

## CONGO:

# Peace and oil dividends fail to benefit remaining IDPs and other vulnerable populations

A profile of the internal displacement situation

25 September, 2009

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The Internal Displacement Monitoring Centre, established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide.

Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

For more information, visit the Internal Displacement Monitoring Centre website and the database at [www.internal-displacement.org](http://www.internal-displacement.org).

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## OVERVIEW

### **Peace and oil dividends fail to benefit remaining IDPs and other vulnerable populations**

*Up to 800,000 people in the Republic of the Congo – a quarter of the population – were internally displaced during the 1990s by armed conflict in the Pool region between government forces and rebels originating from among the Lari ethnic group. The conflict ended in 2003, and by 2006, according to a government estimate, only 7,800 people remained displaced in Pool.*

*Since then no new assessment of the number of IDPs has been conducted, and the UN reported no change to the government estimate in its Displaced Populations Report of January – March 2009. More significantly, no study of whether former IDPs have achieved durable solutions has been carried out, leaving unanswered the question of whether internal displacement has really ended in the Republic.*

*Despite apparent stability and some progress made towards development in the fifth largest oil-producing country in sub-Saharan Africa, half of the population still lives under the poverty line. Held back by weak governance and corruption, the government has been unable to achieve measurable improvements in the living conditions of the majority of the population.*

### **Background and causes of displacement**

A decade of armed conflict from 1993 caused the internal displacement of 800,000 people in the Republic of the Congo. Sparked by disputed parliamentary elections, the conflict lasted until the government and the “Ninja” rebels, the armed wing of the National Resistance Council (*Conseil national de résistance, CNR*) which originated from among the Lari ethnic group, signed a ceasefire agreement in 2003. Analysts believe that a struggle for control of the country’s offshore oil wealth was at the heart of the conflict (BBC, 1 August 2009). The Pool region in the south of the country, near the capital Brazzaville, was the most affected by the fighting and internal displacement (IRIN, 6 June 2008).

Fighting broke out again after the signing of the ceasefire agreement due to unresolved political differences. In the Pool region, intermittent clashes between government forces and Ninja rebels, and attacks by bandits, limited the freedom of movement of civilians. Former CNR child soldiers were believed to be significantly contributing to the insecurity through their involvement with bandits (Coalition to Stop the Use of Child Soldiers, 20 May 2008). UN agencies and NGOs were forced to shut down aid programmes repeatedly, interrupting the population’s access to humanitarian assistance and protection.

The signing of a final peace agreement in June 2008 between the government and the remaining rebel leader, Pasteur Ntumi, resulted in improved security for civilians in the Pool region (USDoS, 25 February 2009). As part of the agreement, the CNR transformed itself into a political party known as the National Council of Republicans (AI, 2008). This led to the dismantling of road blocks that had been erected by security forces and rebel groups (IRIN, 6 June 2008). An estimated 30,000 ex-combatants took part in a demobilisation, disarmament, and reintegration programme funded by the World Bank and the Congolese government (IRIN, 10 June 2008). In February 2009, the government launched a three-week operation to purchase weapons from ex-

combatants. More than 3,000 weapons were incinerated by government authorities (IRIN, 4 March 2009).

Presidential elections were held on 12 July 2009. Congo's constitutional court confirmed the re-election for a last seven-year term of President Denis Sassou Nguesso, although opponents alleged widespread fraud. Under Congolese law, the court's rulings cannot be appealed (Reuters, 15 July 2009).

### **Latest displacement figures**

At the peak of the conflict in 1998, some 800,000 people – a quarter of the entire population – were displaced in the Pool region (UN Wire, 4 August 2000). By 2006, according to a government estimate, only 7,800 people remained displaced in Pool (OCHA, 30 November 2006). Since then, no new assessment of the number of remaining IDPs has been conducted, and the UN has reported no changes to the government figures in its most recent *Displaced Populations Report* (OCHA, March 2009). Likewise, the question of whether former IDPs have achieved durable solutions has not been studied.

Neither the government nor the UN has published plans for a new assessment of the number of people still displaced, or for an assessment of whether durable solutions have been achieved for former IDPs. Although it would be difficult to identify IDPs and returnees because most sought refuge with families and host communities in Brazzaville, the government and the UN must take advantage of the successful peace process and the marked improvement in security to assess whether displacement has really ended, and if there are still conflict-affected communities in need of specialised assistance and protection. Without such assessments, the government remains unable to determine if it should develop national legislation, policies and programmes to address and promote solutions to internal displacement (Brookings, June 2007).

The seven sites in which IDPs received assistance and protection from humanitarian organisations were closed by the government following a small-scale return exercise in 2004 (IDMC, 18 April 2007), which included transportation to support the voluntary return of thousands of IDPs to their home villages in Pool (IRIN, 4 May 2004). The government resumed train services after a six-year suspension, thereby helping some IDPs to return to their homes and to resume farming activities, as they were able to get their produce to markets more easily. Other IDPs, however, returned home without government assistance as they could not withstand the poor living conditions at the sites (IRIN, 4 May 2004).

Congo also hosts 43,000 refugees, mainly from the Democratic Republic of Congo (DRC), Rwanda and Angola (OCHA, January – March 2009).

### **Main protection concerns**

Today, any remaining IDPs and returnees continue to share considerable hardship with other vulnerable populations in the Pool region, which has been affected by extreme poverty and the government's incapacity to deliver basic services. For example, less than half of the population in 2008 had access to clean water, exacerbating the incidence of waterborne gastro-intestinal diseases such as dysentery and cholera (OCHA, 2008).

Protection concerns for vulnerable populations, including women and children, have been voiced by UNICEF and the Special Representative of the UN Secretary-General for Children and Armed Conflict. According to UNICEF, the country has one of the highest rates of maternal mortality in the region, and one in eight children dies before their fifth birthday, most of them from preventable causes (UNICEF, 24 August 2009).

The Special Representative of the Secretary-General for Children and Armed Conflict has reported that the reintegration of former child soldiers is being supported by the International Labour Organization (UN GA, 6 August 2009). Approximately 200 former child soldiers, more than 70 of them girls, received professional training or work placements, while over 650 vulnerable children, including more than 200 girls, participated in an anti-recruitment programme (Coalition to Stop the Use of Child Soldiers, 20 May 2008).

In May 2009, the UN's Human Rights Council strongly recommended that the Republic ratify the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (HRC, 5 June 2009). This protocol is particularly important because it raises the minimum age for recruitment and use of children in armed conflict from 15 to 18. It also obliges states to provide the children who have participated in armed conflict with any necessary physical and psychological rehabilitation and support for reintegration within society (OP, 25 May 2000).

Congo's Human Rights Commission (HRC) is charged with addressing public concerns on human rights issues. However, it is widely believed to lack independence and to be ineffective, and is not accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (USDoS, 25 February 2009). The Office of the High Commissioner for Human Rights (OHCHR) has noted that it lacks the financial resources to monitor the implementation of conventions to which the Republic of the Congo is a signatory, such as the Convention on the Rights of the Child (HRC, 17 March 2009). The HRC does not monitor the human rights of IDPs or returnees, including displaced or returned women and children.

### **National and international responses to internal displacement**

#### *National response*

In 2000, the government created the Ministry of Cooperation, Humanitarian Action and Solidarity as an institutional framework to resolve the problem of internal displacement (HRC, 23 February 2009). However, it has remained severely underfunded and has done very little to address the needs of remaining IDPs, returnees and host communities, such as assessing their numbers and providing access to basic social services. The UN country team in 2008 noted that very little social protection was afforded to vulnerable populations, including women and children. There was a lack of funding for such protection as only 0.34 per cent of the government's overall budget was allocated to social spending (HRC, 17 March 2009).

In 2008, a positive regional development for the protection of IDPs was the entry into force of the Pact on Security, Stability and Development in Africa's Great Lakes region (the Great Lakes Pact). It represents a commitment by states to work to end the conflicts plaguing the region, and to cooperate on security, governance, development, humanitarian and social issues. The Republic of the Congo is one of 11 states that ratified the Great Lakes Pact, which entered into force on 21 June 2008 (UN SG, 24 June 2008).

The Great Lakes Pact has ten protocols, three of which affect IDPs directly: the Protocol on the Prevention and Suppression of Sexual Violence against Women and Children, the Protocol on Property Rights of Returning Persons, and the Protocol on the Protection and Assistance to Internally Displaced Persons (ICGLR, 14-15 December 2006). The latter commits member states to incorporate the Guiding Principles on Internal Displacement into domestic law. The Republic of the Congo has yet to enact national legislation to protect IDPs.

#### *International response*

The Republic of the Congo enjoys high oil dividends but poverty indicators such as maternal mortality and child malnutrition remain alarming. The country's economy is heavily dominated by the oil sector, which in 2008 accounted for approximately 65 percent of its gross domestic product (WB, March 2009). However, this has not translated into measurable improvements in the living conditions of the majority of the population living under the poverty line.

While several international donors do not fund humanitarian appeals because they believe the government has oil dividends at its disposal, and even though the situation in the Republic is no longer considered as a humanitarian emergency, the Central Emergency Response Fund (CERF) disbursed \$2 million to UN agencies in 2008 as part of its underfunded emergencies programme, to assist local communities and refugees from DRC (OCHA, 28 April 2009). The funds were used to provide health care services including emergency obstetrics, agriculture and food security support, and nutrition, water and sanitation projects.

