compels physical relocation but also when a particular development or conservation project creates restricted access to cultivatable lands, fishing grounds and forests, even if the traditional users are not physically relocated but are administratively prohibited from using the natural resources.

This view had been echoed by the World Bank which includes "involuntary restriction of access to legally designated parks and protected areas" in its most recent resettlement policy alongside involuntary displacement in respect of its effects and how they should be mitigated.<sup>1</sup>

The Virunga National Park in eastern DRC is the oldest national park in Africa, established in 1925 for research and conservation purposes. After independence in 1960, revenue creation through tourism (mainly visiting the mountain gorillas) became an additional objective. The local

people, however, benefitted little from park income and were at no stage involved in the management or regulation of the park. At the same time, significant numbers of people were displaced from the ever increasing park area; their access to traditional resources of livelihood in the park became more and more prohibited and even in the buffer zone significantly restricted. The rural people in turn became quite hostile and resisted – sometimes violently – any extension or enhancement of law enforcement. In the context of state failure in the early 1990s, many of them returned to their old settlements in the National Park.

From 2003, the estimated 180,000 people inside the park became the focus of a voluntary resettlement programme (known as 'glissement volontaire') organised by the Institut Congolais pour la Conservation de la Nature (ICCN)<sup>2</sup> and WWF. In 2004, more than 35,000 people were 'resettled' from an area south-east of Lake Edward. Officials admitted that this resettlement was carried out at gun-point, that no resettlement assistance was provided and that the livelihoods of the affected people have not been rehabilitated. While the resettlement programme claimed to be voluntary and based on prior and informed consultations, my discussions with the people in and near the park conducted in 2006 and 2007 documented the contrary; the people did not want to leave the park and they tried to resist, even at gun-point.

"First Mobuto's men looted the land, then Bemba's gang, then the Sudanese, then the Lord's Resistance Army and now it is African Parks." Nun from Faradje near the Garamba National Park

The idea of pushing large groups of well-organised and heavily armed agro-pastoralists out into the

surrounding rainforest environment embodied significant risks not only to peace in the region (as the lands they were promised were already occupied) and to the livelihoods of the resettlers and the host populations but also to the environment as it seems inevitable that the resettlers will clear the forests at their new site to continue with their traditional livelihood patterns.

Under the colonial administration, around 9,000 Mbuti had been allowed to remain on their forest lands inside Virunga National Park based on the bizarre notion that they were more like animals than humans. After independence, most were forced to settle in the villages outside the park. This enforced sedentarisation had disastrous effects on their livelihoods, culture and well-being. When the state failed, most of them returned to the park but when the park management was reorganised they were again forced to leave the forest and find places to settle. No resettlement assistance or land was provided to them. Currently they have no legal access to land or to any natural resources and as a result they are now landless farm labourers.

"Our new masters ... like the animals more than humans and do not mind that people suffer as long as the animals are happy". Mbuti leader

With no involvement of the affected population in the decision-making process and with no assurance of internationally agreed safeguards to avoid impoverishment, it is hardly surprising that the authorities and the international conservation organisations are often perceived as yet another "warlord, that grabs as much land as they can get"<sup>3</sup> in the shadow of the overall conflicts in the region.

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1. <http://tinyurl.com/WB-OP4-12-Invol-Resettlement>

2. <http://www.iccn.cd>

3. Said to author by a traditional ruler in Beni

# Press-ganged children

Axel Poullard

## Addressing the fate of children who are recruited into armed conflicts is not as simple as demanding their exclusion from those conflicts.

30,000: the number of children who have been enrolled, voluntarily or by force, in the armed groups in the Democratic Republic of Congo. Although it is one of the most shocking aspects, the issue of press-ganged children (generally called 'child soldiers') does not cover all of the problems encountered by children in armed conflicts. They may be abducted, killed, injured, mutilated or uprooted from their original community. They may be orphaned, separated from their parents, subjected to violence or sexual abuse or deprived of education and healthcare.

The rehabilitation of these children is essential if we are to avoid their remobilisation in future conflicts. However, previous experience in DRC has demonstrated limitations in addressing these challenges especially as demobilisation and reintegration have been prioritised over rehabilitation. This, however, is the most delicate phase of the return to civilian life and requires support for three key aspects: family reunification, psychosocial support, and educational and economic opportunity.

### In international law

While the rehabilitation of the child victims of armed conflicts is a humanitarian priority, ensuring the application of the international standards and rules to protect the rights of children is also a way of improving the fate of these children. There is no need to add to current international instruments; we simply need to seek to apply the standards that already exist.

The most pertinent international instrument for the protection of the rights of children remains the international Convention on the Rights of the Child.<sup>1</sup> The Convention includes an Optional Protocol which entered into force in 2002 and which raises the age for

recruitment into armed forces and groups from 15 to 18 years of age.

These two main instruments are joined by Convention No 182 (1999) from the International Labour Organization (ILO) concerning the prohibition of, and immediate action to eliminate the worst forms of, child labour. This convention prohibits the recruitment, whether forced or voluntary, of children in an armed conflict. The International Criminal Court Statute (1998) defines as a war crime the act of enrolling children aged under 15 or using them in the course of hostilities, and raising the age to 18 has now been added to the agenda for the revision of the Statute.

The UN Security Council has adopted a series of resolutions on this theme since 1999, including resolution 1612 (2005) which established a working group to examine and monitor the situation in countries said to be at risk. This group produces recommendations for the attention of the governments or rebel groups in these countries, with the aim of preventing the recruitment of children, securing their freedom and demobilisation, and facilitating their rehabilitation into society.

However, the gulf between the international consensus which seeks to protect the rights of children and the current state of the application of existing texts remains significant. To remedy this, the Paris Principles and Commitments were adopted in 2007<sup>2</sup> to provide guidelines on the disarmament, demobilisation and reintegration of all categories of children associated with armed groups

### Underlying causes: the case of the Mayi Mayi

The heart of the problem is to know how to convert the rules and standards into practice, taking into account local realities. In many regions in the east of DRC, recruitment and use of child soldiers

are deeply anchored in custom and tradition. The use of children by the Mayi Mayi groups is a case in point.<sup>3</sup>

The prevalence of recruitment of children by the Mayi Mayi is ingrained in social and cultural attitudes towards children. Childhood within the communities from which the majority of the recruited children come ends early. Boys are often initiated as adults from the age of 16, the age at which they can marry and become 'warriors'. Girls are supposed to marry as soon as they reach puberty, generally around the age of 14.

Defending the interests of the community is a duty for all, including children. Children's responsibilities towards their families and communities are further reinforced by poverty; the majority of children recruited by Mayi Mayi groups have a poor level of education and the increasing rarity of traditional means of subsistence leaves them with few job opportunities. With few prospects, their association with the Mayi Mayi is not just a duty which enables them to improve their status within the community but also an escape from poverty and hunger.

On a cultural level, many myths surround the Mayi Mayi, particularly a belief in magical protective powers possessed by their members after performing rituals such as tattooing or taking hallucinogenic potions. This belief in magic has very specific implications when it comes to the recruitment and use of children who, being young, are viewed as 'pure'. Boys and girls are specifically targeted for recruitment as mascots and healers, suitable for the preparation and administration of potions which are supposed to grant invulnerability in battle.

More serious is the Mayi Mayi conviction that children have special protective powers. Mayi Mayi tradition dictates that they should be the first to be sent into battle to intimidate the enemy by crying and shouting, or by invoking their protective powers, which

of course exposes them to grave danger. Attempts to put an end to these sociocultural practices have most often proved to be ineffective because they seek first and foremost to release the children from the Mayi Mayi groups rather than going to the root of the problem. The environment which perpetuates the recruitment of children by the Mayi Mayi is characterised by chronic insecurity where the need for community self-defence is considered to justify the continued existence of local militias. The idea persists that these militias are embedded in the communities, benefitting from their support and protecting them from 'foreign' threats.

### Challenges to be faced

The recruitment and military use of children in the hostilities in DRC is prohibited by a raft of national laws which are relatively complete in comparison with many other countries.<sup>4</sup> These laws would provide a strong basis for the protection of children against their participation in armed conflict but, even with a global legal framework in place, the institutional capacity and public will for its application are still too weak.

Part of the challenge lies in the fact that many traditional approaches are not suited to dealing with armed groups of this type. Denunciation and humiliation at an international level, for instance, have little impact on groups whose main territory is the local communities from which they operate.

To reiterate, the standards produced on an international level are broadly sufficient to allow an end to the recruitment and use of children. The same is true of the instruments intended to apply them. The difficulty lies instead in reconciling the different points of view on practices which are illegal for some and legitimate for others. If we are to condemn the recruitment and use of children by armed forces and groups – a condemnation which must be without appeal – we must also understand the motivations and causes behind this recruitment and use of children. One of the many points of entry to resolve this is to take into account the complexity of the armed conflicts in DRC and to admit that there is not one but several solutions to be adapted and combined depending on the situation.

The conflicts in DRC operate at different interlinked levels – international, regional, national and/or local. The causes of the recruitment and use of children vary on each of these levels and the means to reach solutions differ according to the level. Maintaining international pressure is essential in order to continue to draw attention to a practice that cannot be tolerated. The adoption by the Congolese authorities of an action plan designed to put an end to the recruitment and use of children by armed forces and groups is also necessary in order to translate

the commitments made at an international level into action.

As for the communities, it is vital that they return to normal living and security conditions and find their way out of this crisis by means of economic recovery which will reverse the cycle of violence. Local groups need to understand the need to put an end to these practices although they find a justification in the very defence of the community. More than ever, it is necessary to restore the capacity of the state to guarantee peace and security across its entire territory – and for the state to implement an approach which reconciles local needs and international imperatives while defining a framework intended to protect the general environment for children.

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1. <http://www2.ohchr.org/english/law/crc.htm>

2. <http://www.un.org/children/conflict/english/parisprinciples.html>

3. The term Mayi Mayi (also known as Mai Mai) refers to local militia groups organised on an ethnic basis. In 2009, 22 groups were counted as Mayi Mayi, with an estimated 8-12,000 fighters.

4. All forms of child exploitation are prohibited within the framework of the Congolese constitution, and 'youth armies' are banned. The Child Protection Act of January 2009 significantly strengthened legal protection for children, prohibiting and criminalising the recruitment and use of children in armed forces or groups. DRC is also a State Party to international treaties on human rights, especially the Convention on the Rights of the Child and its Optional Protocol, Convention No 182 from the ILO, the CPI Statute, etc.

See also the report of the Coalition to Stop the Use of Child Soldiers on DRC at

<http://tinyurl.com/Child-Soldiers-DRC>

## At lunchtime we heard gunshots

Josephine, 18 years old, was interviewed in September 2010 in Niangara Territory, Oriental Province, by Oxfam staff.

*"At lunchtime we heard gunshots. We left the house as quickly as possible. It was too late. A group of about 80 LRA men arrived and encircled us. They tied us up and then shot and killed my grandfather right in front of me. They took me and my three brothers into the bush, leaving behind my mother and grandmother. After an hour of walking they separated us and I was left with my 14-year-old brother Patrick. My two other brothers were never seen again.*

*I was held by the LRA for eight months. We were always on the move. I was forced to carry heavy loads, find food, and cook. Girls like me, some as young as 12, were forced to become the 'wives' of the LRA men. I was assigned to a boy who was actually Congolese like me and had also been kidnapped but*

*was now a LRA fighter. I was finally able to escape one day when I was sent out to look for food. When the LRA fighters who were accompanying us fell asleep, I and another girl ran away. We walked 40 kilometres and finally arrived to safety in a village in Sudan. Patrick escaped two months after me.*

*I don't know if I have HIV because there is no HIV testing clinic in Niangara. We now live as displaced people in a town where there are some UN peacekeepers so we feel safer but at our village there is no one to protect us. Until the UN comes to our area, it is too dangerous for us to access our fields and so we go hungry."*



# Too big to fail

Ross Mountain

**The UN integrated mission in DRC and the piloting of humanitarian reform there have been necessarily innovative in a challenging context.**

In the UN General Assembly's review of progress towards the Millennium Development Goals (MDGs), DRC's MDG indicators are among the worst in the world – and not only in the east of the country where the world is aware of the conflicts and humanitarian crisis but in the west too. It is well known that DRC has all the makings of providing an economic motor for Africa but the brakes on its progress are, most importantly, governance and state authority, security, and infrastructure, all of which are chronically weak.

From the perspective of the international community, there is a disappointing lack of political leadership and vision. Yet, for progress to be made the engagement of local and national authorities in reconstruction and development is essential and the International Security and Stabilization Support Strategy (ISSSS)<sup>1</sup> initiated by the UN, which is now a core ingredient of the government's STAREC initiative, is an important part of this process.

Security, stabilisation and reconstruction are goals embraced by humanitarians. Thus measures for transition should be promoted beyond immediate humanitarian response. This has nowhere been easy to manage, and in some countries the instrumentalisation of humanitarian action for military or political ends has been the result. The UN Security Council has come to recognise that the overriding priority for the UN mission in DRC (MONUC, now MONUSCO) is the protection of civilians. It could therefore be said that the humanitarian community has been able to leverage the support of UN military and political actors to that end.

Arguably progress in security sector reform – the army, the police, the judiciary – is the major need of DRC. Yet this is where the least tangible progress has been made and where

the international community has been least effective. Apart from the difficulties internal to DRC, international actors bring their own impediments to progress along with their uncoordinated visions for how it should be, their own structures and equipment, and so on. Nevertheless, recognition that physical protection of civilians is a military goal has led to the use of UN military forces to protect the civilian population. Innovative structures have been set up, such as joint protection teams, humanitarian/UN military contingency planning and mobile operational bases, which enable humanitarians to ask for the dispatch of UN soldiers to ward off attacks by militias, and the national military, and around which IDPs routinely cluster.

Recent incidents (in mid-2010) where the international military forces have been criticised for not preventing or responding to mass rapes in North Kivu show how hard it is to be in the right place at the right time. The distances are huge, the roads terrible, and the will to succeed cannot overcome these obstacles all the time. DRC has 20,000 UN peacekeepers for a landmass of 3.4 million km<sup>2</sup> versus more than 40,000 NATO troops sent to Kosovo, a territory of only 10,000 km<sup>2</sup>.

The UN chose DRC as a pilot for the humanitarian reform programme. That MONUC was an integrated mission, bringing together military and civil aspects, has posed issues for the Humanitarian Coordinator but also facilitated logistics and made innovative activities for the protection of civilians possible.

On the coordination side, given the scale of the problems faced by DRC and its people and the range of international actors at work there, it was necessary to create or adapt the tools that would have the potential to bring order to the humanitarian response. Among these were a

comprehensive cluster network, regional groupings of humanitarian actors (Comités provinciaux inter-agences, CPIAs), the Humanitarian Action Plan (HAP) – the country-wide, inter-organisational plan setting out strategic humanitarian priorities and objectives and an outline of the specific programme activities in each province that need to flow from these – and the Pooled Fund (PF), on the basis that promoting synergies is the best way to have impact. The PF was established in 2006 in order, among other reasons, to focus humanitarian aid on evolving priority needs, to improve the predictability of funding and to allow key gaps, often arising from extensive earmarking both by sector and region, to be addressed. It allows donors to contribute their funds for flexible application to the response strategy laid out in the HAP.

The HAP was designed as a comprehensive plan in full collaboration with UN agencies, international and national NGOs, donors, Congolese government officials and local authorities. An important innovation was obtaining donors' agreement to allocate funds to objective parameters of humanitarian need for cluster activities by region. This has meant elimination of the time-consuming – and often fractious and ultimately irrelevant – exercises of designing and agreeing specific projects by partners months in advance of funding availability.

Objectives and activities within the HAP are defined at the level of the cluster, and then selected – in the regions, not just centrally – by the province-level CPIAs before submission to an Advisory Board, chaired by the Humanitarian Coordinator, of agencies representing Clusters and key donor and NGO representatives. After this comes a process of vetting the viability of what is proposed as part of the system of quality assurance for programmes. In practical terms this still means that it takes less than three months from the first call for proposals until the funding is made available, a time-

scale that compares very favourably with that of bilateral donors.

So the HAP is designed around both effectiveness – in terms of defining global humanitarian objectives – and efficiency, and the PF is one of the vehicles through which it is operationalised. Although there is a general tendency to think that everything should be funded through the PF, in fact only about a quarter of the total humanitarian funding for DRC passes through the PF. Nevertheless it plays a leading role in the process, and in particular has set up standing arrangements with OCHA and UNICEF for a front-loaded rapid response funding mechanism (the Rapid Response Reserve, RRR). Thus when a population displacement occurs, supplies that can be rapidly allocated are available.

Yet in DRC, as in every other humanitarian operation, it has been exceptionally hard to define or measure the impact of our actions

in specific terms. The currency of humanitarian actions still generally remains inputs rather than impact. Encouragingly, donor commitment to DRC has grown, despite the intractable nature of its problems and despite it not being at the current centre of geopolitics. Overall donor funding has grown over the past years from some \$120m in 2004 to over \$650m in 2009.

The 2009 elections provoked considerable international interest which permitted the UN to promote innovative measures to transition from the largely humanitarian focus to addressing the broader issues of governance, justice and security that will potentially allow DRC to provide a better life for its people. The ISSSS, conceived as distinct from the humanitarian operation, brought together military, political and development actors of the UN and international community with local and national government authorities in the conflict-ridden east of the country.

Looking at DRC and the parlous state it is in, we cannot claim that our goals have been achieved. But there has been progress in putting in place a number of innovative responsive mechanisms that have improved the impact of international action, reduced the suffering of the Congolese population and established a basis for stability in the most seriously affected areas of the country. While all contexts are different, lessons can be drawn for other situations of complex humanitarian demand.

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1. The ISSSS has five priorities: improving security, supporting political dialogue, strengthening the state, supporting reintegration, recovery and reconciliation, and preventing/responding to sexual violence.

## DRC: a donor perspective

Seb Fouquet

**Donor engagement in DRC is more important than ever – but donors need to reassess their strategies.**

Along with being one of Africa's long-standing chronic crises, the Democratic Republic of Congo is also the world's largest humanitarian response laboratory. The humanitarian reform agenda, launched in 2005 and piloted in DRC, set out to overhaul the provision of relief, by making humanitarian aid more accountable, predictable, better led, better coordinated and more responsive to identified needs. Since 2005, implementing these reforms in DRC has provided a unique opportunity to gain insight into what works, what does not and where challenges remain.

From 2005 to 2010, US\$2.5bn in humanitarian aid (including over \$400 million so far in 2010) has been provided by donors to humanitarian response in DRC. The sizeable increase in flow of financial resources (trebling from 2002 to 2006) has provided the necessary

fuel for new tools such as a common Pooled Fund,<sup>1</sup> Cluster coordination, a Humanitarian Action Plan and a strengthened Humanitarian Coordinator role to be introduced.

Perhaps one of the key early outcomes, in large part attributable to the Pooled Fund, is to have laid bare some of the frailties inherent in the humanitarian response system. Few of the systemic failures are new. Today's humanitarian collective is undermined by indecision, a lack of collective vision, and UN-NGO rivalry. It does not lend itself well to collaborative effort or accountability (either to donors or beneficiaries) or the ability to measure impact or value for money. Were we to reinvent the humanitarian system today it is doubtful that it would look anything like the system we have.

Although we cannot reinvent the entire humanitarian response

architecture, we can also no longer hide from the challenges it presents. In DRC, progress has been and is being made in the interest of better service delivery for beneficiaries; coordination platforms are paving the way for an open and productive dialogue to emerge among donors, UN agencies and NGOs. Spurred on by the pressures of the current financial crisis, it is accepted that a greater focus on tangible results and value for money is necessary and overdue. Technological progress – faster and better access to information – is helping to reshape the way we manage our business. Despite this, progress is slow. Deep-rooted vested interests remain and therefore resistance to change is still present.

**So what needs to happen?**

**Better needs assessment and response analysis:** Easily said, harder to achieve – but progress is possible. Currently, the DRC Humanitarian Action Plan (HAP)<sup>2</sup> presents an overview of needs and

proposed response. The UN in DRC has led the way to make the HAP more strategic – less of a shopping basket of projects and more a collation of needs and priorities based on agreed indicators and thresholds. This process needs to continue and improve. More collaborative agreement is required to set thresholds and develop the most relevant indicators. This will also help tackle a critical deficit in the system: the lack of a cohesive opinion of what humanitarian assistance includes and where the limits of assistance are. Greater clarity is required of what Early Recovery in a humanitarian context covers, who is responsible and how it should be financed. This will also help donors in the allocation of resources.

**Cluster coordination and leadership:** An agreement is being reached in DRC to rewrite and redefine the role of Clusters. Donors are willing to support this process but have clearly stated that future funding support will depend on seeing results, and that there must be a clear demonstration of will from Cluster lead agencies to allocate resources and place coordination responsibilities at the core of their business. Agencies must safeguard against internal conflict between fundraising and programme delivery needs. We need clearer sector strategies, better indicators, more collaborative monitoring and evaluation, better assessment of partner capacities and an integrated process of learning and innovation. We have seen that with motivated and dedicated professional staff this is possible. Strong and effective Clusters will convince donors that the best use is being made of funds.

With regard to leadership, much of what has been achieved in DRC can be attributed to a strong Humanitarian Coordinator. Reviews<sup>3</sup> have demonstrated that other countries have perhaps not been as fortunate. The selection – and training – of Humanitarian Coordinators with substantial humanitarian experience and leadership skills is essential for progress and innovation, and is critical to the quality of response in DRC.

**Accountability, results and impact:** The increased funding available in recent years has not been matched by a sense of collective accountability – either to donors or to beneficiaries. It is a stark reality that it is not possible to ascertain with any degree of certainty what \$2.5bn of relief aid has provided in DRC. The annual HAP cannot say how many people are being targeted. There is no collective review of the actions undertaken in a given year, and no serious monitoring and evaluation (M&E) process. This should no longer be acceptable.

The Pooled Fund has led the way in designing and developing an M&E system that captures results in a more cohesive manner than ever before. The results framework and reporting requirements are (quite rightly) applied equally to all implementing agencies (UN and NGOs). Even though the Pooled Fund only accounts for some 20% of the contributions to the HAP, this is no small achievement, and proves that collective reporting on results is possible. Technology exists to better capture information on results; what is required is political will on behalf of the UN agencies and NGOs to participate collaboratively in a collective effort. The UNICEF-sponsored 'Activity Info' database<sup>4</sup> provides an operational platform which could be used by more partners to input data and thus help to link results to impact.

