

Return in the political context of North Kivu

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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"¹

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.²

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.³ 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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1. http://www.unicef.org/wcaro/2009_2961.html

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

3. See article by Maria Lange pp48-9.