Although no humanitarian funding appeals were made in 2009, the Congolese government signed a joint plan of action for aid and development with UNDP, UNFPA and UNICEF for the 2009-2013 period. The three UN agencies will contribute a total of \$68 million for programmes dealing with democracy and rule of law, respect for human rights, efficient and transparent use of public resources, and improvement of and access to public services in health, education, water and sanitation, nutrition, and HIV/AIDS (UNDP, 23 January 2009).

While one of the main objectives of this joint action plan is to reach the Millennium Development Goals, programming must take into account the specific needs of conflict-affected populations, including any remaining IDPs, returnees and host communities, thereby ensuring that durable solutions are achieved and that durable peace is attained. UNICEF will provide \$500,000 in additional support for health, nutrition and education programmes to help mitigate the effects of the global economic crisis on vulnerable communities (ReliefWeb, 24 August 2009).

# CAUSES AND BACKGROUND

## Background

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### Massive presence of weapons in neighbourhood occupied by IDPs from Pool (2005)

- Two days of intermittent shooting and confrontations between government forces and rebels in Bacongo and Makélékélé neighbourhood of Brazzaville
- Hundreds of followers of rebel leaders have kept arms and use them for criminal purposes
- Both government and rebels leaders have demanded the instigators of the shooting to give up occupied houses

### Congopage, 9 March 2005:

"Pour une fois, le gouvernement congolais et le CNR de Frédéric Bitsangou alias pasteur Ntumi sont d'accord. Lors d'une réunion qui s'est tenue lundi à Brazzaville, les deux parties ont « unanimement » condamnés les événements survenus les 3 et 4 mars 2005 dans certains quartiers de la capitale congolaise dont Bacongo et Makélékélé. Des tirs nourris d'armes automatiques avaient été entendus pendant plusieurs heures.

Les accrochages avaient opposé les forces de sécurité aux miliciens du pasteur Ntumi à la suite de l'arrestation d'un membre des milices Ninja pour une banale affaire de trafic de chanvre.

Lundi le Premier ministre, Isidore Mvouba a réuni les membres du gouvernement et une forte délégation du CNR conduite par le commissaire Sylvain Bintsamou.

Selon le communiqué final publié mercredi, les participants ont « unanimement condamnés les comportements inciviques observés pendant ces deux journées. Ils ont donné mandat à la force publique de traduire les auteurs de ces actes en justice ».

Les participants ont, selon le communiqué, décidé de poursuivre le processus de paix enclenché par le démarrage dès le 8 mars 2005 des travaux des commissions DDR.

Le gouvernement et les représentants du pasteur Ntumi ont exigé des miliciens qu'ils libèrent sans condition des maisons anarchiquement occupées autour de la résidence de Frédéric Bitsangou (une résidence rénovée et mise à la disposition de Ntumi mais qu'il n'occupe toujours pas, ndr).

Enfin les autorités de Brazzaville se sont engagées à poursuivre et à accélérer le programme de démobilisation des ex-combattants.

Plusieurs centaines d'anciens miliciens fidèles au pasteur Ntumi ont conservé des armes qu'ils utilisent au gré des opportunités liées à la petite délinquance.

La priorité pour les autorités congolaises est donc d'effectuer un désarmement total et de mettre en œuvre une politique de réinsertion des ex-miliciens.

La présence massive d'armes de guerre à Brazzaville est une menace sérieuse pour la stabilité de la capitale."

### Congopage, 7 March 2005:

"Ce lundi 7 mars 2005, s'est tenue de 12h00 à 16h00 sous la haute autorité du Premier Ministre, Son Excellence Isidore Mvouba, une réunion regroupant des membres du Gouvernement, du Comité ad hoc des accords du 16 et 17 mars 2003, et une forte délégation du CNR du pasteur Ntumi, conduite par le commissaire Sylvain Bitsangou.

Un seul point était inscrit à l'ordre du jour : l'analyse des événements survenus les 3 et 4 mars 2005 dans les quartiers sud de Brazzaville. Les participants ont :

- Unanimement condamné les comportements inciviques observés pendant les deux journées qui ont perturbé l'ordre public, la paix et la tranquillité des populations,
  - Donné mandat à la Force publique de traduire les auteurs de ces actes en justice ;
  - Décidé de poursuivre le processus de paix enclenché par le démarrage, dès le mardi 8 mars 2005, des commissions DDR et questions spécifiques du Comité ad hoc ;
  - Exigé la libération sans condition des maisons anarchiquement occupées par les ex-combattants autour de la résidence de Ntumi ;
  - Convenu de la prise en compte de ces ex-combattants auto-démobilisés dans le cadre de l'exécution du DDR d'urgence financé par le Gouvernement.
- Fait à Brazzaville, le 7 mars 2005."

### **The political and administrative organisation of Congo-Brazzaville (2005)**

- RoC governed by presidential transitional constitution endorsed by referendum 20 January 2002
- The constitution establishes three independent and distinct powers; executive, judiciary and legislative branches
- There are ten administrative regions, 76 sous-préfectures and 7 urban municipalities

#### **Les Depeches de Brazzaville, 21 Mars 2005:**

"Le Congo est une République régie par une Constitution adoptée par référendum le 20 janvier 2002 au terme d'une période de transition de quatre ans et trois mois (24 octobre 1997 - 20 janvier 2002) instaurée au lendemain de la guerre civile de 1997.

Cette Constitution est de type présidentiel. Elle établit trois pouvoirs distincts et indépendants :

- Le pouvoir exécutif, qui est assuré par le Président de la République et le gouvernement.
- Le pouvoir législatif, qui est confié à un parlement composé de deux chambres : Assemblée nationale et Sénat.
- Le pouvoir judiciaire qui est constitué autour de la Cour suprême, de la Haute cour de justice et du Conseil supérieur de la magistrature.

Les partis politiques et les syndicats sont libres. Les libertés fondamentales sont reconnues, en particulier la liberté de la presse et la liberté d'association.

Dix régions administratives composent le territoire congolais qui compte, par ailleurs, 76 sous-préfectures et 7 communes urbaines.

- Les régions sont, du nord au sud, la Likouala (chef-lieu Impfondo), la Sangha (Ouessou), la Cuvette Ouest (Ewo), la Cuvette (Owando), les Plateaux (Djambala), le Pool (Kinkala), la Bouenza (Madingou), la Lékoumou (Sibiti), le Niari (Dolisie) et le Kouilou (Pointe-Noire).
- Les communes urbaines sont Brazzaville, Pointe-Noire, Dolisie, Nkayi, Mossendjo, Ouesso et Owando.

Le Congo est membre de l'Organisation des Nations Unies depuis le 20 septembre 1960. Il participe à toutes les institutions spécialisées de l'ONU : UNESCO, PNUD, UNICEF, OMS, FAO... Il est également membre des institutions économiques et financières internationales : Fonds monétaire international, Banque mondiale, Organisation mondiale du commerce, ASECNA... Il fait partie des pays ACP (Afrique-Caraïbes-Pacifique) liés à l'Union européenne par des accords de coopération.

Sur le plan régional, le Congo fait partie de l'Organisation de l'unité africaine (OUA). Il appartient également aux institutions spécialisées telles que la Banque africaine de développement (BAD),

le Conseil africain et malgache de l'enseignement supérieur (CAMES), l'Union panafricaine pour la science et la technologie (UPST).

Au plan de l'Afrique centrale, le Congo est membre fondateur de l'Union douanière et économique des Etats de l'Afrique centrale (UDEAC), de la Communauté économique et monétaire de l'Afrique centrale (CEMAC) et de la Communauté économique des Etats de l'Afrique centrale (CEEAC).

Brazzaville est le siège régional de l'Organisation mondiale de la santé (OMS) pour l'Afrique, de l'Association des pays producteurs de pétrole d'Afrique (APPA), de la Banque de développement des Etats de l'Afrique centrale (BDEAC). La capitale du Congo abrite le Festival panafricain de musique (FESPAM) qui s'y déroule tous les deux ans."

### **Tenuous calm reigns in the Pool region after four major wars between (2004)**

- The country has been ravaged by four civil wars since transition to democracy in 1991
- Analysts have pointed to struggle over country's natural resources as reason for the civil wars
- Conflict in 1997 pitted three politicians against one another: Pascal Lissouba and the Cocoye or Zulu militia; Denis Sassou Nguesso and the Cobra militia; Bernard Kolélas and the Ninja militia
- Despite reconciliatory efforts, violence flared again in late 1998, 1999 and 2002
- Republic of Congo continually destabilised during 1990s by situation in neighbouring Congo-Kinshasa

#### **Caritas, 30 November 2004, p. 5, 7:**

"Since embarking on the transition to democracy in 1991, the Republic of Congo (or Congo/Brazzaville) has been racked by no less than four periods of civil upheaval.<sup>3</sup> The 1999 Cessation of Hostilities Accord and 2001 National Reconciliation Dialogue after the 1998-1999 conflict heralded new optimism for sustainable peace. Renewed fighting, however, erupted in late March 2002 following democratic elections that secured the presidency of Denis Sassou-Nguesso. As government forces sought to rout the last pockets of Ninja rebel militias from their remote bases in the Department of Pool<sup>4</sup> west of Brazzaville, hopes for nationwide peace once again disintegrated.