Donors are agreed in DRC that collective reporting is a good thing, regardless of where the funds come from. Getting an overview of what has been achieved is the starting point to determine what works and what does not and what will be needed in the future. Are beneficiaries receiving the aid they need – or only what agencies think they need? The move towards cash transfers and vouchers is a good example of a drive for innovation and proof that the humanitarian system can adapt and change.

**Good Humanitarian Donorship**  
So what about the donors? The Good Humanitarian Donorship (GHD) initiative<sup>5</sup> has since 2003 established 23 principles which

36 member states (including the European Union) have signed up to. A success in itself, some may argue, but perhaps the time has come for donors to revisit the GHD principles. In DRC the GHD group aims to stimulate discussion around policy and strategy and promote a more coordinated donor approach. Perhaps GHD should now focus on agreeing an accountability pact with UN agencies and NGOs to deliver more and better for beneficiaries.

Donor capacity and engagement at country level are limited to a few large donors, and even this presence may be under threat as administrative costs for donor agencies come under increasing pressure. But the role of donors in influencing and providing technical input to in-country reform processes is critical in driving systemic improvements. More humanitarian expertise and engagement by donors will be required for progress to continue.

Now is certainly not the time for donors to throw their hands in the air in despair. It is time to continue and reinforce our engagement to make the changes and progress that are necessary for the many millions in Congo who rely on humanitarian aid. I am constantly impressed by the commitment and dedication of the large number of relief workers in DRC who constantly strive to make relief aid better. The DRC example proves that with time, effort and energy, important strides can be made. Improvements and innovation can and will occur.

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The opinions expressed in this article reflect the views of the author and not necessarily those of DFID.

1. Supported by Belgium, Canada, Denmark, Ireland, Luxembourg, the Netherlands, Norway, Spain, Sweden and the UK. In 2009, nine donors contributed a total of \$101mn.

2. <http://tinyurl.com/DRC-HAP2010>

3. Synthesis Report – Review of the engagement of NGOs with the Humanitarian reform Process. October 2009 <http://www.icva.ch/doc00003933.pdf>

4. Online system for tracking the results and activities of partner organisations.

5. <http://www.goodhumanitariananddonorship.org/>

# Planning for the future of North Kivu

François Tuyihimbaze Rucogoza

**While North Kivu is still mired in the troubles of yesterday and today, the Administration is actively planning for the creation of a better future.**

Ten years of political turbulence and insecurity have left North Kivu with its people having been internally displaced or as refugees in neighbouring Rwanda and Uganda.

Yet there is a vision for the development of the Province and a plan to achieve it. The vision is consonant with the Millennium Development Goals and the Plan with the national Document of Strategies and of Growth for the Reduction of Poverty in DRC (Document de stratégies et de croissance pour la réduction de la pauvreté en RDC (DSCRPP)), and it is all in the context of the Stabilisation Programme for Eastern DRC (STAREC).

Despite the difficulties, we come to this point with some successes and achievements to build on. There have been agreements between the Provincial Government and humanitarian partners; the Provincial Government has laid out a global plan for the return of refugees and IDPs and has been to the places of potential return to raise awareness about those returns; central government has carried out joint military operations with MONUC/MONUSCO to create security in the areas of return.

Several of the sites where people have been displaced have been emptied following security for return to those areas – more than 150,000 people have gone home from around Goma town since September 2009 and as of October 2010 scarcely 75,715 people remain displaced in North Kivu, mostly around Masisi and Rutshuru. Our humanitarian partners have accompanied the returnees with assistance in food and non-food items, and seeds to enable them to resume their lives in the villages.

However, obstacles still remain. Some of the areas of return are

still prey to the ‘inciviques’ such as the Democratic Forces for the Liberation of Rwanda (FDLR) and the Ugandan rebel Allied Democratic Forces – National Liberation Army of Uganda (ADF / NALU). And more resources are needed for a variety of purposes – adequate assistance to returnees; missions to promote voluntary return of refugees; and identification and counting of refugees in Rwanda and Uganda.

The Provincial Priority Action Plan (Plan d’Actions Prioritaires – PAP) takes these realities into account but has been built up through a series of stages, including wide local consultation, into a detailed and developed plan.

It takes as its framework the five ‘pillars’ of the national DSCRPP, namely

- Good governance, peace and security
- Macro-economic stability and growth
- Improved access to social services and reduction of vulnerability
- Fighting HIV/AIDS
- Strengthening of communities

and in each case develops them for the context of the Province and assigns responsibilities within the Provincial Government. For example, ‘Good governance, peace and security’ is framed as creating security and peaceful co-existence and ‘Fighting HIV/AIDS’ has been extended to also include combatting sexual violence.

Much has already been done to prepare for the implementation of the PAP. Terms of Reference and a timetable for the plan have been

elaborated; the different key actors have been identified and brought on board; UNDP has agreed to support the plan financially and technically; and the plan has been drafted for consultation and improvement by participants in local workshops. It includes a detailed matrix of programmes and projects, outputs, indicators, estimated costs and allocations of responsibilities.

A budget has been developed – estimated at US\$113,527,515 – and resources for its implementation will come from three sources: provincial taxes, duties and investments; an allocation from the national exchequer; and through an appeal for international solidarity in a global partnership for sustainable development.

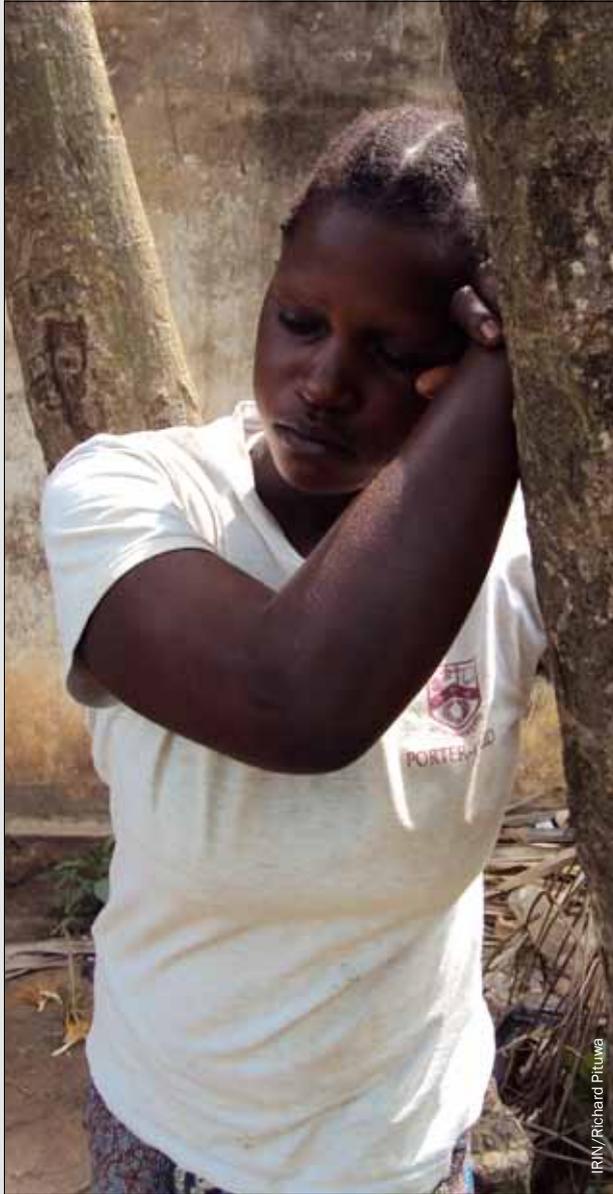
Finally there is an element of participatory monitoring and evaluation, with six-monthly and annual reviews, involving all stakeholders, that is, local and provincial administration, civil society, donors and development partners.

Joint FARDC/MONUSCO military operations are securing more and more territory that has been occupied by ‘inciviques’ and thus areas of return are expanding. The government’s commitment to returns is assured by the two Tripartite Agreements between DRC, UNHCR and, on the one hand, Rwanda and, on the other, Uganda.

Soon refugees and IDPs will be able to return home and the social reintegration envisaged in the PAP and the North-Kivu Development Plan (Plan de Développement de la Province du Nord-Kivu) (2011-2015) will be able to take place. This is our plan and this is our hope.

François Tuyihimbaze Rucogoza is North Kivu Provincial Minister of Administration, Justice, Human Rights and Community Reinsertion.

## Lives at risk



IRIN/Richard Pitsowa

Annuarite Tagenge, aged 17, is still searching for the surviving members of her family, having spent almost a year walking through the forest to find them. She and her family fled the territory of Dungu in the northeast in December 2008, after attacks by Ugandan Lord's Resistance Army (LRA) rebels and a subsequent joint Congolese and Ugandan government army offensive to oust the rebels. Tagenge, who was then 16, was wounded and admitted to hospital in Dungu for surgery; along with thousands of civilians, she later fled the hospital for the bush.

*"When the fighting started, we fled through the forest, [with] my whole family... and we fell into the hands of the LRA rebels. They killed my father and mother. Four of us survived; my brother, my two sisters and I. We then continued into the bush but the LRA fighting and attacks continued, forcing me to be separated from my brother and sisters. I was all alone.*

*As I tried to find my family, people advised me to look for them [towards] Bunia [about 700km south]. I then headed towards Bunia with three other girls. Unfortunately, we were often ambushed by the LRA in the forest. Along the way, we sucked on sugar cane that FARDC [Congolese army] soldiers gave us out of pity; we had no money for food, our clothes were torn, we were almost naked. I am wiped out from the journey, my feet are swollen, I suffered a lot because of the wound from the operation and [was sick] in my lower abdomen and back, but there was no medicine. On arrival in Bunia, my three friends found their families — but not me. A woman took me into her house, just after we arrived here, but three days later her husband chased me away.*

*Even if I do not find my family, I want to live, to continue my studies and to become somebody... What have I done to deserve all this suffering?"*

For more information, visit IRIN

<http://www.irinnews.org/Report.aspx?ReportID=87774>

### Fitina Yallala

*"My husband is dead. I am here with my three grandchildren, aged ten, eight and seven, who live with me. I used to have ten grandchildren, but the others all got sick and died.*

*Look at what I am living in, look at my home now: it is awful. The four of us have to live in here. I am not strong enough to go and collect water and gather food, so my grandchildren have to do it for me, for us.*

*I hope that in the future we will be able to get the food and the water we need, and shelter from the rain. Most of all, I want peace."*



Oxfam/Pierre Peron



Oxfam/Pierre Peron

### Kuba Augustin

*"I have been here for three months now. I am here with my family: there are 12 of us. My youngest child is five and the eldest is 15. This is not the first time that we have been displaced. Most people in my community have had to move many times. I have had to move several times this year and last year. This situation is not new to us.*

*All our belongings – our mattresses, our means to get food – are at home. The government now needs to provide us with the things we lack. I am at a loss. I have children to protect and to look after, and I have nothing. Our lives are at risk. My children need an education; they cannot go to school in this situation. Where are they to go? Where are we to go? We need peace before we can go home."*

### Claude,\* 21 years old, interviewed in September 2010 in Niangara Territory, Oriental Province, DRC.

*"The LRA went from village to village, killing and kidnapping people as they went. They arrived at my house at 6 o'clock in the morning and tied me up. They ransacked the house, taking pots and pans, food, and other valuables. They then tied me to other boys and young men in our village and we were forced to carry the goods they were stealing from us. I remember asking myself who these men were and wondering what kind of person treats people like this, like animals.*

*We walked 3 kilometres to the next village, where the LRA men did the same thing, kidnapping more than 100 people. This time though, they counted out 20 people, tied them up, and killed them by hitting them on the back of the head. They told us to move on and we continued walking, still tied to each other and carrying the heavy loot. Every few kilometres we would stop and they would count out another 20 people and walk them into the bush. After a while, I was among the*

*group that the LRA separated from the rest. They tied our arms together behind our backs and forced us to kneel down. They took hammers, machetes and heavy sticks and began killing people one by one. One of the LRA men took a heavy gourd and bashed me on the back of my head. I blacked out.*

*When I woke up, I was still tied up and had several dead bodies piled on top of me. I spent four days drifting in and out of consciousness. When people arrived to bury us, they discovered that I was still alive. They untied me and carried me to the nearest hospital, where I took six months to recover from my head wound.*

*Where we live there is no mobile phone network or community radio, so communication is difficult. That is why the LRA were able to attack village after village. If we had had mobile phones, we could have been warned that they were coming and we would have fled before they arrived."*

\*Not his real name



Oxfam/Pierre Peron

Fitina, Kuba and Claude were interviewed by Oxfam field staff in DRC.

# Civil society and the displaced persons of Bandundu

Pierre Sossou, Boanerges M'Paty and Fulgence Buzika

## Local organisations in Bandundu province located in western DRC are struggling to meet the needs of displaced persons in the absence of government or international assistance.

Bandundu province, located adjacent to Kinshasa and bordering Angola, has not suffered the same degree of conflict as provinces in eastern DRC; nevertheless, it has been a hotspot for forced migration. Two factors have triggered population movements within Bandundu province: the border situation with Angola during and in the aftermath of the civil war there, and the insecurity surrounding diamond mining on the Angolan side of the border.

Angola experienced a long and vicious rebellion in the 1980s, fought by Jonas Savimbi's UNITA. This conflict led many Angolan officers and citizens to cross the border to seek refuge with their Congolese neighbours. UNITA's subsequent cross-border raids to pursue fugitive officers created insecurity within Bandundu, one of the results of which was the eventual deportation of all Angolans who had settled there.

The other major factor behind population movements in this area is the presence of diamonds. Drawn by the precious stone, the Congolese (Zairians at the time) often crossed the river Kwango into Angola to mine diamonds. But given that the majority of their financing came from diamond sales, UNITA controlled all mining activities and demanded a special 'expatriate fee' from non-Angolan mine operators. Those who did not or could not pay were stripped of their belongings and summarily deported.

Continuing insecurity on both sides of the border has triggered further displacement within Bandundu and many of the displaced face enormous difficulties.

### The involvement of civil society

Civil society in Bandundu is frail but tries to make a significant contribution to the care of displaced

persons in the province. National authorities and the international community have dedicated most of their attention to the east of DRC, and the lack of any large-scale initiatives in the west is striking. It has been left to NGOs and local solidarity organisations to try to provide assistance, as far as their resources allow. These include, among others, the Catholic Church, the Church of Christ in Congo, the Kimbanguist Church, the Church of the Awakening in Congo, the Église des Noirs en Afrique, mosques, and various animist movements as well. These churches and religious movements organise money collections at their weekly services to support an aid programme for displaced persons. The funds raised pay for goods such as foodstuffs, salt, palm oil, drinking water, cooking pots and other kitchen utensils, clothes and cultivation tools.

The distribution of goods is done alongside a wide range of other actions – the creation of jobs and provision of healthcare and education – intended to help displaced persons to become self-sufficient and to fully integrate into their new environment. These initiatives allow them access to the forest to gather wood, train them to build cooking stoves for sale and teach them how to construct latrines. When it comes to health, the traditional practitioners and resources of the Église des Noirs guarantee free medical care to displaced persons. A little cash is also made available to enable them, if necessary, to access modern healthcare. The religious schools offer free education to their children.

Although churches and religious movements in Bandundu are making great efforts to transcend their rivalries in working together for the well-being of displaced persons, this is not necessarily the case

for the various other civil society organisations. In pursuing their own ambitions, the majority of these organisations are less inclined to undertake concrete actions than to spend their energy seeking financial or material aid from governments, to which they are supposed to act as a counterweights. Torn between pursuing their own aims and the needs of the population, they have rarely been able to work together.

Nevertheless some non-religious NGOs are also effective in helping displaced persons. For example, there is significant support from the provincial branch of the Collectif des Organisations des Jeunes Solidaires du Congo-Kinshasa (COJESKI) which was involved in observation missions on the Angolan border and in alerting the authorities and the rest of the world to the situation there. And displaced persons arriving in the town of Tembo, for example, find the Association Mamans LISALI de Tembo which has raised money to pay for the transport costs of certain displaced families who want to return to their homes.

### Recommendations

The prolonged inaction of the authorities in Bandundu province has led to the continual deterioration in day-to-day living conditions of the IDPs, and the forced displacement there is the basis of the current border crisis between DRC and Angola. There needs to be:

- greater coordination and synergy within civil society
- recognition of the migration problem by the provincial administrative authorities; efforts in this direction were made with a meeting between the Governor of Bandundu and his opposite number from Lunda-Norte in Angola in 2007 but the initiative needs to be renewed to make concrete proposals for reconciliation across the River Kwango

- a firm commitment from the central governments in Kinshasa and Luanda to find a solution not only to the local border dispute but above all to the challenges posed by the presence of displaced populations in the provinces
- a more vigorous reaction from the international community with a view to helping DRC and Angola to resolve this thorny issue
- a clear support from the international community to reinforce the capacities of the religious movements and

other NGOs taking interest in the fate of the IDPs.

Coordinated action on a local, national and international level, including the active participation of the populations concerned at all stages, would provide an impetus to manage the migration crisis around the River Kwango and would allow adequate protection for displaced individuals and families. This shared involvement is essential, not only to deal with the immediate needs of the displaced persons but also to halt a border conflict which is smouldering between Angola and DRC.

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## Congolese women activists in DRC and Belgium

Marie Godin and Mado Chideka

**Congolese women are energetically engaged in peacebuilding, both in DRC and abroad. Their voices – inspired by different experiences and presenting different perspectives – deserve greater recognition.**

The Democratic Republic of the Congo has one of the highest numbers of women's organisations of any country in Africa. The economic, political and social crises of recent decades inspired the local population to mobilise in order to substitute for the absence and faults of the state in certain sectors such as health, infrastructure and education. The higher education system in then-Zaire in the 1970s and early 1980s produced highly skilled graduates with few employment prospects who – seeking to utilise their skills and change Congolese society – often created local activist NGOs.

Congolese women have become strongly mobilised. One striking example is the creation of the Congolese Women's Caucus which gathered together a group of women's representatives during the Inter-Congolese Dialogue in 2002 in order to draw up an official declaration and create a plan of action that would contribute to implementing UN Security Council Resolution 1325. Their work contributed to raising awareness of the major role that Congolese women could play for the

benefit of society and encouraged many women to mobilise. Four organisations in particular reflect Congolese women's commitment to working to improve their living conditions: CAFCO (Cadre de concertation de la femme congolaise), CONAFED (Comité national des femmes pour le développement), Cause Commune RDC and Caucus de Femmes (RDC-Bukavu).

### Activism in Belgium

The contribution of the Congolese diaspora to the peace process in DRC is increasingly recognised by international institutions. DRC was a Belgian colony and many Congolese fleeing DRC chose to come to Belgium. The first Congolese citizens to come to Belgium – before the 1990s – were generally from the élite, intending to study and then return to positions of power in their country of origin. Within this flow, women either came as students themselves or as members of families of students. Most of them were educated and many of them set up organisations in Belgium. With the worsening economic and political conditions in DRC, few returned

there while more left DRC in search of security and better opportunities. Nowadays, the number of asylum seekers from DRC is still quite high and the proportion of women is more or less equal to that of men. Congolese student migration remains high with a great representation of women in comparison to citizens of other African countries.

As in DRC, female Congolese political mobilisation in Belgium appears to be highly dissociated from that of men. Sexual violence against women in DRC has been an important trigger for activism by Congolese women; among several hundred Congolese organisations in Belgium, women's organisations have tended to be more active and more numerous than their male counterparts. Among these are AMUKA ("wake up" in Swahili) and AFEDE<sup>1</sup> (Action des femmes pour le développement), whose main mission is to support and to raise awareness on women in DRC who are victims of sexual violence and other forms of discrimination. FIREFEC<sup>2</sup> (Forum interrégional des femmes congolaises) is another energetic organisation, composed of women who come from all over DRC and supporting a similarly wide range of women in DRC to improve their social, economic and political condition. Last but not least, CPPS – Caravane pour la paix et la

17 October 2010:  
Congoese women  
living in Belgium  
at the closing  
action of the Third  
International  
Action of the  
World March  
of Women held  
in Bukavu,  
South Kivu



Mado Chideka

solidarité – mainly focuses on the integration of Congoese women from the diaspora into Belgian society and the building of transnational social ties with women in DRC. Some initiatives are more individualistic, such as the photographic project ‘Stand up, my mother!’ funded by the NGO Impact Sud.

A number of Congoese women are closely involved in the World March of Women.<sup>3</sup> The closing activity of the Third International Action of the World March of Women took place in Bukavu (South Kivu) in DRC, on 13-17 October 2010. In total, 42 national delegations from around the world attended the march which brought together almost 20,000 people. Congoese women based in Belgium travelled to Bukavu as part of the national delegation of the World March and others attended as individuals (supported logistically by CPPS), making them one of the most numerous international delegations.

Women gather in these groups, whether formal or informal, as they share either a residential affinity (province of origin) and/or an elective affinity, based in this case on their concern for women victims of sexual violence in DRC. Those criteria are not mutually exclusive and are often intertwined. Other actions result from personal initiatives and take place through social networks between Belgium and DRC. Congoese women in DRC mobilise some of the resources they used to have in their country of origin in order to be able to act locally, and some groups of women, or even women on their own, support a number of actions undertaken by local groups. They may have been members of these organisations before they left DRC. With occasional

visits between the two countries, new transnational ties are being made, and new local structures are being built that are designed to be supported from abroad.

#### Difficulties encountered by the diaspora

Congoese women in Belgium encounter varying obstacles in their efforts to build transnational civic links and contribute to the peace process in DRC. They have to liaise with women in the field who are already organised but who may have different perceptions of peace and conflict, of the role of women in Congoese society, of what actions are needed in response to sexual violence, and so on. Moreover, women in DRC do not always understand why Congoese women abroad decide to become activists. Many say that if they themselves had the chance to migrate they would prefer to start a completely new life, far from what is happening in eastern DRC.

Other women regard the diaspora as competitors. There are many international organisations and NGOs looking to hire staff; local women feel that women from the diaspora may be more likely to be hired than local women or that they may even attract financial resources to their diasporic organisations that local women might have otherwise secured. Last but not least, a classical vision seems to persist of what international solidarity means. Foreign aid and support were provided by ‘white nations’ for several decades and therefore new actors such as women from the diaspora are perceived as ‘little aliens’ (*petits ovnis*). There is some mistrust of the diaspora, arising perhaps from a lack of

knowledge and understanding of their real intentions.