Although fighting and looting reduced thousands of homes to rubble in Brazzaville's southern neighborhoods during the 1998-1999 conflict, most of the combat took place in Pool and *Grand Niari* region (Niari, Bouenza, and Lekoumou Departments) farther west. During this conflict, an estimated 350,000 - 400,000 people were displaced throughout the southern part of the country. Unresolved issues from 1998-1999 contributed to the 2002-2003 conflict. While the December 1999 accords and subsequent DDR (disarmament, demobilization, and reintegration) programs effectively dismantled the 'Cocoyes' rebel movement operating in the *Grand Niari*, results among Pool's Ninja fighters were far less encouraging. Ninja participation in demobilization programs led by the UN and other government structures between 2001-2002 was timid. Following the breakdown of negotiations for the disarmament in March 2002, the Ninjas once again took up arms and re-asserted control over key towns in Pool's western districts.

After nearly a year of conflict, both sides reaffirmed their commitments to the 1999 Peace Accords on March 17, 2003. Despite the end to open hostilities, true peace has yet to return. The current landscape is characterized both by pockets of sporadic unrest and insecurity and pockets of calm and stability. The presence of armed ex-combatants and the nature of relations with their former enemies determine the nature of this "Peace without Peace," as one government official described the current situation. In places such as Mayama, Ninja militia members and

government troops “cohabitate” peacefully, respecting locally brokered agreements not to publicly carry weapons. In most areas however, government soldiers and former Ninja militia fighters still openly carry arms. In the Ninja strongholds in western Pool, the government military and political presence is mostly symbolic. The predominance of Ninja in such zones has led to increased lawlessness, particularly along the railway, where banditry is still a regular phenomenon. Large-scale resettlement in Pool has occurred since the March accords. Without a long-term resolution to the conflict, however, the “Peace without Peace” remains fragile at best. [...]

While a tenuous calm now holds in Pool, true peace remains elusive. The return of the majority of the population misleadingly conveys a sense of stability and normality. Indeed, in some districts, there is comparative stability and the timid resumption of productive activities. In others, high concentrations of armed militiamen and government troops darken the hopes for any meaningful restoration of normal life. As both groups become increasingly frustrated at the lack of progress to end the present stalemate, tensions can only rise.

Brazzaville has re-asserted political and military ‘control’ of all districts of Pool. In some districts however, this control is little more than a cosmetic presence. A Government-appointed Prefect heads the Department of Pool, and government sub-prefects now run the 13 districts — including the most remote areas of Pool, such as Vindza and Kimba. (See Annex A: *Map of the different districts in Pool*). Units of the *Forces Armées Congolaises* (FAC) or national army are also present throughout Pool, although at differing levels of force and authority. In some cases, government forces and Ninjas are present in the same villages. In others, they split up the terrain, choosing to occupy neighboring villages instead of living in the same vicinity.

**UN, November 1999:**

"The Republic of Congo (ROC) recently suffered two wars, from June to October 1997 and beginning again in September 1998. War spread to the capital, Brazzaville, in December 1998."

**EPCPT, November 2000:**

"About 10,000 people are reported to have been killed and about 80,000 displaced during a civil war in the Republic of Congo (Congo Brazzaville) that lasted from June to October 1997. After the war had stopped, clashes continued to occur, until an additional cease-fire was reached in November 2000, which brought back stability to the country. Since then, Congo Brazzaville, both its government and NGOs has been engaged in trying to recover the huge material and societal damage resulting from the war.

[...]

Analysts have interpreted the turmoil in the Republic of Congo as a civil war fuelled by the struggle for control over the country's rich oil resources. According to this analysis rival factions within the country's elite have tried to grab the financial revenues for themselves and their dependents. The conflict has pitted three politicians, each with their own militia, against one another. These are: Pascal Lissouba, who has his stronghold in the south and exerts military and political pressure through his Cocoye, or Zulu, militia; Denis Sassou Nguesso, who has his stronghold in the north and depends on his Cobra militia; and Bernard Kolélas, whose power-base lies in the capital, Brazzaville, and who relies on the Ninja militia. The regional divisions coincide with different ethnic loyalties, giving the conflict an ethnic dimension.

[...]

Apart from being a new phase in the struggle for access to oil resources, the civil war that broke out in Congo Brazzaville in June 1997 also represented a new phase in the turbulent process of democratisation that had started in 1990. The introduction of a multiparty system and the reshuffle of power resulting from the 1992 elections increased tension among rival factions within the country's political elite. Due to mutual mistrust between the major political factions and their inability to form strong coalition governments the democratic mechanisms installed in 1992 never functioned properly.

The three major factions began to form their own militias. In late 1993, clashes occurred between Lissouba's Cocoye and Koléla's Ninjas causing the death of between 1,000 and 5,000 people. In 1994 President Lissouba and the two opposition leaders – Sassou Nguesso and Kolélas – signed an agreement providing for the disarmament of the militias and the formation of a coalition government. This reconciliatory process failed as Sassou Nguesso's political alliance refused to participate in the government. A similar pact signed in 1995 failed as Sassou Nguesso hindered the dissolution of his militia.

The civil war of June-October 1997 broke out despite the signing of a tentative cease-fire agreement on July 14, brokered by the International Mediation Committee headed by the President of Gabon, Omar Bongo, and the joint UN/OAU Special Envoy for the Great Lakes region, Mohammad Sahnoun. The war came weeks before a new round of elections scheduled for July 27 but which, due to the violence, never took place. In October 1997 Sassou Nguesso's forces, assisted by Angolan government troops, won control of Brazzaville and the country's seaport city, Pointe Noire. Subsequently, Sassou Nguesso ousted Lissouba and was declared president.

[...]

After his military victory and inauguration as president, Sassou Nguesso installed a transitional government in November 1997. He declared himself committed to national reconciliation and revealed plans to secure peace and stability. In January 1998 he convened a forum consisting of 1,420 delegates representing most political parties, although Lissouba's political party (ERDDUN) refused to participate. The Forum approved the beginning of a three-year transition period, which should end in presidential and legislative elections in 2001. During this transition period, a new constitution should be written. A 75-member transitional council, elected by members of the Forum from lists compiled by the Forum and the government, would act as the transitional parliament.

The first stages of the plan seem to have been completed on schedule. In November 1998 President Sassou Nguesso inaugurated a constitutional commission charged with the preparation of a draft version of a new constitution. The final version was scheduled to be submitted to voters in a national referendum in 1999. However, the schedule extended over time, partly due to continued fighting. In August 2000, president Sassou-Nguesso announced plans to submit a draft constitution to the interim parliament by March 2001. Presidential and legislative elections seemed to have been postponed until after 2001.

In spite of reconciliatory efforts after the 1997 civil war, violence continued to erupt in Brazzaville and elsewhere in the country. During the autumn of 1998, Lissouba's and Kolélas' militias carried out guerrilla style sabotage attacks in southern Congo, mostly against civilians who were thought to be Sassou Nguesso loyalists from the north. Sassou Nguesso's security forces, for their part, carried out mopping-up operations in an effort to eliminate Lissouba loyalists. These actions reportedly lead to large-scale human rights violations. Human rights abuses led several international donors, including the European Union, to suspend all non-humanitarian aid in 1998.

Violence flared up again in December 1998 and early 1999, when the Cocoye militia of Lissouba seized control over the Moukoulou hydroelectric dam, cutting off power to Pointe-Noire. In the summer of 1999, when electricity supply to most regions had been recovered, the fighting concentrated on control of the railway connection between Brazzaville and Pointe-Noire. Clashes in Brazzaville lead to heavy artillery attacks by the national army against militiamen and citizens supposedly loyal to Kolélas in the southern districts of the city and in the Pool region. Thousands of people were killed in these attacks, which were described by foreign observers as 'ethnic cleansing'.

Sassou Nguesso' security forces were reportedly assisted in carrying out the counter- attacks by Angolan and Chadian troops. Sassou Nguesso was also said to rely on members of the former

Hutu-dominated army of Rwanda, who fled to Congo Brazzaville after 1996. These Hutu-militiamen are being paid as mercenaries. The Ninjas of Kolélas and the militia under control of Lissouba were said to enjoy active support of the Angolan rebel movement, UNITA. In fact, the conflict in Congo Brazzaville has a significant regional dimension, as other states in the region have their eyes on the oil-rich enclave of Cabinda. Sassou Nguesso continues to be supported by the Angolan government, which not only backed him in the war of 1997, but still had troops deployed in the country in the spring of 2000.

The situation in Congo Brazzaville was further destabilised by the situation in neighbouring Congo DR (Congo-Kinshasa). Rebels who used to have their base in Congo-Kinshasa were forced to leave that country after the Kabila take-over, adding to the tension and increasing the number of armed people in Congo Brazzaville. Moreover, Rwandan and Ugandan troops were also said to be present in Kinshasa in June 1997, shortly after the Kabila take-over, and some of these troops reportedly joined the fighting in Brazzaville when clashes broke out there. The regional involvement, therefore, follows the logic of economic interests, as well as of political manoeuvring on the international level. Rwandan forces were said to be intent on reducing French influence in Central Africa, resulting in a Rwandan tendency to support those rebel forces in Congo Brazzaville that were seen as anti-French. Informal alliances developed between certain governments and rebel groups in the region. As a consequence, a shift in the balance of power in neighbouring countries could have significant effect on events in Congo Brazzaville. For instance, Angola's support to Sassou Nguesso has been jeopardised by the weakening of the Angolan government's position following the escalation in the civil war against UNITA."