#### Varied identities

Similarly, the female component of the Congoese diaspora is not a homogeneous community. Women activists will have left DRC for varying reasons and they do not all originate from conflict zones. Those who experienced traumatic experiences of violence may have a perception of the conflict which differs from that of women who have not had a similar experience. Some may not wish to risk their right to reside in Belgium by getting involved until they receive confirmation of permanent residence. Varying and sometimes conflicting perspectives on how to participate in the peace and development processes of their country of origin may be particularly evident in tensions between first- and second-generation female migrants. And lastly, to gain legitimacy in the Belgian context as well as in the Congoese one, women must know how to deal with a set of multiple identities (as Belgians of Congoese origin in Belgium versus Congoese of Belgian origin in the DRC, and as women).

The work of local Congoese women and of those who live abroad is underestimated and their potential often overlooked. Women’s voices are not as audible as they should be. Yet, in the shadow, women in DRC and in countries such as Belgium are actively engaged in building partnerships to promote and support peacebuilding in DRC.

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1. <http://www.afede.net/>

2. <http://couleuraurore.skynetblogs.be/post/6845122/firefec>

3. [http://www.mmf2010.info/our-action/action-a-bukavu?set\\_language=en](http://www.mmf2010.info/our-action/action-a-bukavu?set_language=en)

# Civil society and peace processes in Kivu

Arnita Santoso

**Misunderstanding of the nature of civil society in the Kivus and exclusion of grassroots representatives are implicated in the failure of the peace processes in DRC.**

Recent research into the role of civil society in DRC suggests that international organisations involved in the Congolese peace process have tended to assume that civil society in the Kivus mirrors its Western counterpart, in which ‘civil society’ represents the needs of the people to the state and keeps the state accountable to the people. Civil society in the Kivus, however, developed quite differently, with today’s distinctive social and bureaucratic structures having been shaped by the colonial administration of earlier years.

One tier of these structures, carrying the official title ‘Civil Society’, comprises a network of national, regional and provincial entities which are little more than one of many branches of patron-client networks throughout the country. With the influx of international aid and humanitarian intervention throughout the conflict, a second tier developed: local NGOs and associations which are in practice run by international actors and which at times do not necessarily take into account the needs of the local population. However, there are also grassroots local NGOs which do address local needs and are primarily funded by their own members from income generated by second or third jobs.

## Building peace

The primary goal of including civil society in any peace process is to ensure that the peace process addresses the roots of the conflict and the needs of those most affected by the conflict. However, building such a peace process requires a nuanced approach to the inclusion of civil society. It involves distinguishing whether or not civil society representatives are truly connected to the population or are

simply the puppets of political élites or international organisations.

This is evident in the Congolese case where more recent forms of the peace process tried to create mechanisms for inclusion of civil society. Before 2008 the peace process focused primarily on brokering agreements with militia leaders and senior political leaders. The Goma Agreement in 2008 was the first to include civil society leaders, and to directly request their input. Hundreds of civil society leaders attended a conference to present their concerns for consideration at the table. There was a failure, however, to include grassroots civil society groups; the peace process catered primarily to the élites in the country and had little effect on realities on the ground. Peace processes need to occur both from the top down and from the bottom up.

Grassroots leaders tend to use bottom-up approaches to resolve conflict at the local level – and in implementing pragmatic responses to the enormous physical and psychological trauma that war has produced. However, they had no access to the peace process. Primarily, members of officially sanctioned tiers connected to patrimonial-style networks had access to élite circles. Internationally connected NGOs have some links into power because of their international linkages but they are also linked to the general populace. In sum, civil society in Kivu comprises a mixture of leaders.

This distinctive nature of civil society has influenced the peace process in significant ways. International organisations have brokered agreements that sought to include what they believed to be a civil society connected to the felt needs of the population because they expected Kivutien civil society to mirror its

Western counterpart. However, in reality they only included members of some parts of civil society – parts which were largely disconnected from local populations and which instead represented the interests of political élites at the head of patronage networks or international actors. Grassroots civil society members were marginalised and had little access to the peace process even though they were the most important stakeholders in the process.

I interviewed representatives of groups who were present at the peace talks as well as some who had been excluded from the talks. The interviewees represented a range of groups. Some belonged to the official ‘Civil Society’ bureaucratic network while others were not part of this ‘official’ network but were leaders of NGOs either run by international organisations based in Europe or local to the area.

The interview questions focused firstly on the structure of civil society and secondly on understanding the degree of participation that each specific representative discerned his or her group had in the process. Descriptions of ‘un-civil’ groups within civil society in the wider literature shared similarities with what I found in DRC but the strongest evidence was that uncovered in the course of the interviews. And the consensus of the interviews was that, in the Congolese context, the peace process has met with little success not only because it faces immense challenges due to the regional dynamics of the conflict but also because it has primarily existed in top-down form and failed to integrate bottom-up processes. It has failed not only to include the right members of civil society but also to ensure that the shape of the peace process matches the society to which it hopes to bring peace. It is necessary to understand the multiplicity of ways that civil society can be defined in any given context, and to have a more nuanced

approach to civil society inclusion for more sustainable peace processes.

Civil society in the context of the Kivus has developed separately from its European and North American counterparts as a hybrid

of deeply entrenched patrimonial associations, transnationally controlled NGOs and small local associations. It is important to take these realities into account when designing mechanisms for civil society inclusion in a peace process.

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## The Data Centre for IDPs in North Kivu

Laura Jacqueline Church

**Effective provision of aid and protection for those displaced in eastern DRC requires reliable data – which the new Data Centre in North Kivu is helping to provide.**

In eastern Congo, as areas of violence shift, new people are displaced while others, previously displaced, are able to return home. During displacement some people live in camps while others live with family or friends or under rental arrangements

For example, there are 'commuting' IDPs, people who shuttle regularly between different locations, including their homes and camps. And there are multiple displacements where, if not detected, agencies run the risk of multiplying by the number of displacements rather than counting the displaced individuals. Further challenges include differing methodologies, unknown sources of information, and lack of adjustment for births and deaths.

In order to deal with these challenges, the Commission for Population Movements (CMP) was launched, led by OCHA. The CMP works in cooperation and collaboration with many of the humanitarian actors and agencies to compare and consolidate data. Discrepancies and data shortages continued, however, and in 2008 an innovative project was launched to address this information shortage: the Data Centre for IDPs.

The Data Centre, run by UNOPS, is located in Goma and monitors the provinces of South and North Kivu. The project is funded by UNHCR as part of the agency's CCCM (Camp Coordination and Camp Management) responsibility but all UN agencies are encouraged to be partners in the project – and any humanitarian agency can

request data from the Centre. On a technical level the project works in direct cooperation with and support of the provincial authorities, the camp managing agencies (local and international) and UNHCR in providing for the needs of IDPs. The Centre aims primarily to:

- undertake individual registration of camp-based IDP populations, including new arrivals, departures, births, deaths, etc
- maintain an up-to-date and real-time database that allows for population tracking and the production of disaggregated data on IDP populations
- manage population movements from, to and between IDP camps by ensuring individual documentation, such as Voluntary Return Attestations, etc
- produce accurate beneficiary lists for assistance purposes, taking into account family size, special needs, and vulnerability criteria such as defined by the humanitarian community in DRC
- help develop a strong humanitarian data analysis capacity within the framework of the Congolese government's stabilisation plan for eastern DRC (STAREC)
- ensure individual registration of Congolese refugee returnees in order to facilitate verification in the countries of asylum and to assist UNHCR North Kivu in planning for protection and assistance activities



UNOPS team registering IDPs near Kitchanga, North Kivu

commonly referred to as 'host families'. Collection of data in a camp is relatively easy but data collection among host families – where resident and displaced populations cannot easily be distinguished – is much more difficult, and DRC's complex displacement patterns make it yet more difficult to arrive at correct and coherent figures.

- maintain a database for protection and returnee monitoring reports.

The Centre gathers and processes information about IDPs living in camps in North Kivu (and to a limited extent in South Kivu). Information is gathered through surveys and interviews, and includes the number of people in a household, their ages and gender, their reason for flight, their plans for the future, and any specific vulnerabilities of family members. Family members are photographed to facilitate identification when benefits are distributed or when IDPs decide they want to return home. The IDP camps are divided into zones and house numbers to allow the team to register people as living in a particular house. This allows for 'fixing' exercises, in which a surprise house-to-house count of the actual population is carried out at night. This work can

be dangerous and requires tight coordination with MONUSCO (formerly MONUC) for security.

The Data Centre has its own GIS mapping capacity. In addition to establishing the origin, flow and present location of the displaced population, the GIS team works with local authorities to clarify administrative boundaries. In 2010 the Google Corporation provided the project with portable smart phones to facilitate more efficient data registration including taking GPS coordinates for mapping use.

UNHCR uses its Health Information System (HIS) primarily in refugee camps but in North Kivu the Data Centre is piloting its use in IDP situations. In close collaboration with WHO and the provincial health authorities, the Centre is partnering with health centres,

within and outside IDP camps, in order to gather health information to help track diseases and health concerns among the IDPs.

All the data collected, including statistical information and maps, is regularly distributed among the humanitarian community in eastern Congo through the internet and meetings. This should help all humanitarian actors supporting IDPs in North Kivu and South Kivu to deliver better, more effective and targeted assistance to the IDP population.

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More information about the activities of the Data Centre for IDPs can be found at <http://www.dc4idp.org>

## Challenges of protection

Emma Fanning

### Local protection committees in North and South Kivu are tackling – with some success – a range of protection challenges.

Since June 2010, Mukungu<sup>4</sup> village in Kalehe, South Kivu, has welcomed 1,150 displaced households fleeing FDLR<sup>2</sup> attacks during military operations in the area. A battalion of the national army arrived recently; they have set up checkpoints demanding a fee, do not speak any local language and have moved in with local families unasked. Forced labour and arbitrary arrests are widespread. Meanwhile, locals cannot farm fields near the forest as FDLR soldiers rape women who try – and have killed men who accompany them. The local community takes in IDPs but they warn that resources are limited.

Life in many communities in eastern DRC seems a constant negotiation between different threats. Communities report looting, theft, rape, forced labour, murder, abductions, burning of houses and destruction of fields; even in areas where the state retains some control, communities are

vulnerable to illegal checkpoints, taxation, arrest and extortion. Perpetrators include the myriad of armed groups but also those who should protect: members of the national army (FARDC), police, local government and customary chiefs.<sup>3</sup>

Humanitarian response in this context faces many challenges. How do we address such a range of abuses? How do we prioritise when often the whole population is vulnerable? How do we avoid discrimination and stigma within communities? How do we avoid promoting dependency?

In trying to addressing these questions, Oxfam works with local protection committees in 33 communities across North and South Kivu. During annual protection assessments from 2007 to 2009, communities identified key barriers to their protection as a lack of information about national and international laws, difficulty in approaching military

and civilian authorities, and lack of knowledge about where to refer victims of abuse. Since then Oxfam has worked with local partners to:

- ensure the transparent election of local protection committees
- support communities to identify protection threats, analyse risks and implement activities to combat threats
- train community members and authorities on laws and human rights, and how to raise awareness of these locally
- improve relations between community members and authorities
- provide basic information about local referral services.

A recent review of progress suggests – tentatively – that, with flexible support and information to bolster local initiatives and local capacity, communities can find ways to address a range of issues. Results have been varied, with outcomes

in areas we did not foresee, such as women's empowerment and helping IDPs to integrate into host communities and advocate for better security in their return zones. We think this is because of the community drive behind the project. In one case, an entire community which had been displaced negotiated with local chiefs to ask for FARDC patrols in their area to discourage FDLR attacks. Another community has mediated land disputes between displaced people and locals, and negotiated return for IDPs accused of collaboration with the FDLR in their home villages. Women who, when displaced and separated from their husbands, have had to seek protection by another man

medical attention quickly. Several communities report men bringing women to health centres after rape.

Meanwhile, communities say that they have also significantly reduced the number of illegal checkpoints locally by raising awareness of the law. In one community, relatives are no longer arrested for the alleged crimes of others, and the committee has persuaded prison authorities to accommodate men and women separately. All communities report improved relationships with authorities, most markedly amongst women, 30% of whom now report reasonable relations with the FARDC, compared to 10% previously. On the other hand, there are problems

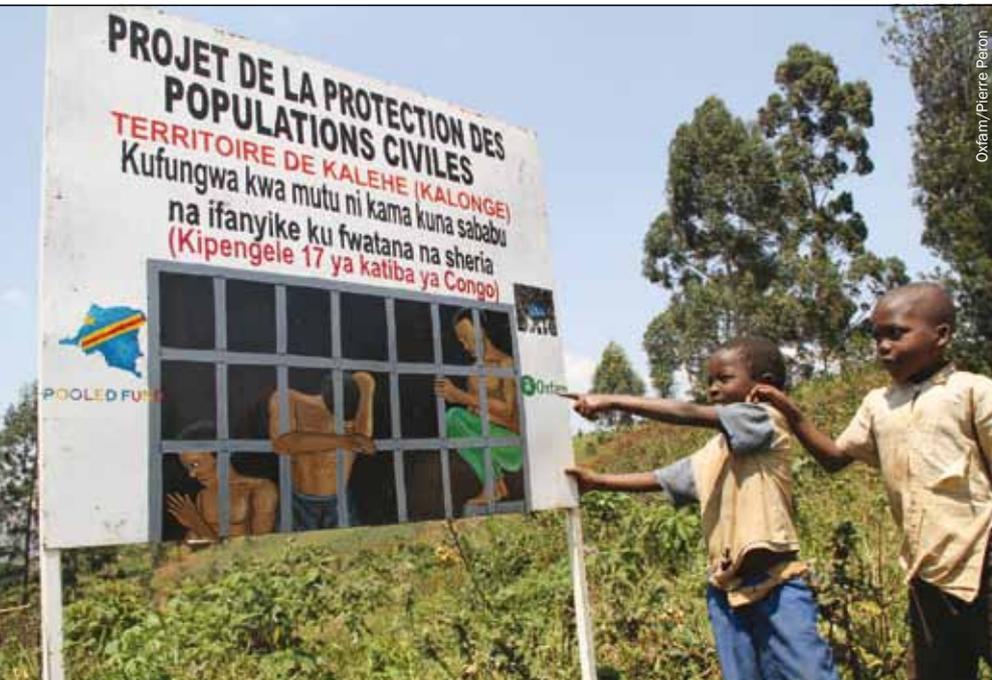
of sexual violence with food whilst they get medical treatment; walking 20km to talk about national laws in neighbouring villages; tenaciously challenging authorities over arbitrary arrests; visiting remote villages to find out more about the situation of IDPs there; insisting that the influence of the project should reach beyond population centres. They say the project gives them status in the community and that they, and others, can see the results. Women in particular say they are able to negotiate more effectively and persuade men to take up women's concerns.

We don't have all the answers. The mass of abuses facing communities in DRC is complex and debilitating. However, when communities are given the information and space to find solutions, they do. We think that this project, to date, has achieved successes in part because it does not target any particular group of supposed victims or specific abuses but enables communities to identify and respond to a whole range of issues affecting them. Men take up problems initially seen as women's problems because the issues are identified by the whole committee; host communities support IDPs, not because an NGO asks them to but because they have pinpointed the issues themselves. Protection programming in DRC is having some success by supporting local populations and authorities to create the space to come together to find their own solutions to the spectrum of protection abuses.

That said, we have far to go. It's a dark day when we arrive in Mukungu for a committee meeting and the committee is rebuilding the FARDC commander's house. Coupons – proof of having worked on the house – are handed out; woe betide you if you have no coupon when they check your house tomorrow...

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1. Not its real name.
2. Forces démocratiques de libération du Rwanda/ Democratic Forces for the Liberation of Rwanda
3. Oxfam and Partners Protection Assessment 2010 North & South Kivu <http://tinyurl.com/OxfamDRC2010>



Children in Kalonge look at a sign about Congolese laws protecting people against unlawful arrest and imprisonment.

have been enabled to return to their husbands on return to their home community. In Mukungu at least three displaced women raped during FDLR attacks and abandoned by their husbands have found shelter with committee members.

Another outcome is that all communities anecdotally report that there are fewer cases of rape than last year. The very fact of it being made known that rape is illegal seemed to reduce its incidence. They also say that men no longer abandon their wives if they are raped and that they know they must seek

they cannot solve, such as looting and burning of houses by armed groups. But they can, and do, take some action to mitigate the problem, asking local authorities to talk to armed groups, asking the FARDC to patrol, and so on.

The motivation of volunteer committee members, a perennial challenge in community-based programmes, remains impressive. (As with most organisations adopting this model, we continue to face questions about whether we should pay volunteers incentives.) They continue supporting victims

# Innovation in cash-voucher programming

Kokoévi Sossouvi

**Cash vouchers offer flexibility, enabling payment for school fees as well as for basic necessities. They also empower people who, in displacement, have been deprived of choice.**

The conflict in North Kivu is well documented for the type of pendulum displacement it creates, with families being displaced repeatedly back and forth between locations. In 2009 Concern Worldwide DRC pioneered a new approach in providing not only non-food items (NFIs) – the routine response to displacements – but also seeds and tools and support for primary education using a cash voucher market approach.

To maximise the potential for empowerment, only the most vulnerable households were identified to take part in the programme and within these, women were selected to receive cash vouchers. They could purchase goods from local traders, gathered at selected sites mimicking a market, using vouchers set at a defined value. The traders then redeemed the vouchers with Concern for the corresponding cash value. In addition to traders, school headmasters were invited to the fairs. They traded vouchers from beneficiaries for stamped receipts as proof of payment of school fees for a term or part thereof. These vouchers were also later redeemed by Concern.

Assisted households could procure items usually found in NFI kits, such as jerry cans, cooking utensils, etc. They could also choose to purchase quality *pagnes* (clothing material), improved seeds and agricultural tools, as well as pay for school fees for their children. Finally, upon leaving the fair, they were provided with blankets and soap.

## Impact of the project

The programme, which ran from November 2008 until June 2009, assisted 8,402 households. In addition to meeting the humanitarian needs of this vulnerable population, the initiative supported the primary education of 2,325 children.

Although the initial assessment did not determine how many households had children of primary school age,

21% of programme beneficiaries paid for school fees, and 28% of these did so for more than one child. 43.7% of the fees paid were for girls, to some extent discrediting assumptions that the education of girls is not a priority. What is more, interviewed households commented that they took this opportunity to pay fees for all their children, sometimes for part of a term, reporting that they intended to save money from other coping mechanisms to pay for the remaining period. People expressed their appreciation of this innovative approach, particularly in an environment where education is not a free service to all.

Headmasters indicated that the money collected was spent on school materials (such as books and chalk), renovation of infrastructure, payment of teachers' wages and rent. The additional benefit was in facilitating the continuation of the school year, reducing the potential for suspension and the need to repeat lessons due to long absences of children whose parents were previously unable to pay their tuition fees.

An independent evaluation of the programme<sup>1</sup> conducted by the Overseas Development Institute concluded that Concern's successful implementation of fairs shows that "organisations do not need 'cash and voucher experts', but rather talented staff who can use their emergency assessment and project management skills to incorporate cash-based responses in their interventions". For Concern and other agencies considering voucher responses, the evaluators recommended the following:

- Provide sufficient choice in fairs: all recipients should have access to priority items identified in assessments.
- Ensure that beneficiaries who do not understand the process can get assistance on fair days.

- Ensure that prices in the fair correspond closely with local market prices.
- Include a sufficient number of traders.
- Use voucher coupons that have small enough denominations to allow for flexible spending.
- Responsibly promote innovation in voucher responses (e.g. through including new goods and services).
- Include strong qualitative monitoring.
- In areas new to fairs, start with smaller fairs.

The programme targeted both returnees and displaced families. Although beneficiaries were disproportionately returnees, the repeated incidence of displacement made this methodology equally appropriate for the displaced. These families are often forced to consider education as a lower priority for spending because of the constant threat of future displacement and the high priority of other needs. For many women, and their families, this intervention provided a timely opportunity to purchase according to their individual needs and to release limited income for other requirements.

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1. Evaluation online at <http://tinyurl.com/ConcernDRCvouchers>

2. Concern Worldwide continues to develop cash and voucher methodologies, which are proving invaluable in eastern DRC. Innovative approaches to meet humanitarian needs are also employed elsewhere, including in Niger where Concern provides telephonic cash transfers to help people in rural areas meet their family food needs following a failed harvest.

3. With Mercy Corps in Haiti, she is following the same approach but with beneficiaries using mobile phones instead of vouchers; beneficiaries' phones are supplied with an electronic wallet allowing them to make purchases by instantly crediting the vendors' phones.

# Fuelwood: getting it right

**Recent years have seen the introduction of new initiatives to promote safe access to appropriate cooking fuel in humanitarian settings. Congolese NGOs are active in promoting these initiatives and urging greater international focus on the issues at stake.**

Cooking fuel is a critical issue that touches on nearly every facet of the daily life of millions of families. Because they spend the most time near fires while cooking, women and their children are particularly vulnerable to a range of health problems, including lung and eye diseases. Women and girls displaced by conflict or natural disaster also risk rape and sexual assault when they leave the relative safety of camps to gather wood to cook the food that is provided by humanitarian agencies, or to sell. As trees and other vegetation are harvested, women and girls must walk further and further to collect wood, increasing their vulnerability. In addition, girls may miss out on education opportunities as they spend hours each day foraging for cooking fuel or stay at home to watch younger siblings as their mothers collect firewood. Young girls are also the most common victims of burns and scalds from improperly tended open fires.

These consequences span traditional humanitarian response sectors and rarely fit neatly into the existing mandates of operational NGOs and UN agencies – or indeed into the cluster system. As a result, household energy-related initiatives are often ad hoc and do not take into account the lessons learned in other sectors or regions.

Since 2007, the international community, led by the Women's Refugee Commission and supported by USAID, has been developing global guidance documents to focus on the need to ensure safe access to appropriate cooking fuel in humanitarian settings from the start of every emergency. Created by the Inter-Agency Standing Committee Task Force on Safe Access to Firewood and alternative Energy in Humanitarian Settings (IASC Task Force SAFE) and endorsed by the IASC Working Group, these documents include

a) a 'matrix' of agency roles and responsibilities for developing a coordinated fuel strategy which defines the key activities that must occur in order to achieve an effective fuel response in new and ongoing humanitarian crises, and b) 'decision tree' diagrams illustrating various factors that can affect the choice of fuel strategy, such as different staple foods or cooking habits.

Information extracted from the Women's Refugee Commission's website. See <http://womensrefugeecommission.org/programs/firewood> to access these and other related documents. See also the International Network on Household Energy in Humanitarian Settings at <http://www.fuelnetwork.org/> (includes all SAFE workshop and training materials).



Adrien Arbib www.arbib.org

## Cooking fuel, fuelling a crisis

Jean Claude Mizaba Bampa

Humanitarians do not deal sufficiently or firmly enough with the question of fuel, and often get it wrong, since each population brings its cultural habits and daily realities to how they use fuel in their changed circumstances.

In DRC, as in Africa more generally, cooking is women's business so women must find wood so that they can cook for the family. Our culture tells people that for their nourishment they need to cook on a fire. To make this fire the women go out into the forest to find dry wood – this is their way; unlike nowadays, the forest used to be common property for all to use. But now where the available wood grows they can be attacked by militia who want to stop women getting cooking fuel or who commit inhuman acts against them.

Humanitarian agencies need to see the role of cooking fuel as crucial – for both displaced people and the host population. When there is no available fuelwood, or when taking it can cause conflict with local people, humanitarians sometimes

provide 'improved stoves'. Recently a new form of charcoal briquette made of sawdust and paper has been provided for use with portable stoves, specially made for displaced families.

In humanitarian crises there have never been adequate solutions. At a workshop held by the Women's Refugee Commission in Goma the reality was dealt with – that when people are displaced they still need to cook in the way they are used to doing, they need to warm their bodies and they need to protect themselves from the cold of the night. Our organisation thinks that it will be valuable to gather together the experiences of fuelwood in crises in many different countries to improve humanitarian responses.

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## SAFE workshops in DRC

Josué Sefu Aruna

In 2010, in Bukavu and Kamituga, South Kivu, we have run two training workshops on Safe Access to Firewood and alternative Energy in Humanitarian Settings (SAFE) for local organisations like ourselves who are committed to working towards stability and sustainability in DRC.

We had previously attended a two-day workshop run in Goma in February 2010 by the Women's Refugee Commission where we met with other representatives from local NGOs as well as representatives from agencies such as UNHCR, WFP, CARE, World Vision and Mercy Corps. The first day was the general workshop on the SAFE guidance and how, when and why to implement it, and the second day was a 'Training of Trainers' session to help participants gain the skills needed to undertake their own workshops, either for additional staff within their own agencies, or for other agencies, beneficiaries or local government.

In our own workshops participants learned about the multisectoral nature

of fuelwood issues, that there is no agency or cluster uniquely mandated to work in these areas, and that fuelwood relates not only to the environment but also to protection, health, nutrition and shelter. We discussed roles and responsibilities, and how to develop coordinated fuelwood strategies within both emergency and prolonged displacement situations.

Our first workshop in Bukavu allowed us and our partners to come together for the first time as a group, to exchange experiences and information to improve activities relating to the provision of fuelwood in the humanitarian context. Working in such a geographically vast area, however, offers huge logistical difficulties in ensuring follow-up to training, and we need to continue working with the international community to meet these challenges.

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Participants at the end of the SAFE workshop in Goma, February 2010

# ICRC: careful analysis is the key

Veronika Talviste

**In the Democratic Republic of Congo, the International Committee of the Red Cross (ICRC) combines its protection and assistance activities and focuses on ‘priority zones’ where armed actors (the national army or armed opposition groups) are present.**

In order to ensure that the men, women and children affected by the conflict and displacement in eastern DRC receive the protection and assistance they are entitled to, ICRC endeavours to learn from past experience and analyse patterns of movement more precisely. Its field staff engage with communities in order to gain a better understanding of the threats they are facing, both physical and economic, and devise practical and effective ways of addressing them.

It is essential to try to take into consideration the whole context in which internal displacement occurs: those who flee, those who cannot flee or decide to stay behind for other reasons, and those who return. While displacement can exacerbate the vulnerabilities of conflict-affected communities, displaced individuals do not necessarily face greater hardship than those who are not displaced.

In the Kivus, ICRC is particularly active in territories that play host to significant numbers of displaced people. It strives to ensure greater respect for the rights of people at risk and encourages authorities and parties to the conflict to fulfil their obligations. It endeavours to prevent or put an end to violations of international humanitarian law that have an impact on civilians. It often works in partnership with the DRC Red Cross carrying out activities designed to reduce communities’ exposure to risk. And it seeks to bring people’s most pressing concerns to the attention of the authorities while also providing aid directly to those who need it most.

## Analysis is crucial

There are at least four main types of internal displacement apparent in the DRC: ‘reactive’ displacement in response to an actual attack or specific event; ‘preventive’

displacement in anticipation or fear of an attack or abuses; ‘pendulum’ displacement when people return to their home areas either in the day-time or intermittently; and ‘itinerant’ displacement when displaced people move continually from one place to another, sometimes in search of humanitarian assistance.

A thorough analysis of displacement dynamics can help humanitarian workers know for instance where the better-off tend to flee and where those with few means usually go. Their destinations are often quite different, with the former, for example, more likely to be able to seek shelter with relatives in a big town. It is easy to assume that those who have walked for days are the ones in the greatest needs. This may be true in some contexts but in certain communities in DRC the most needy have little choice but to hide in a forest or in a village near where they live. It is also important to know if people are being displaced for the first time or if they have been repeatedly displaced. Often those fleeing for the first time as a result of an attack have had no opportunity to take anything with them, and have not developed coping mechanisms.

Humanitarian workers must take care not to draw unwarranted conclusions, as ostensibly similar situations may give rise to very different consequences for people. For example, some people who have been repeatedly displaced may have built up their resilience and coping strategies while others who have also been repeatedly displaced may be exhausted, vulnerable and unable to cope.

According to a 2008 UNICEF/CARE report, an estimated 70% of displaced people are living with host families in the DRC.<sup>1</sup> The host families are often as vulnerable or overburdened as those they take in. In order to

establish priorities the analysis of displacement should not only look at the needs of the displaced but also consider all those who suffer the effects of displacement, including those left behind, those who are unable to flee, and residents taking in displaced people.

The circumstances and needs of each of these groups can then be compared with those of the overall population to determine which needs are most urgent as the basis for ensuring that action taken is impartial and needs-based. And it is of course helpful to know whether economic push-and-pull factors were a significant factor in displacement or whether violations of the law, or the fear of such offences – such as attacks upon life and property, or forcible recruitment into the armed forces – were the primary reasons for displacement.

## Consultation and participation

The best strategies are often devised by displaced people themselves who often have valuable insights into how their circumstances could be improved. In any case, in order to determine where and how to take effective action, it is essential to engage in dialogue with the communities directly concerned. This takes time.

It should be borne in mind, however, that in an area such as the Kivus, where countless humanitarian activities have been carried out over many years (some of which, inevitably, may have been ill-conceived), it is extremely important that the dialogue not be superficial. In such areas, local communities are well aware that all too often humanitarian organisations respond to problems simply by distributing aid. There is a risk, therefore, that some people might try to persuade the aid organisation to take a certain course of action while others might give answers that they believe humanitarian workers want to hear. It is necessary to listen to as many different voices as possible and to be sensitive to the nuances.

It is also important to ensure that displaced people have access to reliable information, so that they can make constructive proposals concerning action taken on their behalf or make informed decisions on how to manage their circumstances. For example, in one area of North Kivu, ICRC had planned to distribute seed, tools and household essentials to recently displaced people. Before the distribution took place, the local community became aware that operations by the national army against armed groups in the area were imminent. They requested that the distribution be cancelled for fear that it would attract armed pillaging.

Engaging in dialogue with arms carriers is also essential. ICRC's interactions with arms carriers are frequent and varied, ranging from notifying them of ICRC movements to discussing allegations of inappropriate behaviour among the rank and file and to providing training in the basic rules of international humanitarian law. Exchanges are inevitably a little less formal with armed opposition groups than with national armed forces but the issues raised with them are of a similar range and character.

### Assistance as protection

Enhancing the capacity of individuals to make themselves safer must be one of the goals of humanitarian work. To achieve this, it has to be recognised that individuals are likely to know better than anyone else how to deal with their own problems. And just as people often do not distinguish in their daily lives between what they do to protect themselves and what they do in order to assure their livelihoods, agencies too need to recognise the inherent link between self-protection strategies and subsistence activities. For instance, food for work or cash for work on road-building programmes not only directly benefits those who do the work but also results in easier (and safer) access to local markets and therefore better prices for produce. By improving the roads, communities may also reduce the risk of being looted as their trucks can move faster and therefore are less likely to be a target of ambushes.

Many of the worst atrocities occur in very remote areas. Improving transport links can make some areas less isolated and therefore more likely to have officials stationed there and to be patrolled by UN peacekeepers – which clearly is likely to make them more secure.

### Challenges ahead

ICRC has made some progress in helping displacement-affected communities in North Kivu but challenges remain. One such challenge is the increasing mobility of displaced people and the complexity of their concerns. The labels 'refugee', 'urban IDP', 'host family' and 'economic migrant' may be convenient for aid workers, policymakers and researchers but they can often be misleading in that they seldom describe a person's overall situation. For example, how do you categorise and then support a family from a village in North Kivu which has some members who commute between Goma town and Rwanda selling produce, and others who left after an armed attack and moved to Kinshasa in search of a safer and better life? Where does internal displacement begin or migration start?

Are people who share their time between Goma and Rwanda refugees or internally displaced people? What about the group of people from a village that has been looted who decide to go to a bigger town, having heard that displaced people can make money there? Are their motives economic or related to armed violence?

Both the causes of displacement and the movement of the people themselves are diverse and characterised by mixed flows, multifarious motivations and multiple labels. The challenge for the humanitarian community is to take the time to sort these out and adapt its response to the complexity it finds.

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1. See 'Internal Displacement in North Kivu: Hosting, Camps, and Coping Mechanisms', 2008 <http://tinyurl.com/McDowell-DRC-2008>

## Child disability, the forgotten crisis

Looking at herself in the mirror, nine-year-old Helena squealed with delight at her reflection, standing upright with just the slightest support of her therapist. A year before, Helena – who lives in Mugunga II IDP camp in Goma – was diagnosed with cerebral palsy. Able only to crawl, Helena had been confined to very specific spaces due to the lava in the IDP camp.

While funding for treatment remains minimal, the number of disabled children and those at risk continues to grow due to the increased risk factors brought on by the breakdown of the health infrastructure, ongoing violence and displacement in eastern DRC. Minimal access to health care and clean water, and poor nutrition during pregnancy, lead to common congenital disabilities in children such as spina-bifida and limb deformities, and young children predisposed to early childhood diseases such as meningitis and polio. Access routes to health centres are often blocked for patients and medical teams, leading frequently to birthing complications, child developmental delays and maternal mortality. The prevalence of rape in DRC is also linked to a probable increase in child disability as frequently women pregnant from rape do not seek pre- or peri-natal care.

Disabled children are more vulnerable to abuse, exploitation, neglect and discrimination. They face reduced social participation and have less access to education and other social services than children without disabilities, and struggle daily with social stigma and discrimination. "The international community might not see disability as an emergency worth focusing on now – but it will become a full emergency if nothing is done," said Loran Hollander of Heal Africa's hospital in Goma.

For more information, visit IRIN <http://www.irinnews.org/Report.aspx?ReportID=86710>

See also FMR 35 'Disability and displacement' <http://www.fmreview.org/disability/>



IRIN/Aubrey Graham

# Outside camp settings

Alena Koscalova, Elena Lucchi and Sabine Kampmüller

**Current assessment tools and intervention strategies are based mainly on experience of camp-like situations; what is needed are innovative responses to address problems specific to open settings.**

In October 2009, more than 280,000 people were displaced in the two northern DRC districts of Haut-Uélé and Bas-Uélé in Orientale province. The people of this region have suffered escalating attacks from the Lord's Resistance Army since 2008 but the geographical spread of people in this vast remote region compounded by security constraints makes it difficult for humanitarian organisations to reach them and only a small proportion of IDPs in the Haut-Uélé region receive assistance from humanitarian actors.

Communities affected by the complex patterns of violence in the entire region often flee multiple times in fear of further attacks, and new pockets of displaced people can appear overnight. In DRC IDPs generally prefer to stay in host communities rather than in camps. Around 70% of internally displaced people in DRC are staying with host families or in host communities and return intermittently to their homes. A recent ICRC report talks of the increasing 'saturation' of overburdened host communities (often resulting in further economic hardship and sometimes tensions between IDPs and their hosts); the extended displacement period; and the 'pull factor' of greater resources (including humanitarian assistance) being available in camps.<sup>1</sup>

This trend was also observed in Haut-Uélé, where the vast majority of IDPs were initially accommodated in host families in Dungu town, sharing resources such as shelter, water and food. However, the volatile security situation prolonged the displacement and people were left without the possibility of returning home. Over time the coping capacity of both the host and the displaced was depleted and many IDPs felt themselves too big a burden on the host community. This then resulted in the construction of 'pseudo-camps', areas inside Dungu that are inhabited only by the displaced.

This situation increased the vulnerability of the displaced who, having left most of their assets with the host families, had limited possibilities to cultivate the newly settled area due to the security conditions. Some of the displaced are living in poorly constructed huts that offer inadequate protection from rain and insects. Spontaneous separation of IDPs from host communities must be considered an alarming sign of insufficiently covered needs, and seems to point to the desirability of distributing incentives or compensations (money, goods in kind, vouchers, etc) to host communities. Likewise, viable and acceptable relief options need to be found for self-settled IDPs scattered across vast areas.

The humanitarian situation in Haut-Uélé changes constantly, so that entire populations – including hosts – are cut off from assistance and live in precarious and insecure conditions. In the absence of more specific information on the most vulnerable, a common operational practice among international agencies is to target the sites where there are larger numbers of displaced. However, the concern is that the most vulnerable people might not necessarily be found there.

On the medical side this has implications for agencies such as ours, Médecins Sans Frontières (MSF), when identifying locations for fixed or mobile clinics and from where to provide services and follow-up of patients regarding nutrition, response to sexual violence, treatment of chronic diseases, and overall outreach. Moreover, the practice of providing one-off assistance – such as food and other relief items for a period of three months – is clearly an inadequate response in such conditions.

## Challenges in identifying needs

The identification of needs across the region has proven difficult throughout. MSF had first set up a programme in the region in

September 2008, following the upsurge of violence and displacement in Haut-Uélé. In March 2009, MSF carried out a two-stage cluster sample survey in order to better assess the situation of displaced and host populations. The survey was initially planned for a larger area but due to serious security constraints was only carried out in the town of Dungu and partially (by rapid evaluation) in the town of Doruma.

The survey showed that both host and displaced populations were living in precarious conditions because of violence, theft of livestock and other belongings, destruction of houses, and restricted access to their land. Assistance and provision of supplies by NGOs were insufficient, mainly due to the constraints of working in the area, and water and sanitation conditions were below humanitarian standards. The survey provided useful information but as it was only able to assess the conditions of the population living in the most accessible areas with the highest presence of international actors, it was only representative of a very small proportion of the affected population. It could only provide a snapshot of the rapidly changing environment, and very probably did not capture pockets of vulnerability, nor patterns of mortality over time.

Contexts like DRC reveal clear flaws in using crude mortality rates (CMR, U5MR<sup>2</sup>) and quantitative methods in general (sample surveys, counting population, etc). The need to select representative samples and to minimise the bias in data collection is complicated by geographical spread, compromised access and lack of reliable population figures. In chronic or intermittent emergencies like DRC, mortality rates of near-normal levels can gradually rise over time or can display peaks due to epidemics, exhausted livelihoods, collapsed health system, new waves of displacement and isolation from relief providers. This means that a one-off mortality survey might provide different results depending on its timing. Such results are of little value in the absence of mortality

surveillance to detect trends and causes of mortality over time.

It is essential to search for alternative ways to measure and monitor mortality, and to identify alternative indicators in order to best judge the magnitude and evolution of crises in open settings. This will enable a better understanding of people's needs and the ability to monitor the effectiveness of aid.

### Challenges in response

In comparison to camp-like situations, the need to engage with the existing health-care system is much greater in open settings. The establishment of parallel health systems – where health services (if they exist) are often overwhelmed or have deteriorated because of the crisis – has the potential to raise equity issues between hosts and IDPs, and to undermine the quality and long-term sustainability of health-care provision. In DRC, MSF opted for a 'light support' strategy that included drug supply, limited supervision and incentives to selected health structures, so as to ensure continuity and free access.

However, the impact on the quality of care remained unknown, raising concerns about the effectiveness and appropriateness of the medical intervention strategy. In open settings, it is arduous to duplicate the 'four-levels health-care model' (from community health workers to the referral hospital) developed for camp settings<sup>3</sup> simply because of the immense resources needed. In the absence of a functioning referral system, few patients effectively have access to the services.

The widespread needs in open settings clearly must be addressed with innovative strategies aiming at better coverage and looking at more community-based approaches. Only with strong involvement of the affected communities can activities be maintained, even when (international) staff presence is restricted.

### Conclusion

As the quantitative identification of needs in open settings is more problematic, qualitative methods must be used systematically, with a concern for vulnerabilities, capacities and coping strategies. Changes in the displaced situation have to be expected and there is a need for continual re-assessment. A community-based network could play a role in a surveillance system (mortality, morbidity), in order to monitor the evolution of a crisis; however, considerable simplification of indicators to be collected would be needed.

The traditional methodology of targeting an affected area and its entire population, providing general health care on all levels, poses extreme challenges in open settings. One option may be a shift towards more prevention and early diagnosis and treatment, with a focus on the main causes of morbidity and mortality. MSF is currently piloting such an approach, with interventions that can be implemented rapidly, using security-related windows of opportunity, particularly in remote areas. They include vaccines preventing respiratory tract infections and diarrhoeal diseases,

point-of-use water treatment, prevention of malaria and targeted food supplements.

These challenges affect most of the humanitarian organisations that are trying to respond to the needs of the people affected generally in open settings. It is therefore important that more research, innovation and debate take place within the humanitarian community, with a view to improving and adapting intervention strategies to the reality of displaced populations outside camps.

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The views expressed here are the personal opinions of the authors and are not intended to reflect those of MSF. Special thanks to Iza Ciglenecki, Philippe Calain, Jean-Marc Biquet, Marc Poncin and Bruno Jochum for their contributions to this article.

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## Displacement and discrimination – the Bambuti Pygmies

For generations the Bamputi Pygmies were nomadic forest-dwellers but in 2004 they too fled the war. Now they live on the outskirts of Goma with little if any support from humanitarian agencies. They have no electricity or running water; straw-covered roofs on makeshift shelters provide poor protection from the frequent rain.

"We can't plant seeds here," said Bambuti chief Mupepa Muhindo, scratching the ground, which is littered with lava. "It's not possible to cultivate the land."

Life is hard for all IDPs but even worse for the Bambuti, whose lives are blighted by violence and daily discrimination. Discrimination against Pygmies is deeply ingrained at

all levels of Congolese society. They have great difficulty accessing any kind of public or social service, and are routinely turned away. Such attitudes mean parents rarely register new births so total population numbers are unclear but it is estimated that there are about 30,000 in North Kivu and 200-500,000 in DRC as a whole.

Muhindo says he cannot pay school fees or afford school uniforms for his children. "Pygmy children don't study," he said. "Because we don't have any education, we can't consider ourselves people like others."

For more information, visit IRIN <http://www.irinnews.org/Report.aspx?ReportID=90354>

# Training trainers in reproductive health

Boubacar Toure, H el ene Harroff-Tavel, Sara Casey and Tegan Culler

**The cascade training model has brought clinical training closer to the areas in DRC most in need of skilled staff to serve conflict-affected women experiencing complications in pregnancy and childbirth.**

Although maternal deaths have decreased globally by 35% since 1980, maternal deaths in DRC have decreased by only 3% since 1990, the onset of the recent phase of conflict in DRC. Extended conflict has played a significant role in the destruction of a national health-care system already in an advanced state of disrepair, resulting in poor-quality care offered to communities, lack of well-trained health workers and, due to government disinvestment, unmotivated health-care personnel.

An estimated 15,000 women – one Congolese woman in 13 – die from causes related to pregnancy and childbirth in DRC each year, mainly from treatable or preventable complications. Yet despite the stark need evinced by these numbers, the Congolese government continues to spend only limited resources to improve public health. In 2001, African countries, including DRC, met in Abuja, Nigeria, and committed to allocating 15% of their governments' budgets to health care; nine years later, however, the Congolese government still only allocates about 5%.<sup>1</sup> Serious investments in good-quality emergency obstetric and neonatal care (EmONC) could save thousands of Congolese women and newborns each year.

## Training essentials

An assessment in 2007 of seven hospitals in South Kivu, Orientale, Kasai Occidentale and Kinshasa provinces showed that none of the hospitals assessed offered good-quality EmONC.<sup>2</sup> The majority did not have family planning (FP) services or sufficient personnel qualified to handle obstetrical complications. Respect of infection prevention standards was poor. Moreover, all hospitals had shortages

and stockouts of medication and supplies, and the data collection system for EmONC was almost non-existent. Finally, the use of newer, safer medicines and procedures was limited due to a lack of continuing education for health workers.

To fill this gap, the International Rescue Committee (IRC), in collaboration with the Reproductive Health Access, Information and Services in Emergencies (RAISE) Initiative, aimed to improve the essential RH skills of health staff in supported health zones. Providing equipment and other supplies is necessary but not sufficient to improve the quality of care; it is also essential to train and supervise medical staff in the requisite clinical skills.<sup>3</sup> Yet many training programmes are undermined by a lack of follow-up supervision of the participants. To address this concern, RAISE and IRC are using existing supervision structures to ensure post-training follow up.

## Phase 1: Training trainers and creating local training centres

In the first stage of the project, a training team from the African Institute of Reproductive Health (IASAR) and Souro Sanou University Hospital in Bobo-Dioulasso, Burkina Faso, trained 48 providers in EmONC and 18 providers in FP. EmONC training was organised for three clinicians from each hospital (one doctor, one nurse-midwife, one nurse-anaesthetist), as well as one doctor and one nurse from each health zone supervisory team (who also provide clinical care at the hospital). To ensure Ministry of Health (MoH) support, one provincial MoH staff member in each of the four provinces and two from the national MoH participated in the first week of training.