*For more information see November 2000 report of the European Platform for Conflict Prevention and Transformation (EPCPT) entitled Congo Brazzaville: A Democratisation Process Scourged by Violence [\[External link\]](#).*

#### **Decision-making authority is vested in the President and his administration (2004)**

- Denis Sassou-Nguesso was elected President in March 2002, and, in May and June 2002, legislative elections were held for the Senate and the National Assembly in all jurisdictions, except for the Pool region
- The President's Congolese Workers' Party (PCT) won the legislative elections and controlled 129 seats in the 137-seat National Assembly
- The judiciary remained corrupt, overburdened, underfinanced, and subject to political influence
- The functional distinction between the police, the Gendarmerie, and the armed forces not always clear

#### **US DOS, 25 February 2004:**

"The Republic of Congo is ruled by a government in which most of the decision-making authority is vested directly in the President and his administration. Denis Sassou-Nguesso was elected President in March 2002, and, in May and June 2002, legislative elections were held for the Senate and the National Assembly in all jurisdictions, except for the Pool region where an insurgency was most active. The President's Congolese Workers' Party (PCT) won the legislative elections and controlled 129 seats in the 137-seat National Assembly. Both the presidential and legislative elections were determined "not to contradict the will of the people" by independent monitors; however, there were some flaws and irregularities in the administration of the elections, which caused lingering credibility questions about the Government by opposition members and some persons in the international and local nongovernmental organization (NGO) communities.

Because of security problems, elections in some jurisdictions in the Pool region had not yet been held. Until March, antigovernment Nsiloulou Ninja militiamen operated principally in the northern and central Pool regions and the conflict intensified. On March 17, the Government and the Ninjas signed a peace accord in which the Ninjas would have political representation in the southern Pool region and begin a disarmament, demobilization, and reintegration (DDR) program. At year's end the DDR program had not begun. There were some improvements in the rule of law and parliamentary oversight during the year; however, the judiciary remained corrupt, overburdened, underfinanced, and subject to political influence.

The security forces include the police, the Gendarmerie, and the armed forces; however, the functional distinction between these forces is not always clear. In theory, the police respond first to security incidents, with gendarmes and army units intervening later if necessary; however, in practice overlapping operations were common. At times, the Government did not have full control over some members or units of the security forces. The Angolan armed forces, under a bilateral agreement to provide security, had departed by year's end. Some members of the security forces committed serious human rights abuses."

### **Greed for petroleum rents a major motivation for the wars (2003)**

- In late 1999, petroleum rents helped a victorious militia led by Congo strongman Denis Sassou-Nguesso re-create an autocratic, but relatively stable, neo-patrimonial regime
- Sassou reinserted elites from rival militias into their former public sector jobs driving a wedge between them and their militia followers
- After their 1999 defeat, they re-discovered "class solidarity" with Sassou's followers and neglected their ethno-regional ties to junior militia colleagues

### **Englebert, 31 December 2003:**

"Following an ill-fated attempt at democratization, Congo-Brazzaville endured four rounds of brutal militia fighting in 1993, 1997, 1998-99, and 2002. Three main militias, loosely affiliated with each of Congo's broad ethno-regional groupings, directly killed at least 12,000 persons, cumulatively displaced 860,000, systematically looted civilians, and raped hundreds, if not thousands, of women. In 1998, up to 35% of Congo's 2.5 million people were internally displaced due to the fighting. Our informants uniformly believe that greed for petroleum rents in a new and uncertain political context was a major motivation for the war, as political leaders, drawn chiefly from Congo's governing class, struggled for control over the country's oil wealth. Provided that the uncertainty generated by elections is taken into account, therefore, Congo's experiences appear to confirm the link between rebellion and resource abundance. Upon closer scrutiny, however, the impact of Congo's substantial oil wealth seems more ambiguous. In late 1999, petroleum rents helped a victorious militia led by Congo strongman Denis Sassou-Nguesso re-create an autocratic, but relatively stable, neo-patrimonial regime. Sassou reinserted elites from rival militias into their former public sector jobs, driving a wedge between them and their militia followers. These coopted elites had been members of Congo's state bourgeoisie in the pre-war era, and after their 1999 defeat, they re-discovered "class solidarity" with Sassou's followers and neglected their ethno-regional ties to junior militia colleagues. Congo's massive oil reserves, in other words, helped elevate class interests over ethnic solidarity, permitting neo-patrimonial logic to trump ethno-regional secessionism or warlordism. Congo's primary commodities had provided incentives for civil war, but later helped the victor consolidate a new neo-patrimonial regime. We also discovered that the protected enclave nature of Congo-Brazzaville's oil limited the civil war's duration and diffusion. Congo's oil is located entirely offshore and remains unrivalled as a source of revenue; petroleum royalties, however, accrue only to Congo's internationally recognized sovereign. Following the instability created by democratization, the oil fields' legal and geographic

configuration created incentives for militias to struggle for control over Brazzaville, the capital, but to eschew protracted rural warfare. Unlike other commodity-induced wars, Congo's countryside has no diamonds or coltan, and limited quantities of timber. When the fighting did finally spread to remote rural areas in 1998, moreover, it was remarkably short-lived. Once Sassou had demonstrated his ability to defend Brazzaville against all challengers, most rebel leaders preferred to surrender in return for their old public sector jobs. Congo-Brazzaville was thus spared the spatially and temporally protracted wars witnessed in resource-rich countries such as Burma, Liberia, Sierra Leone, Congo-Kinshasa, Angola, Colombia, and Afghanistan."

## **Key events since the return to power of Sassou Nguesso (1997-2002)**

### **AFP, 22 May 2002:**

"The return to power in 1997 of Congolese president Denis Sassou Nguesso in a bloody coup marked the start of a long process towards democracy, which approaches its final phases on Sunday with legislative elections.

Sassou Nguesso, president from 1979 to 1992, saw his 10,000-strong 'Cobra' militia, backed by Angolan forces, overthrow his predecessor, Pascal Lissouba, in October 1997.

But civil unrest continued for more than a year afterwards, officially coming to an end with the signature of a ceasefire at the end of 1999.

The country was plagued by civil war for much of the 1990s. Between June 1993 and February 1994, the Congo was torn apart by factional fighting after Nguesso's opposition United Democratic Forces refused to recognize the results of 1993 legislative elections. An estimated 2,000 people died in the clashes.

Nguesso legitimised his military seizure of power when he was elected president in March this year, garnering nearly 90 percent of the vote.

Following is a chronology of key events since Sassou Nguesso proclaimed himself head of state for the second time in 1997.

### **1997**

**Oct 15:** Sassou Nguesso seizes power after the victory of his forces, backed by Angola, over those loyal to Pascal Lissouba. The ousted president and his prime minister, Bernard Kolelas, flee the country. Between 4,000 and 10,000 people are estimated to have died in the capital, Brazzaville, in the ensuing fighting.

**Oct 25:** Sassou Nguesso proclaims himself head of State.

### **1998**

**Jan 5-14:** A unity and reconciliation committee lays out a 'flexible' three-year timetable for the transition period before general elections are held.

**Dec:** New clashes break out in Brazzaville and spread to other regions. The army and Sassou Nguesso's Cobra militia, supported again by the Angolans, are pitted against the Cocoyes and Ninjas, forces loyal to Lissouba and Kolelas.

## 1999

**June 17:** The International Federation for Human Rights accuses troops loyal to the government of massacring between 5,000 and 6,000 people on the grounds of political allegiance, ethnic or regional backgrounds.

**Dec 16:** Amnesty announced for all rebels who lay down their arms. The exemption does not extend to Lissouba and Kolelas.

A ceasefire is signed between the army and militia leaders, officially ending fighting which cost thousands of lives in a year.

## 2000

**May:** Kolelas sentenced in absentia to death on charges of torture and illegal imprisonment in the Ninja militia's private jails.

**Dec 1:** Around 13,000 weapons confiscated and 12,000 militiamen demobilised since the end of the fighting, according to the ceasefire supervision committee.

## 2001

**March 17-April 14:** A period of national dialogue culminates in a proposal for a new constitution and a "Convention for peace and reconstruction".

**Aug 31:** Parliament orders a committee of inquiry to probe reports of people disappearing during the country's civil wars.

**Sept 2:** After adding a series of amendments, the interim parliament approves the new constitution, providing for a presidential regime which confers significant power on the president.

**Dec 28:** Lissouba is sentenced in his absence to 30 years' forced labour for "high treason". It is the second such judgement against him, following a 1999 conviction of 20 years' imprisonment for a plot to kill Nguesso.

## 2002

**Jan 15:** Non-governmental organisations in Congo urge the international community not to support the country's electoral process, which they allege is rife with fraud.

**Jan 20:** A referendum on the constitution --- the first step towards holding democratic elections -- wins the support of 84.5 percent of voters, but the opposition says the poll was riddled with irregularities.

**March 9:** All the major opposition candidates have either pulled out of the presidential vote, just one day away, citing electoral fraud, or have been prevented from standing.

**March 13:** Sassou Nguesso is elected president, with 89.41 percent of the vote.

**April 7:** Factional fighting since the end of March in the Pool region near Brazzaville raises concern that upcoming legislative and local elections may be derailed. The UN says the fighting has forced at least 15,000 people to flee their homes.

**May 10:** A coalition of some 10 opposition parties announces it will contest the legislative elections, the first round of which is due May 26.

**May 15:** The Congolese Movement for Democracy and Integral Development (MCDDI) calls for the vote to be delayed in Pool, still riven by fighting between government forces and a local militia."

**IRIN, 14 August 2002:**

**August 14**

"Denis Sassou-Nguesso was sworn in on Wednesday in the Republic of the Congo (ROC) capital, Brazzaville, as president of the ROC, following his election on 10 March with reportedly more than 85 percent of the national vote.

This was the first time Sassou-Nguesso has been elected to the presidency - an office he first seized in 1979 and held until 1992, and then seized again in 1997 and held until the present day."

### **Parliamentary elections marred by hostilities and irregularities (2002)**

- Re-runs necessary in several constituencies because of irregularities and hostility by angry voters
- Government estimates that only 20 percent of the electorate turned out to vote
- Second round of legislative elections scheduled to take place on 23 June

**IRIN, 28 May 2002:**

"Hostilities and irregularities marred the first round of legislative elections held on Sunday in the Republic of Congo, the government said.

'Overall, things did not go as smoothly as the Ministry of the Interior would have liked,' a government on Monday (sic), adding that in the nation's capital, Brazzaville, 'a number of irregularities that could compromise the chances of this round of voting being validated were observed in several districts.'

Fresh polling will take place in four constituencies in Brazzaville's northern suburb of Talangai, where angry voters, alleging fraud, ransacked polling stations and made off with ballot boxes on Sunday, AFP reported. There will also be a re-run in a constituency in Ouenze, another district in the north of Brazzaville, where people were unable to cast their votes because the logos of some candidates were missing from ballot papers.

In the port city of Pointe Noire and elsewhere, polling was delayed by organisational problems as people could not find their names on the voters' list or did not have a voter's card, Reuters reported. In the southern Pool region, where the government has been battling anti-government militias, voting was postponed in eight of 14 electoral districts.

The turbulence had a serious impact on voter turnout, with government estimates citing 'no more than 20 percent' of the eligible electorate having voted. However, it did highlight the fact that 300 women were among the 1,200 total candidates competing for 137 seats in the national assembly.

Since 1998, the ROC has had a National Transitional Council consisting of 75 non-elected members. The council was created to replace the bicameral parliament existing prior to the 1997 civil war. The bicameral parliament chosen in this election will replace the council.

The International Foundation for Election Systems says there are 1.6 million registered voters of an estimated population of three million in the ROC. Results are due to be announced on Tuesday. A second round of legislative elections is due to take place on 23 June, concurrent with local and municipal elections."

## **Congo chronology for 2002**

### **IRIN, 17 January 2003:**

"20 January - A referendum is held on a new constitution, which, if adopted, would do away with parliament and the post of prime minister.

11 February - The World Health Organisation says that as at 5 February, 69 cases of the Ebola infection were confirmed in the Republic of the Congo (ROC) and neighbouring Gabon. By 1 February, 20 confirmed cases, including 12 deaths, reported in the ROC.

26 February - UN High Commissioner for Refugees Ruud Lubbers meets government officials and visits refugees in remote northern areas of the Oubangui river, in the northeast of the country. Some 84,000 people, mainly from the Democratic Republic of the Congo's (DRC) north-western Equateur Province, seek refuge along an 800-km stretch of the river to escape renewed fighting between government forces and the Mouvement de liberation du Congo.

10 March - Denis Sassou-Nguesso is elected president of the for the next seven years, having garnered over 89 percent of the vote. This is the first time Sassou-Nguesso has been elected to the presidency, an office he first seized in 1979 and held until 1992, and then seized again in 1997.

26 March - Swedish diplomats say their government has agreed to provide eight million kronor (US \$773,320) to UN agencies to support the reconstruction and rehabilitation of the ROC.

28 March - The US government gives \$65,000 to the director of health services of the ROC armed forces in support of HIV/AIDS prevention education within the military.

30 March - Fighting erupts between Ninja rebels (named after the Ninja warriors of medieval Japan) and government forces in the locales of Intsini, Kindamba, Kingoyi, Louloubou and Mayama, all in the Pool region, northwest of the capital, Brazzaville. Three days later, Ninjas attack a train along the line from Pointe Noire to Brazzaville. The Ninja are loyal to the Rev Frederic Bitsangou (alias Pasteur Ntumi).

11 April - At least 15,000 people remain displaced in Pool region and perhaps 50,000 in Brazzaville, as a result of panic provoked by continued fighting in the Pool region, and the Kinsoundi suburb of Brazzaville. Pool becomes inaccessible.

2 May - The World Bank's board approves \$40 million for the emergency reconstruction, rehabilitation of roads, drains, school facilities and living conditions improvement projects in the country.

20 May - The office of the UN Resident Humanitarian Coordinator in the country reports that at least 5,000 people have been trapped since 31 March in the town of Kindamba, in Pool. The government still refuses to grant the international community access to the area to assess humanitarian needs of the population.

28 May - In a statement released in Geneva, UN High Commissioner for Human Rights Mary Robinson accuses government forces and rebels of showing "blatant disregard" for the safety and human rights of the civilians trapped by fighting in Pool.

2 June - A UN-chartered aircraft lands in Kindamba, in Pool, with 7.7 mt of food and non-food items, bringing the first relief aid to the beleaguered town since fighting erupted in March between government troops and the Ninjas.

4 June - Interior Minister Pierre Oba announces that 51 of 137 available National Assembly seats have been determined in the first round of legislative elections. President Sassou-Nguesso's Parti congolais du travail (the Congolese Labour Party) wins 29 of the 51 seats.

5 June - A direct telephone line is reinstalled between the DRC and neighbouring ROC after a 15-year hiatus due to aged equipment that was too expensive to replace.

11 June - UN agencies say at least 20,000 people in urgent need of humanitarian aid remain in inaccessible areas of Pool. The UN only has access the towns of Djamballa, Kinkala, Madzia, Kibouende, the east part of the railway line (on the south side only), Kindamba and Bouenza region, west of Pool.

14 June - Armed men, believed to be Bitsangou's men, attack Brazzaville's Maya Maya airport. Some 10,000 people flee the city. The International Committee of the Red Cross (ICRC) evacuates dead and wounded without hindrance.

23 June - Calm prevails in Brazzaville as voters go to the polls in the second round of nationwide legislative elections. Voter turnout is low in several districts.

25 July - After a one-month postponement due to a series of political elections, the year's nationwide campaign to vaccinate 682,640 children aged five years and under against polio gets under way, with government assurances of access to all districts in Pool.

29 July - The UN country team puts the number of people displaced in Pool at 66,000 since fighting broke out in March.

8 August - WHO donates 1,000 insecticide-treated mosquito nets to three Brazzaville hospitals. The recipients are Talangai Hospital in the north of the city, Blanche Gomez in the centre and Makelekele Hospital in the south. The contribution is part of the global "Roll Back Malaria" campaign [<http://mosquito.who.int>].

14 August - Denis Sassou-Nguesso is sworn in as president.

18 August - Sassou-Nguesso announces his new government. Twelve members of the newly appointed government retain their portfolios from the transitional government or assume new duties, while 12 others are dropped.

11 September - Rwandan genocide suspect Jean Nsengiyumva , alias Jean-Baptiste Gatete, is arrested in the village of Ngombe, north Brazzaville. The International Criminal Tribunal for Rwanda in Arusha, Tanzania, wanted him put on trial for genocide and other crimes against humanity committed in 1994.

23 September - The EC announces it will allocate 50.4 million euros (\$49,447,440) to ROC for 2002-2007 in support of efforts to fight poverty and reinforce democracy.

24 October - Belgian State Secretary Eddy Boutmans announces that his government is to donate almost \$5 million towards the demobilisation and reintegration of soldiers and armed groups in seven African countries, among them Burundi, the DRC, the ROC, the Central African Republic, and Rwanda.

18 November - The UN Office for the Coordination of Humanitarian Affairs says the UN is assisting at least 8,000 people on the outskirts of Brazzaville who were displaced in October by fighting in Pool.

18 November - President Sassou-Nguesso give rebels fighting in the Pool region until 18 December to surrender.

29 November - Heavy rains backed by gusting winds displaced some 5,000 people in Loukolela and Mossaka in the central region of Cuvette, Makotipoko in the south-central Plateaux region, and the riparian communities in Sangha and Ngoko, in the northwest, the prefect of Sangha region, Fulgence Milandou says.

16 December - Angola's remaining 1,500 troops backing Sassou-Nguesso begin to pull out, ending a five-year presence in the country.

31 December - The ICRC announces that two of its employees, Thierry Baudina, 41, and Congolese Guy Alain Ngoualer, 37, kidnapped on 4 December by rebels in the Bouenza region in the southwest of the country, have been released."

### **Republic of Congo experienced increased stability (2001)**

- Fragile peace held in Congo in 2001
- The government conducted a 'national dialogue' to draft a new constitution
- Congo River reopened to traffic in May 2001 after three years of closure
- Continuing instability centred around refugees from DRC
- Efforts to demobilise militia fighters began with signing of peace agreement in late 1999
- Hundreds of weapons have been handed over, and the government announced a reintegration programme for former militia members
- Some groups have refused to demobilize

### **USCR, 2 October 2001:**

"Congo-Brazzaville's fragile peace continued to hold during the first nine months of 2001. 'Peace has been restored in villages where war once prevailed,' President Sassou-Nguesso stated in September [2001].

The government conducted a 'national dialogue' to draft a new constitution. Groups opposed to the president refused to participate. The national parliament adopted the new constitution in September. Citizens are scheduled to vote in a referendum on the new constitution in late 2001.

The government announced plans to form a panel to investigate disappearances that occurred during the violence of the 1990s. Efforts to clear landmines continued in the capital, Brazzaville.

The country's economically important Congo River reopened to commercial traffic in May after regional violence forced its closure for nearly three years."