Several months later, the trainers visited participants in their health facilities to reinforce their new skills, recommend improvements and identify individuals to be trained as trainers. The final decisions on the selection of trainers were made in collaboration with provincial health management agencies and the National Programme for Reproductive Health (PNSR).

One hospital in each province was identified as a training centre for health workers from MoH hospitals and health centres supported by IRC. In each, a training room was constructed and equipped with instructional materials and anatomical models, and IRC ensured that the delivery rooms and operating theatres at these practical training sites adhered to best practice standards. 21 people were then trained as 'novice trainers', including in facilitative supervision techniques.

## Phase 2: Training health workers from surrounding health facilities

Following the training of trainers, the IASAR trainers observed and mentored the new trainers during their first EmONC training session. From May 2009 to March 2010, the novice trainers at the new training centres conducted seven EmONC trainings for 151 health workers, and seven FP trainings for 159 health workers. As many of the trainers are also the MoH supervisory staff for the health zone, each time they conduct a routine supervision visit, they can review skills from previous trainings,

discuss problems and ensure that recommendations from the previous visit have been implemented.

### Challenges and lessons learned

A number of challenges were encountered in the implementation of this training project, from which lessons for best practice can be drawn.

Involvement of health authorities at all levels is crucial. Effective training requires a politically supportive environment, a strategy, resources, appropriate guidelines and policies, job expectations, and motivation and feedback. IRC is working closely with the MoH PNSR to finalise and adopt national RH standards. At the local level, key MOH authorities' approval can facilitate the implementation and use of new skills by the trainees on their return to their facilities.

All necessary equipment, supplies and medications must be available at the trainees' health facilities so they can put their skills into practice immediately after training. Delays in procurement of supplies and equipment can delay post-training follow-up supervision visits. Sometimes these visits occurred five to six months after the initial training, which meant participants then needed extra coaching to successfully perform some of the skills learned.

An important element of competency-based training is having the time to practise skills in a real clinical setting under supervision. The low clinical caseload at some of the training sites – a frequent disadvantage of creating training sites in rural hospitals – made it difficult for trainees to practise an adequate number of cases. To address this issue, the trainings offer a strong focus on follow-up

supervision and additional practice on anatomical models – and as services continue to improve, we hope that caseloads will increase.

Continued support and post-training follow-up by supervisors are key elements to successful training. Clinical supervisors must have the skills to offer post-training follow-up and coaching to develop confidence in trainees and help them make improvements at their facilities. Traditionally, supervisors did not involve supervisees in problem resolution, and problems persisted. Training health-zone supervisors in facilitative supervision improved the quality of the supervision visits, and supervisors now encourage staff to solve problems and take ownership of their work.

The departure of trained personnel to other positions left a gap in the planned training and/or mentoring teams in some sites. IRC has tried to coordinate with the MoH to ensure that new trainers remain in their positions for a minimum of two years. Another possibility would be for the MoH to send health workers from outside the health-zones to be trained so that skills can be spread beyond IRC's direct intervention areas without transferring skilled providers away from these areas.

In conflict-affected settings, clinical staff should be trained to be prepared for fluctuations in demand. In February 2009, for example, an upsurge in conflict displaced some 4,300 households in Kalehe and Itombwe health-zones; the Kalehe General Referral Hospital experienced a shortage of EmONC drugs and post-exposure prophylaxis kits as the overall utilisation rate increased, along with the number of gender-based violence cases.

### Conclusions

The cascade training model has brought clinical training closer to the areas in DRC most in need of skilled staff, allowing for more staff to receive training. By using existing supervision mechanisms, it is possible to provide longer-term facilitative supervision and follow-up to ensure that skills and skilled staff are retained. Furthermore, this means that support and supervision are possible in areas where insecurity may restrict access from outside the area.

IRC has already begun to replicate this model in its programmes serving displaced populations in North Kivu. IRC and RAISE plan to evaluate this project in late 2010 to ensure that the training is resulting in improved RH service delivery. Already, observation has shown an increase in the pride the staff take in their work, especially among those trained as trainers, which should ultimately lead to better quality RH care for the many displaced in DRC.

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1. The Global Fund to Fight AIDS, Tuberculosis and Malaria *Trends in development assistance and domestic financing for health in implementing countries*. March 2010 <http://tinyurl.com/globalfund-march2010>

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3. Gill Z et al 'A tool for assessing 'readiness' in emergency obstetric care: the room-by-room 'walk through'', *International Journal of Gynecology and Obstetrics* 2005, 89:191-199. [http://www.ijgo.org/article/S0020-7292\(05\)00123-2/fulltext](http://www.ijgo.org/article/S0020-7292(05)00123-2/fulltext)

### Training amidst turmoil

For Professor Blami Dao, Director of IASAR, the presence of a clinical workforce well-trained in RH is absolutely vital when serving refugees and internally displaced persons: "In conflict situations, reproductive health becomes even more urgent, because there is a risk of increased sexual violence, leading to pregnancy, sexually transmitted infections and problems linked to unsafe abortion,

in addition to the need for contraceptives and monitoring and treating the possible complications during pregnancy."

Training alone, however, cannot address the pressing RH needs of conflict-affected populations. "To truly make progress, there must be improved working conditions for health workers, better coordination of supplies and equipment, and better coordination of policies and standards of care

throughout the country. In areas affected by conflict, this is difficult," admits Professor Dao. Nevertheless, IASAR's training team is pleased with the number of trained clinicians in Africa who can trace their skills back to the Institute's work. "We must share the approach, share the tools, share the training methodology," Professor Dao says. "We hope to see a day when our work is no longer needed at all."

# Refugee return and root causes of conflict

Maria Lange

**Since independence, violent conflicts in eastern DRC have been linked to access to land, affirmation of ethnic identities and competition for political control.**

As a fertile border region, North Kivu has always been a zone of frequent migration flows, both voluntary and involuntary. During the Belgian colonial period the Mission d'Immigration des Banyarwanda<sup>1</sup> was established to bring entire populations (Hutu and Tutsi) from neighbouring Rwanda to North Kivu, so as to provide the large plantations with manual labour. After the 'social revolution' in Rwanda in 1959, Tutsi refugees arrived in large numbers in North Kivu, fleeing persecution. These population movements profoundly changed the political, economic and social landscape of the province, and sowed the seeds of localised power struggles and violent conflict amongst ethnic communities, which later escalated following national and regional events.

The populations present in North Kivu prior to the 1885 Berlin Conference at which the borders of the Congo State were determined refer to themselves as autochtones (indigenous) and consider those who arrived later as allochtones ('foreign' or lacking a legitimate connection to the land), applied in particular to those who speak Kinyarwanda. According to popular Congolese perception, the recurrent wars in North Kivu from 1962 to the present all have their origins in cross-border identity allegiances, specifically of the 'foreign' Banyarwanda and the Congolese Tutsis who are often described as 'Rwandans'. The two invasions by the Rwandan army in 1996 and 1998 further strengthened this sentiment.

'Autochtone' discourse about Banyarwanda 'foreignness' and 'domination' is closely linked to grievances about the Banyarwanda buying land which used to belong to white settlers as well as traditional 'autochtone' community land which was sold by local customary

chiefs. Such land purchases have given rise to accusations against the Banyarwanda of 'infiltrating' local power structures.

Following the influx of Rwandan Hutu militia to North Kivu after the 1994 Rwandan genocide, the previously relatively localised ethnic tensions in North Kivu boiled over, leading to mass displacement of Banyarwanda (Hutu and Tutsi alike). Congolese Tutsi fled mostly to Rwanda whereas the majority of the Congolese Hutu fled to Uganda. It is the return of the Congolese refugees from Rwanda that causes the most polemic and raises the greatest fears among some segments of the population in North Kivu. At the end of 2009 there were 53,362 registered Congolese refugees in Rwanda. Most of them arrived in early 1996 and were registered by UNHCR. However, between July 1994 and the end of 1995, large numbers of Congolese Tutsi refugees arrived in Rwanda unassisted and unregistered. Today, they live in villages and towns across Rwanda and there are no official statistics that establish their exact number. The tripartite agreement signed in February 2010 between DRC, Rwanda and UNHCR applies only to registered refugees, meaning that non-registered returnees will not receive UNHCR assistance.

## Popular perceptions of return

Since around 2000, when security in some of the areas where the refugees come from started to improve, 'spontaneous returns'<sup>2</sup> of Congolese refugees to North Kivu have taken place. Some refugees come to visit and go back to Rwanda whereas others stay. Periodically, and linked to the overall political situation, 'autochtone' groups and politicians express fears about plots by the 'Rwandans' (often code for 'Tutsis') to 're-occupy' parts of North Kivu, aided by the international

community. There are also legitimate fears voiced by Congolese who live in areas where the refugees will return, largely focused on land conflicts that may arise when refugees who sold or lost their land come back to reclaim it. The problem is that these legitimate concerns are amplified and manipulated by leaders who use the issue to consolidate their political power and protect their economic interests.

A survey<sup>3</sup> by the Mouvement Intellectuel pour le Changement (MIC)<sup>4</sup> shows that opinions are divided amongst communities in areas of refugee return as to the refugees' national identity and the circumstances surrounding their departure. Many people confirm that Tutsi used to live with them but some claim that they are Rwandans who used to live there and who returned to Rwanda following the fall of the Habyarimana regime there in 1994. The focus on this group of people is used to delegitimise the Congolese nationality claims of all Congolese Tutsi – including those who have lived in North Kivu since well before 1959.

The Congolese refugees living in Rwanda originate from several areas of North and South Kivu. According to a UNHCR return intention survey in 2007, 80% of registered Congolese refugees in Rwanda want to return to DRC. The main determinant of whether and when they decide to do so is the level of security in return areas. The refugees themselves state that the presence of armed groups of Rwandan Hutu refugees in DRC was the cause of their flight. One Congolese refugee in the Gihembe camp states:

*"They associated us with Rwandan Tutsi and we felt ourselves to be in permanent insecurity. They even managed to kill some of us before we decided to flee to Rwanda. Even our Congolese compatriots ... allied themselves with the Rwandan Hutu to attack us."*

Many people firmly believe that Rwandan citizens are mixing themselves in with returning refugees so as to escape land scarcity in Rwanda and 'occupy' North Kivu. This opinion is so deeply rooted that even normal cross-border movements are from time to time portrayed as 'infiltration' or even planned large-scale migration of Rwandans to eastern DRC. This discourse is a reflection of popular fears but at a deeper level it is an expression of underlying causes of conflict which have never been resolved and which have remained unaddressed in the various peace accords. Constant accusations of being a 'Trojan horse' at the service of 'the enemy' give rise to feelings of exclusion by Congolese Tutsi, who sometimes react by supporting armed groups that promise redress. This of course does nothing to diminish the accusations. Failure to understand fully the link between the deep causes of conflict and the refugee return question can inadvertently reinforce tensions by lending credence to exclusionist discourses that appear rational (thus giving the impression that they are true) but which tend to be based on popular fears rather than established facts.

### What can and should be done?

Because of the extreme sensitivity and complexity of the issue, UNHCR and international NGOs often feel constrained to ignore it, rather than communicate in an open and transparent way about the issue. Whereas they of course have to try to protect themselves from accusations based on popular perception that they are aiding Rwandan plots to re-occupy North Kivu, these agencies also have a responsibility to communicate openly about what they are doing and not to shy away from addressing the causes of conflict which are creating these tensions and leading to these accusations. The predominance of humanitarian actors in North Kivu (with short-term staff contracts and therefore almost inevitably a superficial understanding of the causes of conflict) creates an environment in which widely expressed popular fears tend to become understood as established facts.

The March 2009 Ihusi peace accord foresees the establishment of *Comités*



A journalist from Radio Communautaire de Moba records a refugee's greetings to her family members back home. During visits to refugee camps, journalists from the local radio often invite refugees to record short greetings to let their families know about developments in their lives and their return plans.

*locaux permanents de conciliation* (permanent conciliation committees) in which all community members will be represented. UNHCR and UN-HABITAT have started setting up these committees in North Kivu with the aim of promoting a peaceful environment, allowing the return of displaced people and refugees, and providing a framework for preventing and mediating inter-communal conflicts. However, the absence of any conflict resolution or peacebuilding expertise and proper process accompaniment for this programme is deeply worrying.

Key actions for international actors to avoid refugee return causing conflict include the following:

- Base all interventions on in-depth analysis not only of the humanitarian situation but also of local conflict dynamics and how refugee and IDP returns interact with these dynamics.
- Seek specialist assistance to undertake conflict analysis and to plan and execute interventions which take account of and address the causes of community tensions.
- Promote dialogue between communities about refugee return and facilitate direct dialogue between refugees and people in return areas (also involving relevant NGOs, UN agencies and national and local authorities).

- Advocate for Congolese and Rwandan authorities to communicate publicly and constructively about refugee return and to jointly establish mechanisms to facilitate return.
- Establish and build the capacity of the permanent conciliation committees to facilitate community dialogue about conflicts. This dialogue needs to go beyond mediation in specific local land conflicts to discussing and finding solutions to other conflict issues. The agencies establishing the committees must be very careful to avoid politicisation of these committees.

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The content of this article is the sole responsibility of its author and cannot be taken to reflect the viewpoints of the European Commission or of International Alert.

1. The term 'Banyarwanda' refers to people who have Kinyarwanda as their mother tongue. The term 'Rwandophone', coined more recently, is a politicised term.
2. 'Spontaneous returns' are refugee returns that take place without the facilitation of UNHCR.
3. Conducted in Masisi, Rutshuru, Goma town, Byumba and Kibuye refugee camps in Rwanda as well as with Congolese refugees in Kigali.
4. A Goma-based group of University students who organise public hearings with youth and MPs on current issues.

# Return in the political context of North Kivu

Fergus Thomas

**Durable returns of IDPs and refugees into some of the most densely populated areas in eastern DRC are never going to be a simple exercise.**

Frameworks developed by the UN and the Government of DRC (GoDRC) with international facilitation between DRC and neighbouring countries are achieving a great deal in terms of addressing the issues around return and reintegration despite the highly politicised humanitarian/transition context of North Kivu.

Humanitarian responses are attempting to address the issue of returns. However, as the state re-establishes itself and asserts its sovereignty (as it should be encouraged to do), some programmes for return risk being politically influenced rather than based on needs and there is a considerable risk that the independence of humanitarian programmes will be undermined by political influences.

Land access and land tenure issues, along with other durable returns activities, make up a larger package of which the sum total is the herculean task of strengthening state authority in the DRC. It is encouraging then that UN-HABITAT and UNHCR are working to promote a focus on land tenure issues at the political level in North Kivu and in Ituri.

## Initiatives to assist return

The Programme Elargi d'Assistance Aux Retournées, Plus (Programme of Expanded Assistance to Return, Plus) or PEAR Plus programme, is the original returns programme in eastern DRC. PEAR Plus is a hybrid programme, coordinated by UNICEF working through humanitarian INGOs in the Kivus and in Ituri to "support the return of the displaced as a first step towards a durable solution by making information available to the humanitarian community about the return zones [and by providing] assistance to returnees in terms of shelter and non-food items as well as the access to education for children"<sup>1</sup>

In addition to providing material support for returning families, the MultiSectoral Assessments (MSAs) conducted by the PEAR Plus programme are made available to the larger humanitarian community through the Clusters. These assessments, now numbering in excess of 900 covering 940 communities, have proved to be an innovative contribution to informing coordinated responses to returnees by the humanitarian community.

Under Article III – known as the 'Actes d'Engagement' – of the Goma Agreement (signed in January 2008 by 22 armed groups and the Congolese government), all the signatories committed themselves to respecting international humanitarian and human rights law, including ending all acts of violence and abuse against the civilian population. This agreement, together with the Nairobi Communiqué of 2007 plus recommendations from the Conference on Peace, Security and Development organised by the government in early 2008, and the March 2009 peace agreement between the government and the CNDP, forms the basis of the government's peace programme for eastern Congo, known as the Amani Programme. The government's more recent Stabilisation and Reconstruction Plan for Eastern DRC (STAREC) emerged from the Amani Programme but is in its very conception a political initiative, and many humanitarian actors are wary of it.

In mid 2008, the UN published the International Security and Stabilisation Support Strategy (ISSSS), with the aims of consolidating peace gains and creating longer-term recovery and development, stabilising eastern DRC, and creating a protective environment for civilians for returns and for stabilisation.<sup>2</sup>

The abrupt closure of the IDP camps outside Goma in September 2009 still gives rise to heated debate among the humanitarian community in North Kivu. What is clear, however, is that, despite careful ground work by the camp managers, UNHCR, the Governor of North Kivu and the Norwegian Refugee Council, the closure of the camps called into question the level to which the IDPs comprehended their freedom of choice to return, or to remain in the camps.

*"We were told to leave by government people with loudspeakers; the camp was full of police and we became very frightened; we heard gunfire...We were told that it was safe to return home but that is not true...."*

A lesson-learning exercise by the Camp Coordination and Camp Management working group conducted in early 2010 looked at the process of consultation and at protection in places of return, acknowledging that the camp closures were politically driven and inappropriate.

The STAREC plan incorporates both the main elements of the Amani Programme in terms of monitoring the Goma Agreement and the key elements of the ISSSS. The UN system has agreed that STAREC will function as the primary framework for stabilisation in the east and is in the process of establishing a Stabilisation and Recovery Funding Facility to strengthen the overall impact and effectiveness of international support to the GoDRC by ensuring a collective approach and preventing duplication and fragmentation of

efforts; the approach to date has consisted of fragmented and stand-alone interventions with significant transaction costs for coordination.

The rolling out of STAREC and ISSSS will need to be evaluated in the coming months; it is an ambitious plan and some in the humanitarian community would argue that it is risky because it is so closely aligned to the government. On the other hand, any good transition programming must position the government in the lead. STAREC's success will be contingent firstly on basing itself on good, transparent governance, and secondly on its ability to include the whole humanitarian community, listening to both the target communities and NGOs; only through comprehensive consultation with all of the stakeholders can a durable and sustainable return in North Kivu be achieved.

Finally, in February 2010 the Tripartite Agreement between the GoDRC, Rwanda and UNHCR paved the way for the return of more than

40,000 Congolese refugees who fled North Kivu during the ethnic wars of 1993 and in the aftermath of the 1994 Rwandan genocide.<sup>3</sup> To date, no timeline has been made public concerning the closure of the refugee camps within Rwanda and there has been little indication of spontaneous return to DRC. Voices from both the international NGO community and Congolese civil society have expressed concerns, however, that there have been spontaneous movements of people into Rutshuru and Masisi, most of whom are allegedly unable to prove Congolese nationality and are unrecognised by local village leaders. These movements are already causing tensions in parts of North Kivu that already experience a complex dynamic in terms of ethnicity and demography. Many humanitarians feel that these population movements are based on a political decision that pays little heed to whether conditions for return are right.

There exists, then, a set of tools and agreements aiming to facilitate returns in North Kivu: PEAR,

providing pragmatic humanitarian approaches to assist returnees, the STAREC/ISSSS plan, now in its infancy and possibly providing the best and most nuanced framework for moving forward with sustainable return and reintegration, and a more problematic Tripartite Agreement which at the time of writing could well be undermined by the reality of population movements over a porous international frontier. The success or failure of these tools will stand on how far the government and donors remain committed to durable solutions. The challenge for the humanitarian community will be to ensure that political engagement is maintained, whilst assistance continues to go to those judged to be most vulnerable.

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2. <http://monuc.unmissions.org/Default.aspx?tabid=4514>

3. See article by Maria Lange pp48-9.

## Of tripartites, peace and returns

Steve Hege

**After international agreements covering the return of refugees to Equateur and North Kivu, the challenge is to create local structures that can make the agreements work.**

After international agreements covering the return of refugees to Equateur and North Kivu, the challenge is to create local structures that can make the agreements work.

In the first half of 2010, the Government of DRC signed two separate tripartite agreements with neighbouring countries and UNHCR concerning refugee returns. Caused by distinct conflicts at opposite ends of DRC's vast territory, both refugee populations have been particularly contentious. Moreover, these two returns processes are predicated on the effective establishment of local peace committees (LPCs), inclusive bodies which aim to promote dialogue and mutual understanding as well as to facilitate collective measures to resolve problems and mitigate risks of violence. LPCs

seek to reinforce a shift away from authoritarian decision-making styles to those of consensus.<sup>1</sup> In DRC they face a wide range of challenges, but nonetheless constitute unique peacebuilding opportunities for these facilitated returns

### Returns to North Kivu

In February, the Congolese government concluded a tripartite agreement with the Rwandan government and UNHCR to set the stage for the return of Congolese Tutsi refugees to eastern DRC from camps in Rwanda. The majority of these refugees escaped to Rwanda between 1994 and 1996, when over a million Rwandan Hutus flooded into the Kivu provinces in the aftermath of the Rwandan genocide. One of the principal demands of the CNDP rebel group<sup>2</sup> led by Laurent Nkunda

was the return of these members of his Congolese Tutsi community. In order to facilitate this process, the March 2010 peace agreement committed to the establishment of local pacification committees which are a type of LPC. The committees are being progressively established in North Kivu province, composed of local authorities, customary chiefs and civil society actors, along with equal representatives of all ethnic groups present in each *groupement* (a territorial subdivision). Although many efforts have been made to set up these LPCs, they will have to address a number of complex challenges.

Above all, there is significant concern that the LPCs will not be able to act impartially in view of the territorial expansion and dominance of the CNDP in return areas. Since their partial integration into the Congolese army in exchange for Rwanda's arrest of Laurent Nkunda in January 2009,



Repatriation from Zambia to Moba, Katanga, DRC, May 2009

Finally, divergent electoral and political interests – of the government of DRC, the CNDP and Rwanda – may either lead to precipitous advances or significant hold-ups in the returns process leading up to the Presidential elections in 2011, thereby threatening the autonomy and functioning of the LPCs in North Kivu.

### Returns to Equateur

A second tripartite agreement was reached in June 2010 for the return of over 115,000 refugees who fled to the Republic of Congo – Brazzaville (RoC) as a result of an insurgency which rocked the western province of Equateur starting in mid-2009. The agreement calls for an amnesty as well as the “urgent

the CNDP has quadrupled the terrain under its exclusive control and defied orders to be re-deployed outside the Kivus. Despite a formal dismantling of their much-criticised parallel civilian administration, the CNDP continues to exert control over all aspects of life in many areas still off-limits to other Congolese authorities. This reality is likely to compromise the LPCs’ capacity to achieve consensus around the returns process in an autonomous fashion.