#### **AI, 2001:**

"A measure of stability returned to the country after cease-fire agreements between warring militia were signed at the end of 1999. Around half those militia were estimated to have been demobilized during 2000, with many being reintegrated into the army. However, a proposed national dialogue involving all sides to the conflict did not take place. Although most of those who had been internally displaced by the fighting were able to return to their homes, the country was hit by a new refugee crisis in the north as tens of thousands of civilians fled the war in neighbouring Democratic Republic of the Congo (DRC)."

#### **AI, 2001 Annual report:**

##### ***Process of demobilizing some 25,000 militia fighters has been on-going since late 1999:***

"Following the signing of two cease-fire agreements in November and December 1999, the process of demobilizing an estimated total of 25,000 militia fighters began. These included members of the *Cocoyes* (loyal to former President Pascal Lissouba), the *Cobras* (loyal to President Dennis Sassou Nguesso), and the *Ninjas* (loyal to former Prime Minister Bernard Kolélas). All those who surrendered and handed in their weapons were guaranteed an amnesty by the government, including those responsible for serious human rights abuses during the armed conflict.

In April [2000] in the northern town of Owando, 700 weapons were reportedly handed in by the militia known as the *Faucons* (Falcons), loyal to former Prime Minister Joachim Yhombi Opango. In July, 800 members of the *Cocoyes* were reportedly demobilized in the western town of Mossendjo. In December, the follow-up committee responsible for overseeing the implementation of the cease-fire announced that 13,000 weapons had been handed in and that 12,000 militia fighters had been demobilized during 2000.

However, some groups reportedly refused to demobilize, including militia in the Niari region, traditionally a stronghold of the *Cocoyes*. Many of those who had been demobilized found themselves homeless and without the means to support themselves properly. In October, the government announced a reintegration program, part-funded by the UN, aimed at reintegrating 5,000 former militia members into civil society."

#### **Republic of Congo stands as one of the poorest countries in Africa (2000)**

- Despite oil reserves, Congo is considered one of world's least developed countries
- With Human Development Index of 0.553, it ranks 135th out of 174 countries listed in UNDP report of 1999
- Congolese national debt reported at US\$6 billion

**WFP, 19 September 2000:**

"With its 2.8 million inhabitants (1998) and despite its oil reserves, the Republic of the Congo is considered as one of the world's least developed countries and is classified as a low-income, food-deficit country (LIFDC). With a Human Development Index of 0.553, it ranks 135th out of the 174 countries listed in the UNDP Human Development Report for 1999. On 31 March 2000, the World Bank put the Congolese national debt at US\$6 billion. The high level of debt has forced the Government to adopt a series of austerity measures over the past decade, with dramatic consequences on the living conditions of the population.

[...]

The Republic of Congo is characterized by a high rate of urbanization. More than 70 percent of the population lives on just 30 percent of the land in the south of the country, while 60 percent of Congolese dwell in the main centres (Brazzaville, Pointe Noire, Dolisie and Nkayi). Agriculture employs less than 35 percent of the active population, involves a mere 2 percent of arable land and contributes to just 13 percent of the gross domestic product (GDP)."

## **Causes of displacement**

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### **Residents fled after a night of shooting in Brazzaville (December 2003)**

- People fearing more fighting were moving out of the volatile Bacongo and Makelekele districts
- Rumours everywhere in Bacongo and Makelekele that there's going to be fighting between government troops and the Ninja and Nsiloulou militias
- Shots from automatic rifles and rocket launchers woke up the two troubled districts
- A conflict broke out between Ninjas and Nsiloulous over the sharing out of food and financial resources
- A spokesman for the former rebel groups said that the groups had been provoked

### **AFP, 18 December 2003:**

"Government security forces stepped up their presence in parts of the south of Republic of Congo's capital while residents fled after a night of shooting blamed on youth militias, witnesses said.

People fearing more fighting were moving out of the volatile Bacongo and Makelekele districts, where troops and police reinforcements had strengthened their positions.

"There are rumours everywhere in Bacongo and Makelekele that there's going to be fighting between government troops and the Ninja and Nsiloulou militias," said one witness reached by telephone.

"People are running everywhere, but nobody knows where the rumour came from."

The militia forces, which served in the 1990s as the private armies of the central African country's political parties, have been due to disarm under a general peace pact reached in March to end years of unrest.

During the night, shots from automatic rifles and rocket launchers woke up the two troubled districts, where many Ninja and Nsiloulou militia members who had backed rebel priest Frederic Bitsangou, alias Ntumi, have moved in.

There were no immediate reports of casualties, and witnesses had earlier said that shops and markets had opened as usual after daybreak.

"I've heard no shots," a local radio journalist who had interviewed a mayor of one of the districts in the southern areas of the capital told AFP.

"But I saw widespread panic in Bacongo and Makelekele as people have started to flee. Near the French cultural centre, the security forces have been reinforced."

"Police asked us to leave Bacongo and Makelekele quickly because they wanted to restore order," the journalist added, without giving further details.

Overnight, one group of armed militiamen headed out of the districts to a junction known as PK4 on the key railway line linking the capital with Pointe Noire on the Atlantic coast more than 500 kilometres (300 miles) distant.

"These armed youths held up a goods train coming through PK4 from Pointe Noire," a resident of the western Mfilou district told AFP. In the afternoon, it was impossible to obtain more news of the train.

The two militia groups fought government troops and their Cobra militia allies in 1998, during the last of a series of civil wars to wrack the central African country where different political parties had their own private armies.

Government spokesman Alain Akouala said he understood that a conflict broke out during the night between Ninjas and Nsiloulous over the sharing out of food and financial resources.

"The disarmament process must be speeded up," he said, adding that the government wanted "Ntumi to come back to Brazzaville to begin disarming the youths."

But a police officer who asked not to be identified said that a spokesman for the former rebel groups said that the groups had been provoked, without saying by whom. One militia member also spoke of "armed provocation".

Last weekend, unidentified gunmen opened fire on a residence being readied for Ntumi in Makelekele.

Ntumi is still based in the forests of the Pool region southwest of the capital, where much fighting took place during the civil wars and even after peace had been restored in the rest of Congo."

### **New wave of displacement caused by fighting, banditry and attacks on villages (2002-2003)**

- In October 2002, Ninja atrocities force thousands of people from their homes in the district of Mbandza Ndounga
- Displaced head for Brazzaville and are harassed on their way
- In December 2002, attacks by armed bandits on villages in northern Pool force residents to flee, mostly to Brazzaville

- Displacement caused by clashes between government troops and Ninja rebels continue into 2003

**PANA, 31 October 2002:**

“Atrocities by "Ninja" militiamen headed by pastor Frederick Bitsangou, alias Ntumi and harassment by Congolese government forces have forced the displaced persons to leave their homes in Mbandza-Ndounga, Goma Tse-Tse and Boko districts.

According to witnesses, the Ninja militiamen have been forcing the population to leave the areas so that they can take control of villages.”

**UN RC, 24 October 2002:**

“Displaced people arrived in large numbers in the south of Brazzaville on the 19 and 20 October [2002], others are still arriving. Most of them come from the district of Mbandza Ndounga or from localities on the road between Brazzaville and Kimpanzou (second road to Kinkala). The people report they were attacked by bandits and forced to move towards the capital. They were racketed along their way, are now very poor and tired from their long walk and stay in churches or abandoned schools. More than 1700 people have been registered in three places beyond the bridge of Djoué on the 23rd October. The UN has started humanitarian assistance for these IDP's. Those who entered the capital and those who stay in families in the surroundings, they will be registered and provided with assistance.”

**UN Resident Coordinator, 31 December 2002:**

“Armed bandits attacked villages close to Inga (100km from Brazzaville) in the north of Pool region during the night from 16 to 17 December hitting areas that were not concerned by the conflict until now. Those attacks, threats looting and burning of houses made people flee to the main road connecting Brazzaville to Oyo (RN2) between Imvouba and Odziba. Some villagers stayed there, others came down to Brazzaville and integrated host families in the northern areas of Brazzaville.

During the night of 22 to 23 December, several villages were attacked in the area of Nganga-Lingolo (20km from Brazzaville). People left their villages and walked to Brazzaville, they entered the city and joined host families in the southern areas of the capital.

The humanitarian community is preparing strategies to respond to new influx of IDPs. The most limiting factor is the lack of resources, therefore UN is considering mobilizing donors interest through the promotion of the UN Plan for 2003-2004.

The humanitarian community is worried by the duration of the conflict. At the moment no signs of improvement are perceived, meaning that the return of the IDPs in their region can not be foreseen.”

**Reuters, 11 February 2003:**

“Ten people died when ‘Ninja’ militiamen attacked a town in Congo Republic, the latest in a string of clashes between insurgents and forces loyal to the president of the oil-rich nation, police said on Tuesday.

Police sources said the dawn raid happened on Monday in a town called Yamba, some 250 kms (150 miles) southwest of the central African nation's capital Brazzaville. They said Yamba's police commissioner was killed in the attack.

The so-called Ninja fighters, who take their name from an ancient band of Japanese warriors made popular by Hollywood movies, hide out in the forests of the Pool region and are led by renegade Pastor Frederik Ntoumi.

They have launched a series of attacks from their southern strongholds since President Denis Sassou Nguesso won an election landslide in March last year, a poll from which his main rivals were excluded."

### **Fighting in Brazzaville between the army and "Ninja" rebels caused new displacement (June 2002)**

- In June 2002, Brazzaville was the scene of two military attacks in the northeastern outskirts of the town
- The fighting between Ninja militias and government forces displaced tens of thousands of people

#### **IRIN, 14 June 2002:**

"Details about the conflict were still sketchy by midday, but diplomats said were considering two theories: First, that Ninja militias sought to attack government military installations and equipment at Mayama. "Government tanks lined up and fired in the area, and light arms were fired as well," a diplomat in Brazzaville told IRIN. "The military often retaliates this way - with heavy and light arms - to scare and deter the Ninjas."

Fighting erupted in ROC in late March when so-called Ninja militias attacked several government military positions in Pool region, north and west of Brazzaville, government said. However, Ninja representatives have said that the clashes were provoked when they discovered government plans to arrest their leader, the Rev Frederic Bitsangou, alias Pasteur Ntoumi.

A second explanation put forth was that this was an attempted coup d'etat, or perhaps the result of internal problems between the Congolese and Angolan forces, whose troops are present to support President Denis Sassou-Nguesso."

#### **IRIN, 17 June 2002:**

"[...] people have fled Brazzaville, capital of the Republic of Congo, following two days of fighting between government forces and Ninja militias that began on Friday, the United Nations Humanitarian Coordination Office in the country reported.

On Friday, it said, Brazzaville endured two sustained military attacks in the northeastern outskirts of the town. The first was against the military based near the international airport at Maya Maya, and the second targeted a police school and a station of the gendarmerie in the neighbourhood of Moukondo. Hundreds of rounds of rockets, mortars, and heavy-calibre machine-gun fire were directed on both areas, the UN reported. The Ninja tried repeatedly, in vain, to destroy the government military helicopters at the airport."

## **Thousands of civilians flee new fighting between the army and Ninja militia (April 2002)**

- Fighting breaks out between the army and 'Ninja' militia at the end of March 2002, following the alleged discovery of government plans to arrest the Ninja leader
- Police search areas of Brazzaville for illegal weapons and former Ninjas, creating panic among residents
- Ensuing fighting in parts of Brazzaville and in the Pool region displace an estimated 65,000 people, most of them out of reach of humanitarian organization
- Many of the newly displaced find refuge within their extended families, already struggling to survive on the bare minimum

### **IRIN, 11 April 2002:**

"At least 15,000 people remained displaced in Pool region and perhaps 50,000 in Brazzaville, capital of the Republic of Congo (ROC) on Wednesday as a result of panic provoked by continued fighting in various localities of the interior of Pool region and the Kinsoundi neighbourhood of Brazzaville, UN agencies reported on Thursday. They cautioned, however, that as most displacement sites cannot be reached due to insecurity, these numbers may be higher.

'Despite high-level liaison by the UN, it has remained very difficult to obtain reliable information in particular on security conditions and secure access to populations in need of humanitarian assistance,' UN Resident and Humanitarian Coordinator William Paton told IRIN.

In Brazzaville, tens of thousands fled the southern parts of the city (Baongo, Kinsoundi, Makelekele) on Wednesday night following low-grade bombing in Kinsoundi during the afternoon. Although people were reported to be returning in large numbers on Thursday, the population in Kinsoundi remained trapped, according to humanitarian sources, because the army is restricting movement in and out of the area.

'While the displaced are currently finding refuge within their extended families, this is creating a significant burden on populations already living, for the most part, with the bare minimum,' Paton stated. 'It is a concern that families may not be able to absorb the displaced for a prolonged period of time.'

Petrol is reportedly available in the capital, but in very limited quantities, with long queues at the city's fuel stations. Prices of local produce (fruits, manioc, vegetables) have increased, in some cases almost doubling. Numerous incidents of looting have been reported, and check points were set up throughout Brazzaville on Wednesday night by army, police, special forces and militias.

Although Paton noted that 'considerable efforts have been made by authorities to assure people that the situation is under control,' the UN security management team has recommended that all missions to Brazzaville be suspended until further notice.

Humanitarian groups, meanwhile, expressed concern that the Congolese government has adopted an aggressive approach to the current situation, favouring vigorous pursuit of military solutions rather than negotiations; the arrival of a special unit of Angolan soldiers in Pool region and Brazzaville has caused further concern among some of these organisations.

[...]

Hostilities erupted in ROC at the end of March, when several government military positions in Pool region were reportedly attacked by so-called 'Ninja' militias, according to official sources.

Ninja representatives have countered that the clashes were provoked when they discovered government plans to arrest their leader, the Rev Frederic Bitsangou (alias Ntoumi).

The ROC government claims that the Kingouari section of Makelekele is an area with a high concentration of former Ninja militiamen who were demobilised following the peace agreements of 1999, which effectively brought years of repeated civil wars to a conclusion.

During the afternoon of Tuesday 9 April, Brazzaville police launched a sweep of these southern neighbourhoods in search of illegal arms and former Ninjas, whom they feared could be awaiting a signal from Ntoumi to launch an offensive in the capital. Shots were at some point fired by the police – 'harmless warning shots', according to officials - which led to widespread panic among an urban population already unnerved by reports of extensive rebel activity in interior regions west and northwest of the capital.

Last month, Col Michel Ngakala, the High Commissioner for the Reintegration of Ex-Combatants in ROC, accused Ntoumi of opposing the demobilisation of his men and thereby constituting a threat to peace. Although Ntoumi has expressed willingness to the United Nations Development Programme (UNDP) and the International Organisation for Migration (IOM) for his men to be reintegrated, negotiations between him and the government have thus far been unsuccessful."

### **Recurrent civil war during 1990s forced hundreds of thousands from their homes (2000-2001)**

- From 1993, country suffered three civil wars in six years
- By 1999, violence had forced as many as 800,000 persons from their homes
- June-October 1997 civil war resulted in the displacement of approximately 500,000 persons

### **USCR, 2001, p. 66:**

"Ethnic-based political violence has destabilized Congo-Brazzaville for almost a decade.

Following disputed elections in 1993, the country suffered three civil wars in six years. In 1997, President Sassou-Nguesso, a northerner, overthrew the country's democratically elected leader, Pascal Lissouba, a southerner, sparking another deadly cycle of north-south violence. The conflict featured a wide array of armed combatants: Angolan government troops; Angolan rebel forces; exiled soldiers from Rwanda, Congo-Kinshasa, and Central African Republic; alleged international mercenaries ; and myriad militia groups allied with warring politicians.

By 1999, violence had claimed an estimated 20,000 lives and displaced as many as 800,000 people - nearly one-third of the country's 2.7 million population. The capital was in ruins, and what remained of the country's infrastructure was severely damaged."

### **EPCPT, November 2000:**

"The people of Congo Brazzaville suffered severely from the devastating consequences of the civil war. The fierce fighting in the streets of Brazzaville, including indiscriminate bombing of crowded neighbourhoods, caused massive population displacements. During the June-October 1997 civil war, approximately 500,000 out of the 858,000 inhabitants of Brazzaville fled their homes. Humanitarian sources said clashes in January 1999 led to 30,000 displaced people in Brazzaville alone."

## **Peace efforts**

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### **Final peace accords and disarmament agreements (2009)**

#### **U.S. DOS, 25 February 2009:**

"During the year harassment and mayhem in the Pool region by armed elements believed to be Ninja rebels greatly decreased, following peace accords and disarmament agreements completed in June [2008]. Rebel leader Pasteur Ntumi ordered his Ninja troops to disarm and cooperated in an agreement with government soldiers and gendarmes to secure the Brazzaville to Pointe Noire railroad. While the region was not completely safe, there were many fewer reports of harassment or violence during the year."

#### **AI, 2008:**

"The National Resistance Council (Conseil national de résistance, CNR) and the government signed an agreement in April to end hostilities. As part of the agreement, President Denis Sassou-Nguesso appointed CNR leader Frédéric Bitsamou (known as Pasteur Ntoumi) to the post of delegate general in charge of promoting the values of peace and repairing the ravages of war. In preparation for the June legislative elections, the CNR transformed itself into a political party known as the National Council of Republicans (Conseil national des républicains). When Frédéric Bitsamou and his supporters tried to enter the capital, Brazzaville, in September, government forces opened fire and forced the CNR back into the Pool region. The ruling Congolese Workers' Party (Parti congolais du travail, PCT) and its allies won an overwhelming victory in the June elections. Civil society organizations and opposition political parties claimed that the elections were largely chaotic and favoured the PCT. When the new National Assembly sat in September, former Prime Minister Bernard Kolelas became its President, as part of the deal in April to ally his party to the PCT. In October the Republic of Congo was readmitted to the Kimberley Process from which it had been suspended in 2004 for failing to prevent the trafficking of conflict diamonds."

### **Congo's Pool region between war and peace, one year after accord (March 2004)**

- In March 2003 government forces and Ninja rebels reaffirm an earlier ceasefire agreement of December 1999
- A year after the commitments, we have a situation in the Pool that is halfway between peace and war
- Sporadic fighting in the Pool since the peace pact was signed March 2003
- Sassou Nguesso's government feels it has held to "90 percent of its commitments" under the pact
- The rebel leader, Bisangou, has said that demobilisation of his fighters and his eventual return to Brazzaville are part of a separate pact with the government
- With the war now seemingly at an end in March 2003, Bisangou said he wanted 'a true national dialogue', because that so far organised by the government was merely 'a monologue

- Bitsangou and his militia began their rebellion in December 1998 to 2000, then again in May 2002 before fleeing into the forests in the south of the country

**AFP, 17 March 2004:**

"The Congo Republic, which was rocked by a succession of civil wars in the 1990s, marked the first anniversary Wednesday [17 March 2004] of the signing of a peace pact for the Pool region, the last area where rebels were still fighting the government.