The next critical challenge for the LPCs in North Kivu will be determining the nationality and origin of the potential returnees. After years of Rwandan backing of proxy rebel groups following its all-out occupation of eastern Congo (1998-2002), many Congolese are deeply fearful of perceived attempts to re-populate the Kivus with communities loyal to the CNDP leadership and some of its supporters in Rwanda. The CNDP and the Rwandan government have defended claims that there are over 150,000 non-registered refugees outside the camps whose potential return

will not be monitored by UNHCR which is only mandated to deal with those in camps. There have been credible signs already that CNDP officers have been facilitating the movement into the Kivus of Rwandan citizens claiming to be spontaneous Congolese returnees. While the LPCs should be able to handle the camp population, controversies about the nationality of other populations may very well overwhelm their capacities.<sup>3</sup>

Violent conflict over land will also certainly pose a significant challenge to the LPCs in North Kivu. Often at question are large farming concessions as well as smaller plots that Tutsis sold off at bargain prices in their rush to flee for Rwanda. While some spontaneous refugee returnees have peacefully re-purchased their old land, non-Tutsi farmers have been the victims of a pattern of land expropriations. While customary leaders have historically played an important role in land allocation, the CNDP now defends dubious land titles which were obtained during the war and never harmonised with traditional practice.<sup>4</sup>

establishment of an inter-community reconciliation mechanism.”<sup>5</sup> This LPC was already established in August and has achieved some progress in promoting dialogue, but it faces challenges equally as daunting as those in North Kivu.

Foremost among these will be the socio-economic tensions between the Lobala and Boba tribes which gave rise to the insurgency. The Lobala’s historic homeland is Dongo Sector but the Boba have progressively assumed administrative and economic power in the capital city of Dongo Centre. As a result, Lobala political leaders supported the rebellion in the hope of forcing the national government to make socio-economic concessions to their tribe. In late October 2009, after calling on all Boba to vacate the city, rebel forces attacked Dongo Centre, burning down half of all the homes and killing over 300 people.<sup>6</sup>

The extensive trauma and personalisation of the violence in Dongo Sector will be no easy task to overcome. Deep-seated animosities

led many Lobala residents of Dongo Centre to participate in the October attack and many fled to the RoC to hide among their families in the refugee camps. As the amnesty called for in the tripartite agreement would not cover the perpetrators of the massacres at Dongo Centre — considered mass atrocities under international law — the LPC will also struggle to mitigate the fallout of a limited exoneration for returnees.

Furthermore, despite the fact that the rebel leader, Odjani Mangbama, has already surrendered to Republic of Congo (RoC) authorities, he has not been extradited to the DRC. The Dongo LPC will additionally have to overcome entrenched patterns of dispute resolution substantially based on pay-offs to local leaders, which neglect underlying political and socio-economic issues. Finally, as Equateur province has been a bastion of political opposition to President Kabila, any intervention by the national government is potentially viewed with suspicion and mistrust.

### Limitations and keys to success for LPCs

Extensive research has demonstrated that the success of LPCs is critically dependent on a number of factors.<sup>7</sup> First, LPCs are most appropriate in settings where local government structures are too weak, politicised or lacking sufficient legitimacy to tackle intricate issues. LPCs should also only be established when the context is suitable to softer approaches to peacebuilding and where the forceful implementation of political agreements would risk inciting further conflict. As such, LPCs appear to be quite appropriate responses to complex return processes in fragile environments such as in Equateur and North Kivu.

Moreover, it is crucial that LPCs maintain a balance between moderates and radicals in their composition. Important more extreme positions must be included but tempered by community leaders who are respected across conflict lines and capable of anchoring and stabilising the dialogue process. The LPCs in North Kivu and Equateur must bolster the leadership of participants with these unique qualities.

Precisely because they rely on 'soft' power though, LPCs remain vulnerable, particularly to being co-opted or distorted by national actors and local spoilers. While some radicals can be brought on board, LPCs must expose and insulate themselves from hidden agendas aimed at undermining their independence. Similarly, ongoing efforts must be made in both North Kivu and Equateur to ensure broad local and national buy-in for the credibility of LPCs as the security and political contexts evolve.

LPCs must also be wary of establishing themselves as alternative decision-making bodies. When LPCs have been given too much power, they can easily be transformed into competitive arenas, thereby undermining their distinctive role as facilitators of dialogue and consensus. Furthermore, when national actors fail to settle explosive structural challenges, although local leaders may have unique insights, it is unrealistic to overwhelm LPCs with the task of resolving deeply-rooted causes of conflict. As such, LPCs in Congo should be wary of the extent to which they are tasked with issues beyond their means or required to deliver judgments, be they on land and nationality in North Kivu or politico-administrative arrangements in Dongo Sector.

Finally, LPCs have been seen to flourish when there is a strong peace agreement which most local actors consider to reasonably reflect their principal interests and concerns. However, neither return process in the DRC is set to take place in such a context as both rebellions were halted by the opaque surrender or capture of the principal rebel leaders by neighbouring countries. No peace deal exists in Equateur and the March agreement appears to simply be the public version of veiled promises to the CNDP.

### Conclusion

Most refugee returns require a commitment to often imperfect mechanisms to confront lingering local tensions as well as to facilitate practical aspects of the reintegration of large populations. DRC has handed significant responsibility to formal local peace structures to

mitigate and address the numerous obstacles to a durable return in both North Kivu and Equateur provinces. These include inter-community tensions, ongoing socio-political conflicts, amnesties, land conflicts and questions of nationality. The contributions of LPCs are thus critical but their roles all the more vulnerable.

The LPCs in the Congo will not be operating under ideal circumstances and consequently will require significant external support not only to provide guidance and technical assistance but also to bolster and protect them from numerous threats related to facing these challenges. While these LPCs cannot alone be expected to compensate for the shortcomings of the political contexts in which they operate, with sufficient national and international backing to mitigate certain risks they can contribute positively. They are not panaceas but LPCs in the DRC do represent important opportunities to accompany these complex returns processes.

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Reports of the Group of Experts for DRC: <http://www.un.org/sc/committees/1533/egroup.shtml>

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# Foundations for repatriation and peace in DRC

Vanessa Noël Brown

**Parties to the protracted Congolese conflict have long promoted fear of ‘the other’ and a thirst for revenge; these attitudes must be addressed if peace is to have a chance.**

In 2010 there has been a steady return of Congolese refugees from Zambia and the beginnings of an official process for the return of refugees from the camps in Burundi. Returns to South Kivu from Tanzania, however, have been at a standstill due to persistent insecurity in return zones while North Kivu’s repatriation process remains highly politicised. The return of Congolese refugees from Rwanda and Burundi is expected to be problematic given the ethnic minorities involved, and what stability currently exists may deteriorate. NGOs have an important role to play in advancing reconciliation, social cohesion and healthy relationships in refugee return zones.

This article explores Search for Common Ground (SFCG) initiatives to educate refugees and the communities in the return zones about the conditions of repatriation and reintegration, to build trust across ethnic lines, and to shift attitudes to favour the fight against sexual and gender-based violence. SFCG’s arts-based approach in disseminating conflict management skills highlights how international non-governmental initiatives can address the psychosocial needs of both returning refugees and residents alike.

In DRC, SFCG (known locally as Centre Lokolé) collaborates with 100 local partners including radio stations, youth associations, religious organisations and civil society networks. Since 2005, the Participatory Theatre for Conflict Transformation has reached 1.6 million Congolese in refugee camps and return zones in eastern

DRC.<sup>1</sup> Actors trained by SFCG in conflict transformation skills and participatory theatre techniques travel to refugee camps in Tanzania, Burundi and Zambia, as well as throughout the refugee return zones in South and North Kivu and Katanga provinces (primarily in Uvira and Fizi territories in South Kivu, Moba and Pweto in North Katanga, as well as North Kivu).

Live theatre mirrors the conflicts that the target populations have experienced and, with the

theatre performances are land/property disputes, conflicts related to assistance for returnees, inter-community tensions, rumours and manipulation, and conflicts related to pervasive insecurity and a weak state.

SFCG also produces radio and television programmes to promote peaceful reintegration of Congolese returnees in eastern DRC. These initiatives seek to impart accurate, impartial and responsible information about the repatriation process, while highlighting non-violent and collaborative approaches to conflict. A 2008 UNHCR evaluation of SFCG work around the repatriation process found that exposure to these

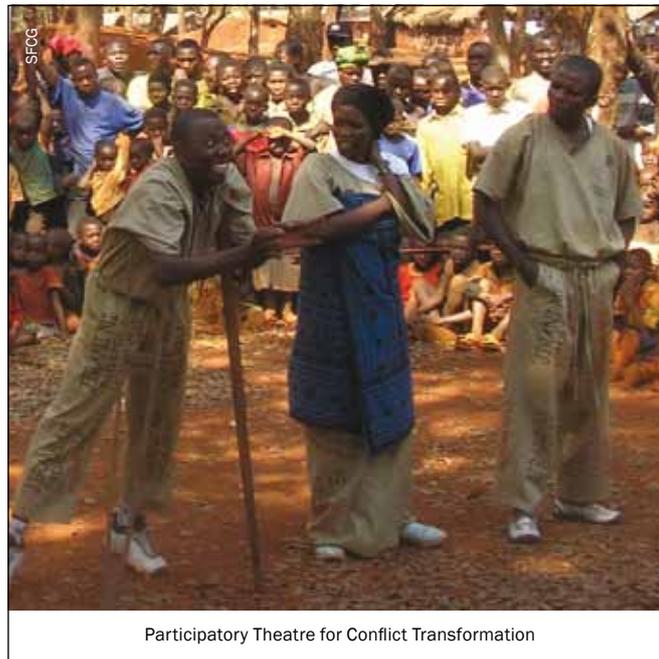
programmes led to increased knowledge of conflict resolution resources, repatriation information and non-violent methods of reconciliation including noted positive changes in attitudes related to ethnic tensions, land disputes and the integration of repatriated refugees.<sup>2</sup>

## Refugees, return and community building

SFCG’s refugee-focused initiatives are cross-border, such as the weekly radio programme *Wote Tukutane Tena* (‘We All Meet Again’), broadcast in return zones in North and South Kivu and north Katanga province, as well as on

radio stations reaching refugee camps in Burundi, Tanzania and Zambia.

Returning refugees often encounter negative attitudes by residents who remained in country, based on the perceived ‘injustice’ that the refugees benefited from assistance in the camps, as well as during their repatriation and reintegration, while residents suffered during the war and do not receive assistance. Addressing these tensions requires an approach



Participatory Theatre for Conflict Transformation

participation of the audience, the actors search for non-violent solutions to the conflicts, highlighting key information as well as collaborative attitudes and behaviour. The theatre troupes perform under the banner of *Jirani ni Ngugu* (Swahili for ‘My Neighbour is My Brother’), the name of SFCG’s popular Swahili radio drama that addresses the issue of conflict and collaborative solutions. The most common conflicts addressed through the

that highlights a common interest, focused on a shared and prosperous future involving both residents and returnees. SFCG's goat credit project, in collaboration with local partner GASAP, seeks to build trust across divided communities. The community forms a committee to determine those with the greatest needs in the community, and gives one of them a goat. The goat's offspring is given to another person also identified as needy but who comes from a different subgroup in the community. The project addresses divisions based on ethnicity and tribe as well as divisions between returnees and residents, making the goats a common point of interest across diverse identities. The project provides a model of good practice for working together as a community – not only in terms of building livelihoods but also in mediating local conflicts.

SFCG also uses media programming and cultural events to reintegrate former child soldiers and to bring youth together in refugee return zones. An SFCG team of young journalists produce a weekly show that stresses the impact of conflict on Congo's children. In 2007 SFCG organised a drumming festival in Baraka and Fizi involving Burundians and Banyamulenge alongside groups from other South Kivu tribes. In 2008 the drumming festival brought together 100 Rwandan, Burundian and Congolese of North and South Kivu for a tour through Rwanda and North and South Kivu.

### Combating gender-based violence

An April 2010 Harvard/Oxfam study conducted in South Kivu highlighted the fact that beyond widespread military rape, civilian perpetration of sexual violence is now recognised as a major problem.<sup>3</sup> It found that between 2004 and 2008, reports of military rapes decreased by 77% but in the same period there was a staggering 1,733% increase in the number of civilian sexual assaults reported.

SFCG uses radio and television production, participatory theatre and sensitisation approaches with the Congolese army to combat sexual and gender-based violence. In addition, it uses a mobile cinema project to reach hundreds of thousands of people in refugee return zones, projecting the film 'Fighting the

Silence' to large crowds and small groups.<sup>4</sup> By early 2010 the film had been shown before some 400,000 people in North and South Kivu and north Katanga provinces. The film clarifies key issues around rape and sexual violence, explaining the 2006 law to combat sexual violence. Facilitated discussions after the screenings address attitudes which often favour impunity, complicity or rejection of rape survivors. The film's four versions target a mass audience, a youth audience, couples, and political/military authorities.

Surveys of audience members before and after the film show a marked gain in knowledge and shift in attitudes. Following a screening in Uvira for the military, for example, a soldier commented, "For me this mother [who testified] looks like my mother. I feel an incredible pain after what happened to her... it is necessary that the law be respected and applied to everyone [regardless if he is military or civilian]."

The screenings complement a larger civilian protection project implemented by SFCG in collaboration with FARDC, the national army which is consistently denounced for its abuses against civilians. The project trains committees within brigades and battalions in five provinces, equipping them with multimedia interactive educational tools to use within their units.

Although eradication of sexual violence in Congo is an uphill battle, shifting soldiers' attitudes towards rape is an essential component in changing social norms. In 2009 SFCG conducted a survey of 300 civilians and 100 soldiers in Goma to measure the impact of participatory theatre and other sensitisation sessions conducted in partnership with the Congolese army. In one instance, a military-civilian theatre troupe performed sketches about human rights violations and conflicts within their unit, after which 72% of the soldiers surveyed said that they identified with the conflict and 96% said they had subsequently applied its lessons. In response to why the theatre sessions left lasting impressions compared to standard military parades where the commander gives orders to the

soldiers, one-third of respondents said it was because it was "practical" while one-sixth of soldiers said that it touched their conscience more than simply receiving orders.

### Foundations for sustainable peace

Peacebuilding involves numerous overlapping elements. By listening to SFCG-produced radio programmes and watching participatory theatre performances, refugees return to their communities equipped with improved conflict resolution skills to address the challenges they will inevitably face upon their return home. SFCG's approaches address the psychosocial reintegration of refugees. Many obstacles remain – such as the skills shortage among local radio journalists as well as limited support for initiatives specifically targeting reform and training within the Congolese army and police force – but progress is being made. If we are to build a foundation for sustainable peace, returnees and residents alike need to be supported in establishing strong collaborative communities.

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1. SFCG has 6 offices across DRC with 70 Congolese staff. Programme examples were provided by SFCG-DRC Country Director Lena Slachmuisjilder and Projects Manager Mike Jobbins.

2. Gordan, G, 'UNHCR Evaluation of SFCG Programming in the DRC': <http://www.sfcg.org/sfcg/evaluations/drc.html>

3. [http://www.oxfam.org.uk/resources/policy/conflict\\_disasters/sexual-violence-drc.html](http://www.oxfam.org.uk/resources/policy/conflict_disasters/sexual-violence-drc.html)

4. IF Productions <http://www.ifproductions.nl/fightingthesilence/>

### Toolbox

SFCG has developed a broad array of operational methods, including well-known conflict resolution techniques, such as mediation and facilitation, and less traditional ones, such as TV productions, radio soap opera and community organising. We have found that employing several tools at the same time increases their overall effectiveness.

More information, and links to training materials, can be found at:

<http://www.sfcg.org/programmes/drcongo/tools.html>

# What hope for IDPs in a new Sudan?

Taghrid Hashim Ahmed

**The most probable outcome of the 2011 referendum is that Southern Sudan secedes from the North, breaking Sudan into two independent nation states.**

The last of Sudan's civil wars between the North and the South ended in 2005 with the Comprehensive Peace Agreement (CPA). The wars have caused the displacement of more than four million people and the death of more than two million Southerners. The CPA mandated both North and South to make unity attractive, while also paving the way for the South to hold a referendum to decide whether to secede. However, there will be numerous challenges during the preparations for the referendum and after any secession. The two particular questions that need to be addressed are whether all the internally displaced persons (IDPs) in Khartoum will have the chance to vote, and what their citizenship will be after secession if that is the outcome.

## Voting in the referendum

The population statistics deriving from the 2008 census in Sudan will be used to determine how power and wealth are to be distributed if and when secession is realised. To ensure a proportionate distribution, all individuals from southern Sudan should have been counted, including displaced persons in the camps in and around Khartoum. The Central Bureau of Statistics (CBS) stated that Southerners constitute 21.1% of Sudan's total population compared to 78.9% of Northerners.<sup>1</sup> The figure of 21.1% has been contested by the First Vice-President Salva Kiir, a Southerner, who suggests that over 33% is a more accurate estimate.

One reason for the low numbers is that many IDPs in camps and squatter areas around the capital were ignored. In May 2009 the CBS announced that only 520,000 southern Sudanese live in and around Khartoum compared to the 2 million estimated by the southern Sudan People's Liberation Movement (SPLM). A survey completed by Tufts-

IDMC in 2008 estimated that between 1.3 and 1.7 million IDPs mainly from the South live in Khartoum among the other communities.<sup>2</sup>

It is crucial to emphasise that only about a third of the southern Sudanese IDPs living in Khartoum were registered to vote in the 2010 elections, as only a third of them were considered to exist according to the (Northern) National Congress Party (NCP). The key question now is: will all 1.3 million or more IDPs be registered to vote in the referendum?

Guaranteeing all southern Sudanese a chance to vote will be costly and in some cases impractical as both sides are reluctant to finance or manage the logistics. Both sides need to ensure that there will be enough registration and polling stations in and around Khartoum to hold a fair referendum. However, a fair referendum may not be to the advantage of either side. The SPLM fears that many IDPs may in fact vote for unity if they have security in the North in terms of jobs and education. In September 2006, the International Organization for Migration discovered that 25% of IDPs in the North had no intention of returning to the South and the number of Southerners in the North is ever increasing.

On the other hand, the NCP is concerned that if the IDPs are encouraged to resurrect memories of the suffering and ill-treatment that was imposed on them for several decades by the North, they will vote for secession and this will lead to a tighter control of resources by the South, which would not be welcomed by the North.

Recognising the need for equitable wealth sharing, the CPA mandated that wealth allocation "shall be based on the premise that all parts of the Sudan are entitled to development".

In reality the current regime has yet to keep its promise and deliver equal shares of oil revenues in particular. The revenue is required for capacity building in the South; without it Southerners who may choose to return will have nothing to return to. Infrastructure and socio-economic security and stability need to be in place before they can enjoy the effects of independence and secession. Returning IDPs may not be guaranteed jobs and their children may not have access to education.

## Citizenship

If South Sudan secedes from the North, it will not be the first time in recent years that an African nation faces a citizenship crisis. Comparisons can be drawn with the Eritrea-Ethiopia experience. As a result of a referendum, Eritrea peacefully seceded from Ethiopia in 1993 with both sides agreeing to respect the rights of citizens living on either territory by issuing dual nationality.<sup>3</sup> In Sudan no such agreement has been reached thus far. In 1998, however, a conflict over borders led the Ethiopian government to expel and deprive many Eritreans of citizenship as a vote for the referendum was considered a vote for repatriation to Eritrea. Eritrea has also expelled and denationalised those of Ethiopian origin. Nevertheless, irrespective of being treated as foreigners and second-class citizens with no protection of their rights, and ultimately stateless, many of each nationality decided to remain in the other's territory.

It is difficult to assess at this point whether or not the Southerners will be expelled from the North and vice versa if there is secession. It has been suggested by high-ranking officials that, despite it being contrary to the CPA, Southerners in the North who vote for secession will not be entitled to citizenship of North Sudan.

And if the Southern IDPs choose to remain in the North, they will

continue to live under *shari'a* law as the NCP has no intention of governing a secular Sudan. There is some question of the extent to which the Southern non-Muslims' human rights will be protected, especially if they end up having to live as 'foreigners' in the North.<sup>4</sup>

Sudan has not ratified the 1961 Convention on the Reduction of Statelessness, and therefore it has no international obligation as a contracting state to ensure that Southerners can acquire Northern nationality and not be denied it "on racial, ethnic, religious or political grounds". Religious and ethnic tensions may arise, and it is not inconceivable that certain groups will resort to violence. There has been no public discussion as yet of any contingency plans to counter violent eruptions or new conflicts.

As the CPA was designed to promote unity, there is no indication as to what citizenship the displaced Southerners could acquire. To date neither the North nor the South has declared what citizenship people of the new Sudan would be entitled to. If the people who originate from the South cannot choose their own citizenship – i.e. Northern or dual citizenship – they may become stateless if they decide to remain in the North. They may not even be entitled to refugee status if the cessation clause is applied. Southerners will not be eligible to apply for refugee status



In Aweil, Bahr el Gazal, returnees to southern Sudan are enrolled in farmer field schools and farm cooperatives. "...in the North we were only working as labourers on others' farms," said Chol Luka Wol Wol, who attends a returnee farmer field school near the border. "Now we work our own farms." In December 2009, Wol had organised 24 other families and walked for 15 days to Aweil. "We [thought if] Southern Sudan would break [away] we would not get a place to stay in the North," he said.

as secession would mark the end of their struggle and of the conflict, in which case they no longer have a well-founded fear of persecution.

If UNHCR decides to adopt the policy of cessation and classify Southerners in the North as a group that is no longer in need of protection, then the international community should at least offer durable solutions in the South. If forced to repatriate, Southerners will have great need of homes, livelihoods and a sense of community.

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1. See October 2010 *CPA Monitor* p12, 103. <http://tinyurl.com/CPAMonitor-Oct2010>

2. <http://tinyurl.com/Tufts-IDMC-Khartoum>

3. See article by Katherine Southwick on 'Ethiopia-Eritrea: statelessness and state succession' in FMR 32 at <http://www.fmreview.org/FMRpdfs/FMR32/15-17.pdf>

4. As of November 2010, UNHCR had been in discussion on a range of issues with both Southern and Northern leaders, the African Union and UNMIS but had not been asked to participate formally as an expert adviser in the working group on citizenship. See also [http://untreaty.un.org/ilc/summaries/3\\_4.htm](http://untreaty.un.org/ilc/summaries/3_4.htm) for the International Law Commission on 'Nationality in relation to the succession of states'

## Rumour versus information

Adam Saltsman

**Central to Iraqi refugees' efforts to resolve the question of their immediate future is their access to good information about resettlement and return.**

A study conducted in Jordan in 2009<sup>1</sup> shows that a lack of information and transparency contributes to a dynamic of despair among the displaced and exacerbates conditions that motivate them to give credence to hearsay in making decisions about their future.

Regional governments in the Middle East firmly assert that local integration is not an option

for Iraqi refugees. Yet according to the findings of the study, answers to queries about the resettlement adjudication process, conditions in countries of resettlement, and the reality awaiting repatriating Iraqis do not flow freely. Those who manage these durable solutions – UNHCR, IOM, embassies and government departments – are hesitant about refugees being informed about such issues, particularly when it comes to

resettlement. They feel that a greater flow of information could pose challenges to managing the refugee population and could give rise to increased numbers of fraudulent resettlement claims. While mass information campaigns have been used as a tool to mobilise refugee communities toward repatriation or local integration,<sup>2</sup> this strategy is less used to inform about resettlement.

To the agencies that facilitate durable solutions for Iraqis in the Middle East, information about resettlement and about repatriation are unequal

in their political sensitivity. While information about repatriation is sensitive in that, if incorrect, it could endanger a returnee, some see information about resettlement as potentially threatening the integrity and stability of the screening process.

Embassies in particular express concern that detailed knowledge among Iraqis about the conditions in different countries of resettlement would encourage them to make comparisons and then pursue their ideal, despite the fact that refugees do not have a choice over which country UNHCR refers them to. At the same time, UNHCR has a policy not to inform excluded Iraqis that they will not be referred for resettlement.

### Providing information

Iraqis displaced in the urban areas of Syria, Jordan and elsewhere in the Middle East have access to a variety of media, and families often congregate around the television for news about home. TV advertisements may appear in the near future, updating Iraqi refugees about the option of return. For now, though, some NGOs have initiated efforts to print flyers and create Facebook pages to spread awareness among Iraqis about the repatriation programme supported by the Iraqi Ministry of Displacement and Migration.

The question remains as to whether Iraqi refugees give credence to this information when it is seen as coming from sources that they may not trust, such as the Iraqi government or humanitarian or UN agencies. While there are no mass information campaigns in the context of Iraqi displacement that deal with the topic of resettlement, 80% of this study's respondents had approached UNHCR, IOM or various embassies to attempt to learn more about conditions in countries of resettlement and the resettlement process.

Despite the numbers of Iraqis being resettled, a large number of those displaced are still uncertain about their immediate future and have been for years. Different rumours circulate amid different communities and there are no programmes that reach out into urban neighbourhoods to monitor the changing dynamic of

refugees' queries about their options for the future.

As examples, during the interviews on which this article is based, 20% of all respondents claimed to believe or to have heard rumours that the more one exaggerates one's story during a resettlement adjudication hearing, the more likely one is to be accepted for resettlement. The most common set of rumours involved the fear that Iraqi refugees would be cut off from assistance and would then be forcibly returned to Iraq. Nearly 40% of respondents had heard negative rumours about life for Iraqis resettled in the United States. Several respondents cited rumours about mistreatment of those who return.

The primary sources of information were other displaced Iraqis in their community, followed by information from Iraqis who had already resettled, who had repatriated, or who had remained in Iraq. As a result, knowledge among respondents tended to be more accurate about extremely local issues such as the conditions on the streets in Baghdad in areas where relatives lived or neighbourhoods in particular American towns where friends had resettled; more general information was less accurate.

### Information provision in an urban setting

Not all of the challenges to providing information are specific to an urban setting. In protection guidelines for camp contexts, UNHCR cites many of the same challenges.<sup>3</sup> However, information provision to refugees in an urban setting does require a different set of strategies from those commonly used in camp settings.

Information activities dealing with resettlement can try to avoid contributing to the rumour mill as much as possible by disseminating knowledge through more intimate means, such as counselling sessions, dialogue groups attended by information experts, and information resource centres open to all Iraqis. While making more transparent the details about the resettlement process and conditions in different resettlement countries, one-to-one sessions with counsellors or advocates must also instil awareness in refugees of the risks

involved in resisting the standard resettlement referral process.

With communities of Iraqi refugees divided and often far from UNHCR offices, outreach requires careful strategies, and the diffuse dynamic of urban refugee situations requires an outreach effort that extends beyond the capacity of UNHCR alone. Mass information campaigns are required but both humanitarian and advocacy NGOs have a role to play for more individualised, smaller-scale arenas for information provision. Humanitarian NGOs typically are in regular contact with large numbers of Iraqis and these organisations can incorporate the task of providing information into their existing structure. Case managers from humanitarian organisations can receive new queries as well as distribute accurate details about durable solutions to large numbers of people. Such NGOs also often collaborate with refugee-led organisations, which may be more aware of information needs and which may be able to disseminate important details more widely than international NGOs. Advocacy groups playing the role of official representatives in the adjudication process may be better equipped to give more direct and concentrated legal advice to smaller numbers of refugees; these groups are also well positioned to call for greater transparency from those international bodies managing the durable solutions process.

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The opinions expressed in this article are solely those of the author and do not reflect those of CARE or any other organisation mentioned.

1. Adam Saltsman, 'Facing an Uncertain Future: Improving CARE's capacity to provide displaced Iraqis in Jordan with information on resettlement and return', November 2009.

2. UNHCR has supported a diversity of information campaigns in many rural and urban displacement contexts, such as Thailand and Africa's Great Lakes region.

3. UNHCR, 'Operational Protection in Camps and Settlements: A reference guide of good practices in the protection of refugees and other persons of concern', Solutions and Operations Support Section, Division of International Protection Services, 2006. <http://www.unhcr.org/448d6c122.html>

# The displaced also protest

Freddy A Guerrero and Estefanía Vanegas

**Displaced people in Colombia are resorting to mass demonstrations to persuade their government to assume its responsibilities towards them.**

Decades of armed conflict in Colombia have displaced more than three million people, primarily in rural areas – indigenous communities, people of African descent and small farmers. In 2009 the national forum of the Constitutional Court of Colombia, in a sitting following ruling T-025 of 2004 that declared displacement to be an “unconstitutional state of affairs”, declared that the state’s response to the crisis had been neither integrated nor coordinated. Particular attention was called to issues of access to rights among the displaced population including the problems of restitution of land, home and income.<sup>1</sup>

Given the lack of effective action by the state, displaced people have resorted to collective actions – known as ‘de facto procedures’ – such as protests and occupations in order to raise awareness of their situation and to demand fulfilment of their rights.

The action that gained the most media coverage was the occupation in 2009 of the Tercer Milenio (Third Millennium) Park in the country’s capital, Bogotá. The occupation involved 2,000 displaced people from all over the country and lasted for six months, ending only – on 2 August – when protest leaders signed an agreement with the government and the Mayor of Bogotá that included commitments on economic support and access to livelihood projects.

On 21 July, in the southwest of the country, protesters in the district of Buenaventura took over buildings belonging to the district government’s Unit for Attention and Guidance of displaced persons, following its failure to fulfil economic aid commitments made by national government and in protest against its poor treatment of displaced people of African descent. Nemesio Quinto, one of the leaders, said: “We need help to reintegrate displaced people into society. We are still in the same condition as in 1998; we live in total

poverty.”<sup>2</sup> The occupation lasted 11 days until an agreement was finally signed with Acción Social<sup>3</sup> and the Mayor’s Office of the municipality of Buenaventura, where these two institutions made commitments to provide the necessary assistance.

Around the same date, 23 July, some 500 displaced families occupied land in Santa Marta (capital of the department of Magdalena), demanding their right to housing but also complaining of a lack of care and delays in the provision of subsidies and aid. The occupation lasted a month, during which time the police attempted to remove them on two occasions. When an international agency started negotiations to build some homes, the Mayor’s Office of Santa Marta opposed their plans, stating that no land was available and that the displaced people had taken this property from a coal company. It appeared, however, that “existing documents indicate that the Mayor’s Office currently owns that land although [Colombian coal company] Prodeco is interested in establishing a dry coal depot on the site.”<sup>4</sup>

In Medellín (capital of the department of Antioquía), on 29 August several displaced people occupied the cathedral demanding humanitarian aid and access to land and education. The occupation lasted just one day before an agreement was reached with Acción Social for them to leave the cathedral and meet for further discussion of their demands. “We have resorted to de facto procedures to make them listen to us,” said Francisco Eugenio Pedroso, one of the leaders.<sup>5</sup>

Those demonstrating have usually exhausted the legal pathways open to them and are acting from desperation. These protests seem to have achieved little in the long term, however. Although the protests may have increased awareness of the problems faced by the displaced, it is fairly clear that negotiations with the protest leaders aimed only to remove them and to return the occupied locations in the cities to ‘peace’ and ‘security.’ The ‘solutions’ provided for the protesters were aid-based and did nothing to tackle the underlying problems such as the re-establishment or restitution of land, access to housing and income generation. National government needs to do far more if these issues are to be resolved, people’s rights respected and people’s livelihoods restored.

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1. ‘Manejo del desplazamiento por parte de Acción Social recibió críticas de la Corte Constitucional’, *El Tiempo*, 11 July 2009.

2. ‘Buscan salida a protestas de desplazados’, *El País*, Cali, 27 July 2009, Adonay Cárdenas.

3. The government body responsible for coordinating care for displaced people in the country.

4. Boletín No. 11, Codhes, July-August 2009.

5. ‘Desplazados salieron de la Catedral Metropolitana de Medellín tras lograr un preacuerdo’, *El Tiempo*, 1 September 2009.



March for the victims of conflict in Colombia, Bogotá, 6 March 2008

# Safe and suitable return for women fleeing conflict in Liberia

Victoria Ijeoma Nwogu

**When women migrants return, they can face daunting challenges to re-integration but they can also contribute to development and transforming societies.**

Fourteen years of civil war in Liberia displaced an estimated one-third of the population both internally and as refugees to neighbouring West African countries, Europe and America. Since the war ended in 2003, a large proportion of Liberians have returned home either voluntarily or through assisted repatriations. Women face a myriad of particular challenges in the return process, and their needs are as varied and complex as the reasons for which they migrated in the first place. However, return and reintegration programmes generally approach women's needs from the perspective that they are victims of systems, thereby inadvertently denying their agency as rights holders. We need to ask how receiving societies can best adapt in order to accommodate the needs and rights of returning women and to guarantee them an enabling environment for participation in development.

Post-war situations find women increasingly becoming heads of households yet receiving little recognition or consideration as such; they do not have the same rights to property, land or capital as men and have to struggle to provide for their families with neither the requisite means nor the right to acquire them. Women may have been combatants or been used to serve combatants; they may also have suffered sexual and gender-based violence (SGBV), especially rape, during conflict. The incidence of SGBV remains high in Liberia due to a culture of impunity. Women affected by SGBV may have concerns about whether the perpetrators of violence against them have been brought to justice or whether they remain a threat to their safety and survival in the same communities.

Returning women also have particular health needs which may

be as basic or complex as sexual and reproductive health and the need for healing trauma arising from negative experiences of war. Women who were raped or suffered some form of sexual violence or sexual exploitation (and possibly infected with HIV/AIDs) are often stigmatised and left with little or no access to services upon their return to their home communities. In addition, they may suffer from the abrupt change in roles and status between their life in displacement and their return to pre-existing gender relations. There can also be a conflict of cultures between a perhaps more liberal culture experienced while they were part of the diaspora, which remains an integral element of the returnee woman migrant's reality, and the usually patriarchal culture in their home society.

## Transitional justice

In Liberia the UN Development Fund for Women (UNIFEM)<sup>1</sup> has initiated groundbreaking work in the field of transitional justice and gender in partnership with the Truth and Reconciliation Commission (TRC), the Women's NGO Secretariat of Liberia (WONGOSOL), the International Centre for Transitional Justice (ICTJ),<sup>2</sup> the Open Society Initiative for West Africa (OSIWA)<sup>3</sup> and the Urgent Action Fund<sup>4</sup>. They have held a series of regional community dialogues to extend both the concept and the reach of the TRC and transitional justice to women in communities, many of whom had been refugees or internally displaced due to the war.

This project shows how deepening and extending engagement with women around the transitional justice process enables them to understand and participate in the peace process more substantively. In drawing attention to the immediate needs of women, it has brought transitional justice mechanisms to

women at the community level. It has created a sense of value and care for the women who had not been able to perceive that their own healing was essential to the healing of the nation.

A Government of Liberia-led project, supported by UNFPA and funded by the Government of Denmark, is set to change the situation of impunity for perpetrators of SGBV by setting up and fully equipping a special court to quickly and adequately hear SGBV-related criminal proceedings. The project will also help build the capacity of legal professionals and court officials working in the special court. The court is equipped to conduct in-camera trials involving rape cases, allowing for protection of the identity of the victim and witnesses in accordance with international standards.

## Economic rebuilding

The decision to return may hinge on the probability of recovering lost properties, incomes or being able to forge new means of survival. The presence of economic recovery programmes and access to them by returning populations, especially women, is vital to ensuring sustainable re-integration. Programmes addressing economic needs should not only focus on providing new skills but should also consider providing more individualised services to help migrants recover or revive already learned skills, former businesses, jobs or professions, and add value to enterprise.

Under the World Bank's Results Based Initiative<sup>5</sup> UNIFEM is implementing a project for farmers to bring basic technology and skills to several villages in Nimba, the second most populous county in Liberia. The Ministries of Gender and Development, Agriculture and Internal Affairs, UNIFEM, the World Bank, the International Centre for Research on Women (ICRW),<sup>6</sup> the UN's Food and Agriculture Organization and UNESCO are

working together with the Ganta Concern Women Group (GCWG) to help transform small-scale cassava production into a sustainable agro-business enterprise. Under this project, cassava is grown in communal plots provided by the community for exclusive use of GCWG members. Previously, farmers grew cassava in individual plots and sold the tubers in raw form as soon as it was harvested, earning only marginal profits. This particular project involves the farmers' organisation in the adoption of improved methods of planting and harvesting of cassava, including processing the tubers prior to sale, plus training in basic literacy. It is helping hundreds of women to gain greatly by adopting slight changes to how they grow and sell cassava, the biggest cash crop in the region. This project is benefitting 525 female and 26 male farmers (all members of GCWG) in 11 villages and communities.

The project aims to demonstrate that investment in women can contribute significantly to the growth of the cassava industry in Liberia and to poverty reduction at the household level – and that women's economic empowerment projects can contribute to positive changes in gender relations at household and community levels. It is hoped that the government will learn from the outcome of the intervention and incorporate such lessons into their policy strategies for poverty reduction.

### Political needs

Under-representation of the voices and perspectives of returnee women migrants in decision making is an issue that needs to be addressed urgently and pragmatically. This issue has implications not only for returning migrants but also for the wider society in terms of ensuring cohesion, tolerance and peaceful co-existence.

A good recipe for promoting political participation for women returnees is through self-organising. A self-organised group (of women) is any group that comprises women with direct experience of the issue they are working on.<sup>7</sup> The main benefit of self-organising in promoting political participation for women lies

in creating social networks through which lived experiences of social exclusion can be harnessed as a valuable resource to help others in the same situation. It provides the opportunity for members to take on new social roles and contribute to individual and collective learning. Hence women are able to gain self-confidence in taking action and, with the benefit of strong, supportive communities, can assert their right to participate and influence their situation.

The contribution of the Women in Peacebuilding Network (WIPNET) to ending Liberia's civil war and building democracy is a good example of how self-organised women's groups can drive and sustain change in attitudes and norms, thereby creating space for women's engagement in decision-making during conflict and also in times of peace. Through their Mass Action for Peace campaign – using strategies of non-violent resistance – WIPNET and sister organisations (MARWOPNET and Liberian Women's Initiative) in Liberia and in the Liberian diaspora mobilised women across religious, ethnic and political affiliations to mount pressure on the government and rebels to negotiate an end to hostilities in 2003 and on the international community to intervene more concretely to end the conflict and begin rebuilding. Using UN Security Council Resolution 1325<sup>8</sup> as their guiding framework they demanded and gained the inclusion of women in peace negotiations and post-conflict Disarmament, Demobilisation, Rehabilitation and Reintegration and in rebuilding not only by government but also by the UN and other international entities.<sup>9</sup>

Experience gained in self-representation and leadership in dire situations can be transformed into valuable tools for engagement in broader political processes. In the lead-up to the 2005 elections in Liberia, WIPNET and its partners intervened in the voter registration

exercise to respond to the challenge of low voter registration of women in order to ensure the participation of women as voters and as candidates. Their efforts, supported by UNIFEM



Women farmers from the Ganta Concern Women Group inspect their cassava crop.

and other development partners, culminated in the election of the first female President in Africa, increased numbers of women in parliament and increased representation of women in Cabinet, a strong Ministry of Gender and strengthening of women civil society.

### Recommendations

- Ensure reintegration programmes include provision for specialised care and counselling for returning women migrants who have suffered SGBV.
- Bring the voices of women into truth and reconciliation processes.
- Individualise return and reintegration programmes as much as possible to eliminate specific threats to the safe return of migrant women to their home community.
- Provide training for returning migrant women in developing and managing community-based programmes – including businesses.

- Address barriers to women's access to capital.
- Enable returning migrant women to return to their previous professions before involuntary migration was forced on them.
- Encourage the formation and formalisation of self-organised groups of returnee women and provide them with technical support to understand their situation, claim their rights and achieve self-representation; provide them with training in advocacy and negotiation with government/authorities and in democratic practices.
- Understand the role of NGOs/ the international community as that of supporter rather than driver or owner; the self-organised

group should ultimately retain decision-making power.

The reintegration of returnee women migrants in society not only helps to give the women psychological, economic and social stability but also has wider positive impacts on society. The consequences of non-integration are obvious and a society which is just coming out of a crisis or a war can ill afford them. The social, political and economic needs of returning women migrants intersect – and meeting those needs can have an important impact on the stability of peacebuilding and consolidation processes. Approaches to these needs must therefore be comprehensive and multidimensional.

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A longer version of this article was presented at the Panel on Migration at the International Colloquium on Women's Empowerment, Leadership, Development, Peace and Security in March 2009 in Monrovia, Liberia.

1. <http://www.unifem.org/> Now part of UN Women <http://www.unwomen.org/>

2. <http://www.ictj.org/en/index.html>

3. <http://www.osiwa.org/?lang=en>

4. <http://www.urgentactionfund.org/>

5. [http://www.unifem.org/attachments/products/rbi\\_brochure.pdf](http://www.unifem.org/attachments/products/rbi_brochure.pdf)

6. <http://www.icrw.org/>

7. As defined by the Global Alliance against Traffic in Women (GAATW).

8. UNSCR 1325 requires all actors involved to adopt a gender perspective when negotiating and implementing peace agreements in areas like repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction.

9. The Golden Tulip Declaration of Liberian Women Attending the Peace Talks in Accra, Ghana, 15 March 2003 <http://tinyurl.com/Golden-Tulip-Declaration>

# The Kampala Convention and protection from arbitrary displacement

Maria Stavropoulou

**The Kampala Convention breaks new ground in elevating the right to be protected from arbitrary displacement to a binding legal norm.**

A striking feature of the African Union (AU) Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention)<sup>1</sup> is that it goes beyond the scope that its title implies in that it also contains the right to protection from arbitrary displacement. This includes both internal displacement and displacement across international borders. The Convention, whether inadvertently or not, thus complements the 1951 Convention on the Status of Refugees.

Article 1 of the Kampala Convention defines both 'internal displacement' and 'arbitrary displacement' but these two terms overlap only partially and may differ in nature. Internal displacement, according to the Convention, may be the result either

of arbitrary displacement as defined in Article 4, or of other causes of involuntary movement (for instance, a natural disaster), where the persons remain within internationally recognised state borders. It is then the situation in which such persons find themselves which triggers the application of all other provisions of the Convention, rather than a 'human right'. Arbitrary displacement, on the other hand, is defined in Article 3 of the Convention in traditional human rights terms, putting the onus on States Parties to refrain from, prohibit and prevent arbitrary displacement of populations, and adding details in respect of causes of such displacement by the state itself or non-state actors.

Article 4 proclaims that "all persons have a right to be protected

against arbitrary displacement". It requests states to respect their obligations under international law, including human rights and humanitarian law, so as to prevent and avoid conditions that might lead to arbitrary displacement and provides for a continent-wide early warning system.

The prohibited categories of arbitrary displacement include the following:

- displacement based on policies of racial discrimination or other similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the population
- individual or mass displacement of civilians in situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand, in accordance with international humanitarian law

- displacement intentionally used as a method of warfare or due to other violations of international humanitarian law in situations of armed conflict
- displacement caused by generalised violence or violations of human rights
- forced evacuations in cases of natural or human-made disasters or other causes if the evacuations are not required for the safety and health of those affected
- displacement used as a collective punishment.

Article 4 goes on to make special provision for communities with special attachment to, and dependency on, land (such as indigenous people or pastoralists). It concludes by calling on AU Member States to declare acts of arbitrary displacement that amount to genocide, war crimes or crimes against humanity offences punishable by law.

The Kampala Convention has been heavily influenced by a 'soft' instrument of international law, namely, the Guiding Principles on Internal Displacement, which are today considered by many as international customary law.<sup>2</sup> The Kampala Convention follows the same three-phase approach as the Guiding Principles. The first part deals with protection from arbitrary displacement, the second with the rights of the displaced during their displacement and the last with the identification of solutions for the internally displaced.

A comparison between the Kampala Convention and the Guiding Principles as regards the right to be protected from arbitrary displacement reveals a number of differences. The Convention is more specific on individual accountability issues and the accountability of non-state actors, in particular multinational companies and private military or security companies. It has a more analytical approach as regards displacement in the context of armed conflict and also places more emphasis on displacement resulting from the exploitation of economic and natural resources and

development projects. Furthermore, it calls for the establishment of disaster preparedness and management measures to help prevent or mitigate displacement.

In the development of the Guiding Principles, the legal analysis concerning protection from arbitrary displacement<sup>3</sup> contained a review of the international legal context, including all principles related to violence and threats affecting life and personal security, discrimination, implantation of settlers, evictions and loss of land and housing, negative impact of development projects, damage to the environment and the obligations of non-state actors. It also included a comprehensive examination of all principles relating to freedom of movement and choice of residence, protection from interference with one's home, the right to housing, the prohibition of forced movements in emergencies including in situations of armed conflict, and the prohibition of genocide.

This legal analysis concluded that an explicit prohibition of arbitrary displacement was contained only in international humanitarian law and in the law relating to indigenous peoples. In human rights law, by contrast, this prohibition was only implicit in various provisions, in particular the right to freedom of movement and choice of residence, freedom from arbitrary interference with one's home and the right to housing. These rights, however, did not provide adequate and comprehensive coverage for all instances of arbitrary displacement, as they did not spell out the circumstances under which displacement was permissible. Therefore, the analysis suggested that "it is necessary to define explicitly what is at present inherent in international law – a right to be protected against arbitrary displacement. In particular, this should specify the impermissible grounds and conditions of displacement, and the minimum procedural guarantees that should be complied with should displacement occur." This is what Guiding Principles 5 to 9 set out to do.

In the earliest debates on the question of whether a right not to be

displaced or a right to remain should exist or not, some scholars argued that such a right would provide governments of developed countries weary of refugees with a pretext for increased efforts to contain them in their countries of origin. The Guiding Principles foresaw this and explicitly provided that nothing in them should compromise obligations under international refugee law.

The Kampala Convention has elevated the right to be protected from arbitrary displacement contained in the Guiding Principles to a binding legal norm. While it is only a regional instrument, it is nevertheless indicative that States have recognised this right because there was a legal gap that needed to be filled. International human rights and humanitarian agencies and NGOs have a new advocacy tool to help them address the causes of displacement. Respect for and implementation of this young right would go a long way to reducing refugee flows and internal displacement.

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1. <http://tinyurl.com/KampalaConvention>. See also <http://www.fmreview.org/urban-displacement/FMR34/53-55.pdf>

2. <http://www.idpguidingprinciples.org/>. See also <http://www.fmreview.org/GuidingPrinciples10.htm>

3. <http://tinyurl.com/Arbitrary-displacement-legal>

### **Making the Kampala Convention work for IDPs**

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# The pervertibility of refugee status

Ana Paula Penchaszadeh

**The desire to categorise all those seeking refuge throws up continuing challenges to traditions of hospitality and to the realisation of migrants' rights.**

There are two types of problems associated with international refugee rights: 'formal' problems referring to the definition of legal concepts relating to refugee status, refuge and asylum; and 'practical' problems linked to implementation of these rights by nation states. On the first question, it is necessary to ask why and how 'refugee status' limits the right to hospitality, as understood by 'asylum'. While asylum has been a practice and a right founded in pre-state customs which can be traced back to ancient traditions, refuge as a legal status was created with the Convention on the Status of Refugees (1951). This change of emphasis, from asylum to refuge, has led to a transformation in the reality of hospitality itself.

The right to refuge is conditional in nature. The UN system instituted the notion of 'refugee status' to define and determine who can gain access to temporary protection, thus abandoning defence of the unlimited and inalienable right to movement and settlement. The definition of refuge promoted by the UN thus leaves a set of fundamental problems associated with hospitality to foreigners (in its fullest sense) in the shadows. This 'binding' international protection system does not defend the human right to migrate and settle but assures the sovereign right to produce refugees, placing the right to receive above the right to be received.

The facility to grant refuge is jealously guarded by states, as part of their sovereign privilege. Universal rights and the international legal framework to protect and validate the right to be a member of a political community do not yet have the legal power to unconditionally guarantee either migration or settlement<sup>1</sup>; the best evidence of this can be seen in the proliferation in recent decades of the restrictive

mechanism of detention, founded on the criminalisation of asylum seekers, illegal immigrants and refugees.

The big problem is not so much that states pervert the sense of international refugee law in practice (although in fact they do) but that the legal structure and definition of this contain the latent possibility of perverting its spirit. In order to understand how it is possible that the rights associated with the right to refuge can contain within themselves their own 'pervertibility', the seed of their own destruction and the possibility of culminating in detention, emphasis must be placed as much on the reasons for inclusion as on those for exclusion within the parameters of the legitimate defence of sovereignty (national security and maintenance of public order).

Refugees, alongside the stateless, asylum seekers and the internally displaced, are categories of foreigners who find themselves under the international protection of UNHCR, part of what in recent decades has become known as 'forced migrations'. But what counts as forced or involuntary in the UNHCR framework? The definition would appear to be very clear. The forced or involuntary nature of these migrations refers to a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion." The definition of refugee hides a 'liberal prejudice' according to which it is possible, desirable and legitimate to differentiate political, religious, ethnic, cultural and sexual issues from economic and social issues. The illusory nature of the distinction between forced and other migration is clearly manifest in the conundrum – for those who wish to ensure the protection of refugees – of 'mixed migrations'.

## Voluntary or involuntary?

In recent years, those who must implement effective policies for the protection of refugees at the international level have come up against the problem of mixed migrations: in other words, the impossibility of distinguishing between supposedly 'voluntary' economic migrations and forced and involuntary migrations. But just how 'voluntary' is the departure of a person who lives below the poverty line and for whom crossing the sea might mean a fourfold increase in life expectancy? Is it perhaps because the poor, the hungry and the marginalised do not have a well-founded fear of dying in the midst of absolute poverty? How can it be that when people who have "suffered serious human rights violations" must be protected, the grounds for persecution can immediately be restricted to so few? Extreme poverty and the lack of basic subsistence conditions can also be considered as "serious human rights violations" and an objective threat to "future existence".

The Slovenian philosopher Slavoj Žižek differentiates two types of violence: subjective violence and objective violence.<sup>2</sup> International refugee law aims for protection against subjective violence, exercised in a visible form by people against other people, and there is a deliberate non-inclusion of objective violence, which is invisible and economic. The Polish sociologist Zygmunt Bauman follows a similar line of thought, maintaining that immigrants and refugees are incarnations of the 'human waste' of the capitalist production process, manifesting what the systems seeks to hide at all costs: the implicit vulnerability of individuals within economic globalisation.<sup>3</sup> Both authors show that the main sources of violence and insecurity are 'objective' and 'impersonal' economic processes. In the context of globalisation, the security policies implemented by states are directed towards easy

targets: immigrants, refugees and stateless persons, who become the personification par excellence of evil.

Seekers of refugee status must be able to prove truthfully, convincingly and certifiably – and in the language of the host State – the fears behind their request on the grounds of race, nationality, social group or political opinion. Yet: “A person is a refugee ... as soon as he fulfills the criteria contained in the definition ... Recognition of his refugee status does not therefore make him a refugee but declares him to be one. He does not become a refugee because of recognition, but is recognized because he is a refugee.”<sup>4</sup> Determination of refugee status, therefore, is a process undertaken and assessed by each State in accordance with its resources, traditions, economic needs and prejudices. This implies that any decision on refugee status is, essentially, political – and ultimately arbitrary. This not only opens the door to perversion of the law (in that a restrictive application of the

law is always possible) but also to its perfection (in that a law dependent upon political decisions is open to interpretation and may become the target of campaigns to broaden its meaning and applicability).

For example, in order to respond to the growing number of internally displaced people, a new category of displaced person was introduced – that of the Internally Displaced Person (IDP), thereby extending UNHCR’s mandate to displaced people who are not however outside their country of nationality.

An interesting example is the introduction of ‘collective’ or ‘prima facie’ determination of refugee status. It is evident that the most urgent cases of refuge are, in general, not limited to one person nor their family but to a wider group of people and to particular political contexts. Although it initially appeared a great advance for applications for refugee status to be evaluated on the basis of each individual case, practice shows (through the delays and discretionary

actions by States in terms of determining refugee status) that it is necessary to reactivate and rethink the political and collective nature of mass migrations of people. Individual rights are much better protected and safeguarded in the framework of broad collectives. On this point, once again, it is necessary to fight against the liberal prejudice that thinks and calculates in terms of individuals. The needs of those seeking refuge should not be considered in isolation, emanating from individuals, but as a global challenge relating to groups of people and concrete political contexts.

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1. For more information see Penchaszadeh, A P & Morales P ‘Refugio y soberanía. Algunas reflexiones en torno de los conceptos y las prácticas del ACNUR’ in *Revista Agora Internacional*, Año 3 N° 6, ISSN 1850-2040, UNA Argentina, July 2008.
2. Žižek, Slavoj, *Sobre la Violencia. Seis reflexiones marginales*, Editorial Contextos, Buenos Aires, 2009.
3. Bauman, Zygmunt, *Vidas desperdiciadas. La modernidad y sus parias*, Editorial Paidós, Buenos Aires, 2009.
4. Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, Geneva, January 1992, available at <http://www.unhcr.org>

## The road from Kabul

Lucia Cipullo and Jeff Crisp

### New UNHCR research investigates the motivations for and challenges associated with the migration of young Afghans to Europe.

An old Afghan proverb provides the title for a new UNHCR study which examines the experiences of unaccompanied Afghan children who have made the long overland journey to Europe. *Trees Only Move in the Wind* (meaning nothing happens without a good cause) attempts to explain why increasing numbers of Afghan children are encouraged and even obliged by their families to undertake this arduous and expensive journey, usually at the hands of unscrupulous people smugglers.

The risks involved in unaccompanied child migration are seemingly outweighed by the prospect of moving from a country affected by armed conflict, severe human rights violations, ethnic discrimination, unemployment and corruption to a part of the world which, in the eyes of these children and their

families, offers freedom and respect for human rights. Education and employment also serve as a strong motivation, as children who move to Europe are considered as a future source of financial support for family members remaining in Afghanistan.

Although journeys of the type undertaken by Afghan children are not unique (young Iraqis and Somalis are also involved in such long-distance journeys), the lack of accurate and up-to-date information about these children, plus current moves by European governments to return them to their country of origin, provided the impetus for the UNHCR study. Around 150 young Afghan boys (no girls could be found) were interviewed in six European countries in order to determine why and how the decision was made for them to leave

Afghanistan and to understand how they were treated (and mistreated) in the course of their journey.

While the specific circumstances leading to departure differed significantly from one child to another, the research demonstrated the difficulty of labelling the Afghan children as either ‘refugees’ or ‘migrants’; in most cases, families has multiple motivations in sending their children to Europe.

Despite a common assumption that many of the Afghan children are orphans, the study shows that many of their parents are still living, and had paid up to \$US15,000 to smuggle their children across Pakistan, Iran and Turkey before entering Europe, usually by way of Greece. The frequent use of professional people smugglers puts the children at great risk. Payment for the journey is usually made in instalments; if payment is delayed at any point, the boy will often be forced to remain



Fourteen-year-old Babar prepares for another night in the cold under a bridge in Calais, France.

where he is – usually in unsavoury and dangerous conditions – until the money has been received. No-one knows how many young people set out on the road from Kabul but fail to complete the journey.

Surprisingly, some boys described their journey as an adventure, involving a night-time trek through the Turkish mountains. Others were less enthusiastic and described being robbed by armed police and locals, as well as being sent out on the Aegean Sea in small and overcrowded boats. Many of the boys were adamant that they would not have undertaken such a journey had they been aware of the treatment they would encounter at the hands of smugglers and authorities.

The lack of information available to the children was also revealed by the fact that some boys left for Europe without any real idea of where their final destination would be. Those who had a particular destination in mind tended to have a preference for Norway and other Nordic countries, where social welfare arrangements are known to be of a high quality,

states, some of which are currently considering the establishment of reception centres in Kabul so as to allow the children to be returned (on an involuntary basis) to their country of origin.

UNHCR is naturally concerned that this may lead to the removal of children who have a valid claim to refugee status or who for other 'best interest' reasons should be allowed to remain in Europe. Another disturbing aspect of this phenomenon is the anxiety experienced by young Afghans who are permitted to stay while they are children but who face the prospect of deportation as soon as they reach the age of 18. Unsurprisingly in these circumstances, some Afghans misrepresent their age, a situation which has led to the bizarre and inexact new science of 'age determination', often involving detailed skeletal and dental examinations. Those Afghans who are deemed to have turned 18 and who are sent back to their own country must live with the sense of personal failure and betrayal of their family, given the large

or (especially in the case of the Pushtuns) the United Kingdom, because of its well-established Afghan population, as well as the educational and employment opportunities that the country is thought to offer.

The arrival of unaccompanied Afghan children has become a matter of growing concern for European

amounts of money that has been invested in their westward journey.

A key conclusion to be drawn from this study is that responsibility for the plight of unaccompanied Afghan children in Europe rests with a number of different actors. As long as the Afghan authorities continue to turn a blind eye to irregular migration, families and communities will continue to encourage their children to undertake this hazardous journey. And they will find a means to do so while professional smugglers are on hand to profit from human hardship and insecurity.

The European states in which these children arrive also have legal and moral obligations that must be met more effectively. Many have failed to establish best interest determination procedures to protect the rights of Afghan children, while differences in service provision only serve to encourage young Afghans to travel on from one country to another. And while the 'removal and reception centre' approach proposed by some European governments should not be discounted for some of the young Afghans who have no need for international protection, many of the practical and longer-term issues associated with the strategy remain significant yet unresolved.

Lucia Cipullo ([cipullo@unhcr.org](mailto:cipullo@unhcr.org)) and Jeff Crisp ([crisp@unhcr.org](mailto:crisp@unhcr.org)) both work in UNHCR's Policy Development and Evaluation Service (<http://www.unhcr.org/pdes/>). *Trees Only Move in the Wind: A Study of Unaccompanied Afghan Children in Europe* is online at <http://www.unhcr.org/4c1229669.html>



## No Entry!

Over the past 20 years, states have repeatedly closed their borders in the name of preserving security and relieving pressure on national capacity. Border closures present significant humanitarian consequences and an explicit denial of a refugee's right to flee their country of origin and seek asylum elsewhere. Prompted by recent border closures between Kyrgyzstan and Uzbekistan, and between Somalia and Kenya, UNHCR has undertaken a study on the issue of state border closures in situations of crisis. Responding to formal, centrally authorised border closures poses significant political and operational challenges for UNHCR, forcing it to confront the

tension between providing protection and assistance, and to prioritise among its own complex interests.

'No Entry! A Review of UNHCR's Response to Border Closures in Situations of Mass Refugee Influx' examines the common characteristics among five case studies of post-Cold War border closures. It offers a comprehensive insight into the politics of border closures, with the aim of informing UNHCR's future policy-response framework so that it can be better prepared to respond to this ongoing dilemma.

Online at: <http://www.unhcr.org/pdes/>

## High Commissioner for Refugees gives RSC 2010 lecture

António Guterres, UN High Commissioner for Refugees and former Prime Minister of Portugal, gave the RSC's 2010 annual Harrell-Bond lecture in human rights on 13 October. Addressing a full house of 300 students, academics and members of the public at Oxford University's Museum of Natural History, Mr Guterres spoke about forced displacement, protection and humanitarian action – and the major challenges faced by UNHCR in the 21st century. The lecture is available as a podcast at <http://www.forcedmigration.org/podcasts/harrell-bond-lecture/2010/>

## MSc course 2011-12 now open for applications

The RSC's nine-month MSc in Refugee and Forced Migration Studies is an interdisciplinary degree taught by leading experts in the field of forced migration, from international law, politics and international relations, anthropology and other disciplines. The course enables participants to explore forced migration through a thesis, a group research essay, and a range of required courses including Introduction to Forced Migration, International Refugee and Human Rights Law, Asylum and the Modern State and Research Methods. Students also choose two option courses from a list which, for example, in 2009-2010 included Dispossession and Displacement in the Modern Middle East; Gender, Generation and Forced Migration; and UNHCR and World Politics. There are two application deadlines for 2011-2012: 21 January 2011 and 11 March 2011. Full details at [http://www.rsc.ox.ac.uk/teaching\\_master.html](http://www.rsc.ox.ac.uk/teaching_master.html)

## 2011 International Summer School in Forced Migration 11-29 July 2011

The Refugee Studies Centre's acclaimed International Summer School fosters dialogue between academics, practitioners and policymakers working to improve the situation of refugees and other forced migrants. It provides the time and space for them to reflect on their experiences and to think critically about some of the aims and assumptions underlying their work. Applications are now welcomed for the 2011 Summer School from mid-career/senior practitioners or researchers specialising in forced migration. Full details at [http://www.rsc.ox.ac.uk/teaching\\_summer.html](http://www.rsc.ox.ac.uk/teaching_summer.html)

## RSC publications

The RSC has added five new papers to its Working Papers Series, covering:

- ending displacement for long-term IDPs in Sri Lanka
- use of age assessment in the UK asylum system
- refugee youth and citizenship in Angola
- narratives and conceptualisations of Tony Blair's asylum policies
- asylum seeker and refugee identity formation

Working papers are available to download in PDF format from [http://www.rsc.ox.ac.uk/pub\\_working.html](http://www.rsc.ox.ac.uk/pub_working.html).

Additional new publications on the RSC website include:

- 'The response of faith-based communities and faith-based organisations in the context of forced migration' – a report from the RSC's one-day workshop held in September 2010
- 'Protecting environmentally displaced people: developing the capacity of legal and normative instruments' – a report from an RSC research project led by Director Prof. Roger Zetter, including case studies from Bangladesh, Ghana, Kenya and Vietnam. (Available early December.)

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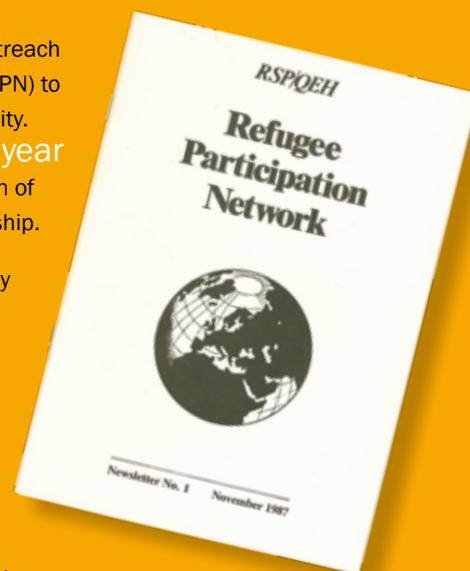
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 • Sightsavers • Spanish Ministry for Science and Innovation • Swiss Federal Department of Foreign Affairs  
 • UK Department for International Development (DFID) • UNAIDS • UNDP  
 • UNFPA • UN-HABITAT • UNHCR • US Department of State, Bureau of Population, Refugees, and Migration  
 • Women's Refugee Commission

In 1987 the Refugee Studies Centre started publishing a small outreach newsletter (Refugee Participation Network Newsletter – RPN) to provide a forum for discussion between researchers and the international community. Over the years it has grown into a regular magazine, published three times a year in English, French, Spanish and Arabic, with a distribution list for the printed version of nearly 20,000 organisations and individuals plus an ever-growing online readership.



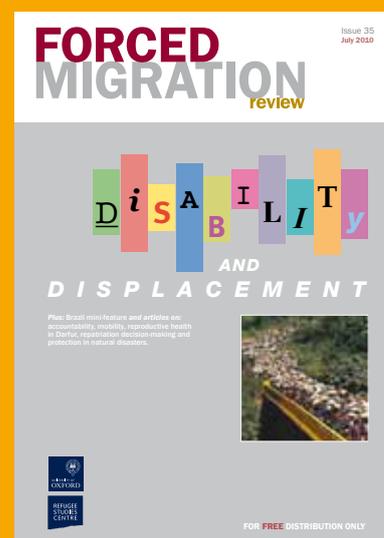
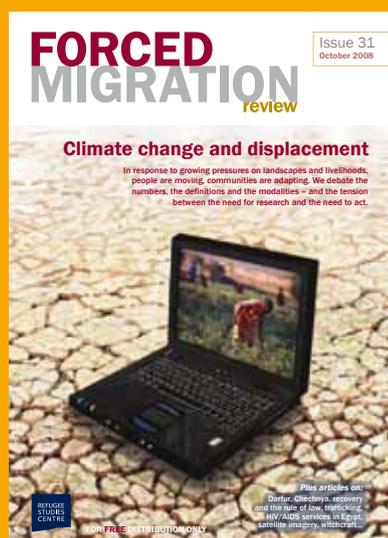
FMR has succeeded because it responds to needs in the worlds of academia, policy and practice. It has succeeded because it has attracted content that is valued by its readers. It has succeeded because it brings together experience and analysis, new ideas and new perspectives, lessons and recommendations for action. It is neutral and impartial, without ties to any agency agendas or political viewpoints, and is committed to the rights and protection of stateless people and forced migrants of all kinds.

FMR never has trouble finding ideas for new themes to cover. Themes are suggested by colleagues and readers, and they emerge from our involvement with the departments and sectors that are our core constituency. Since the RPN Newsletter turned into Forced Migration Review, the FMR team has produced 35 issues of FMR, plus ten supplements and special issues, including the one being distributed with this issue. These exist in hard copy and online, where they continue to be accessible, searchable and downloadable. (See <http://www.fmreview.org/mags1.htm> for the full list of themes, past and present.)

FMR does not attempt to capture detailed project-based lessons as evaluations attempt to do but it does highlight good practice, key concerns and developments, and serves as a repository for the history and learning of the sector. It does not publish detailed case-studies or closely argued theories but rather tracks the ideas and trends of the academic discipline of forced migration studies.

It is clear from the ever-growing demand for FMR and from the feedback we receive that FMR publishes the kind of learning that is widely valued and much needed – but found in very few places in such an accessible form.

Several of our recent issues have focused on emerging themes that have drawn in new audiences. FMR31 brought together the worlds of forced migration and climate change, successfully linking the disciplines and the ideas in a way that has made it probably our most requested issue ever. FMR34 did the same thing for urban studies, urbanisation and forced migration. And, most recently, FMR35 focused on disability and forced migration.



With each of these three recent issues we have found that our regular readership has appreciated FMR throwing light on the ways that these other subjects relate to forced migration. At the same time we have had enthusiastic engagement by people and agencies whose main focus is on those very subjects, rather than forced migration, and who welcome this widening of their debates. In 2011 we hope to do the same sort of thing with FMR 38 and its theme of Technology and communications.

**Agencies, governments, individuals, institutions and others, who read FMR, contribute articles, circulate it among staff and further afield, and make it available in libraries and resources centres - we are grateful to all of you for all these kinds of engagement, and for your funding, that have supported FMR since 1987.**