On March 17 last year, the government of President Denis Sassou Nguesso signed a peace pact with representatives of diehard rebel groups and militias, the Ninjas and Nsiloulous, who had obstinately continued to fight the Brazzaville regime and laid waste to the southern Pool region.

"A year after the commitments, we have a situation in the Pool that is halfway between peace and war," Isidore Mvouba, in charge of coordinating the government's side in the peace process, told reporters.

"We have no choice but to continue the peace process in the face of the martyrdom that the people of the Pool region have had to endure," Mvouba said.

He asked Ninja leader Frederic Bitsangou, also known as Ntumi, to abide by the accord signed last year and to do his utmost to ensure that the rebels disarm and are demobilised.

Most of the militia groups that fought in the 1990s civil wars on the side of rival political groups were demobilised and rejoined civilian life after a peace accord was signed in 1999.

But the Ninjas and Nsiloulous continued to fight the government, with clashes breaking out anew in March 2002, when the diehard rebels said they had learned of a plan to kidnap Ntumi.

The fighting is said to have displaced tens of thousands of people in the heavily forested Pool region, but the true figures are unclear. Many survived in atrocious conditions, inaccessible to food aid and medical teams.

The fighting also prevented voters in six of the Pool's 14 districts from casting their ballots in legislative elections in July 2002.

Sporadic fighting in the Pool since the peace pact was signed last March has severely disrupted traffic on the country's key rail link between the inland capital Brazzaville and Pointe Noire, an oil city and port on the Atlantic coast.

Under the peace pact signed last year, both sides agreed to ensure free movement of people and goods throughout the Pool, the redeployment of the army in the province, the re-establishment of the government's authority, and to disarm former rebel leaders and fighters and help them to rejoin civilian life.

Some former rebels will be recruited into the police force and army, according to the pact.

Sassou Nguesso's government feels it has held to "90 percent of its commitments" under the pact, including the renovation of a house in a southern neighbourhood of Brazzaville for Ntumi and the creation of a security detail for the Ninja leader.

"The remaining 10 percent represents the demobilisation, disarmament and reinsertion campaign for ex-combatants," said Mvouba.

The campaign to get the rebels to lay down their arms and return to civilian life was launched in January in Loukouo, but has not effectively taken hold across the entire province.

The European Union has helped finance the operation.

Ntumi has said that demobilisation of his fighters and his eventual return to Brazzaville are part of a separate pact with the government which sets out the number of former Ninjas who will be recruited to the security forces and calls for the creation of a government of national union that includes members of the rebels' executive.

But Sassou Nguesso's government has rejected some of his demands, including bringing the Ninjas and Nsiloulous into a unity government."

### **IRIN, 21 May 2003:**

"Congolese militia leader Frederic Bitsangou, alias Pasteur Ntoumi, left his forest hideout in the Pool Region [ in May 2003] from where he had been leading a guerrilla war campaign against the government since 1998.

'Peace is the work of God. At the end of the day it is the people who are the winners,' he said at an event marking his emergence from the forest at Vindza, 150 km northwest of Brazzaville, capital of the Republic of Congo.

Present at the ceremony was Col Casimir Ombere, a member of the Peace Convention and of Reconstruction Follow-up Committee set up to consolidate the 17 March peace accord between the government and Bitsangou's Conseil national de la résistance movement. Bitsangou's return to the national fold seals this deal.

Bitsangou's militia, know as the Ninja, has been waging a guerrilla campaign against the government in Pool from where hundreds of thousands of people have fled. The Ninjas had first signed a cessation of hostilities accord with the government in December 1999.

With the war now seemingly at an end, Bisangou said he wanted 'a true national dialogue', because that so far organised by the government was merely 'a monologue'. However, government spokesman Alain Akoualat said on Wednesday the dialogue had been a success and that former President Pascal Lissouba and former Prime Minister Bernard Kolela were free to return home from exile.

Moreover, Ombere said the government would respect the accords signed and support of measures aimed at peace. He asked the former rebels 'not to dig up the hatchet of war', and called on the media not to 'not throw oil into the fire'.

Bitsangou and his militia began their rebellion in December 1998 to 2000, then again in May 2002 before fleeing into the forests in the south of the country."

### **Rebel demands rejected by the government (March 2004)**

- Rebels demand government of national unity, agreement on the numbers of rebels to be integrated in the army, the police and the gendarmerie and return of exiled politicians

- The government claims rebel demands are not included in the peace agreement of March 2003
- The peace agreement stipulates a disarmament, reinsertation and demobilisation programme, free movement of people and goods in the Pool region, the restoration of the State services in the Pool region and designation of a rebel leader at the High Commission for reinsertation of ex-combattants
- The government claims it has honored 90 percent of the agreement and that the state can not be challenged indefinitely

#### **IRIN, 8 March 2004:**

"Le ministre d'Etat des transports et des privatisations, chargé de la coordination de l'action gouvernementale en République du Congo, Isidore Mvouba, a rejeté dimanche, à Brazzaville la capitale, certaines exigences politiques du chef des miliciens Ninja, le pasteur Frédéric Bitsangou alias Ntumi, estimant qu'elles ne figurent pas dans les accords de paix.

Le pasteur Ntumi avait conditionné son retour à Brazzaville, en janvier dernier, par la mise en place d'un gouvernement de large union nationale, le retour des anciens dirigeants exilés, la définition de son statut et un accord avec le gouvernement sur le nombre de ses miliciens à intégrer dans l'armée, la police et la gendarmerie.

"Dans les engagements croisés pour la paix dans le Pool signés par le gouvernement et les représentants du pasteur Ntumi, il n'y a pas de formation de gouvernement de large union nationale et de retour des exilés. Nous demandons au pasteur Ntumi de revenir à ses engagements," a affirmé à la presse M. Mvouba.

Ces engagements pris le 17 mars 2003 sur la base des accords de cessez-le-feu et de cessation des hostilités de décembre 1999 entre les troupes gouvernementales et des groupes armés, avaient permis de restaurer une paix relative dans le Pool.

Aux termes de ces engagements de mars, le gouvernement congolais et le pasteur Ntumi s'étaient accordés pour organiser le désarmement, la démobilisation et la réinsertion de ses hommes, de favoriser la libre circulation des personnes et des biens dans le Pool, d'y restaurer l'autorité de l'Etat et de désigner un représentant du chef rebelle au haut commissariat chargé de la réinsertion des ex-combattants.

Pour favoriser le retour du pasteur Ntumi à Brazzaville, le gouvernement avait réhabilité un vieil immeuble dans le quartier de Bacongo au sud de la ville devant servir de résidence officielle.

M. Mvouba estime que le gouvernement a tenu ses engagements à 90%. "Les 10% restant concernent la réinsertion qui ne dépend pas de nous seulement," a-t-il dit.

Le gouvernement et des représentants du pasteur venaient, par ailleurs, de mettre en place deux groupes de travail chargés de la démobilisation, du désarmement et de la réinsertion des rebelles et de réfléchir au statut du pasteur, a-t-il ajouté.

"Le fait que le pasteur Ntumi soit toujours à Loukouo [à environ 200 km à l'ouest de Brazzaville, dans le département du Pool] avec des hommes armés, est une menace potentielle pour la paix", a souligné M. Mvouba.

"Une remise en cause des engagements pour la paix risque de créer une situation inexplicable qui n'est pas de nature à raffermir la paix," a encore affirmé M. Mvouba qui a exclu la reprise des violences dans le Pool.

"Ce sont des Etats faibles qui utilisent la violence contre la violence. Nous privilégions la paix et nous nous conformons aux engagements pour la paix", a dit M. Mvouba pour qui "le Congo a trop souffert pour permettre une énième guerre civile".

"L'Etat n'est pas à défier indéfiniment. Ceux qui ont tenté de le faire l'ont regretté. L'Etat aussi a une patience qui a des limites," a-t-il encore déclaré."

### **Amnesty bill excluded opposition leaders (September 2003)**

- Amnesty bill is not sufficiently inclusive and could, therefore, prove an obstacle to genuine national reconciliation
- The Amnesty bill excluded opposition politicians currently in exile
- The bill, which speaks primarily of Ninjas, would also be applicable to government forces, as well as allied militias and mercenaries
- A national reconciliation conference like the DRC's inter-Congolese dialogue that would facilitate the return of exiles

### **UN OCHA, 12 September 2003:**

"A national human rights NGO in the Republic of Congo has said that an amnesty bill for Ninja militants who fought government forces in the Pool region in the south of the country is not sufficiently inclusive and could, therefore, prove an obstacle to genuine national reconciliation.

In a commentary published on Thursday in its newsletter, Lumiere, the Congolese Human Rights Observatory (Observatoire congolais des droits de l'homme - Ocdh) called the amnesty "selective", saying it excluded opposition politicians currently in exile.

"Reconciliation should first of all involve the protagonists of conflict in the Congo, namely current President Denis Sassou-Nguesso, his predecessor, Pascal Lissouba, and Lissouba's former prime ministers, Yhombi Opango and Bernard Kolelas, and others," Ocdh said. "It was due to them that war erupted, it is through them that we must put it behind us."

On 30 August, the Congolese National Assembly approved the amnesty bill for the period from 15 January 2000 until the date the bill is ultimately signed into law by Sassou-Nguesso. The bill was approved unanimously by the Senate.

Ocdh said that the bill, which speaks primarily of Ninjas, would also be applicable to government forces, as well as allied militias and mercenaries. Furthermore, it would allow the most serious war crimes and crimes against humanity to go unpunished.

Last week during a general meeting, opposition political parties called on the government to follow the example of neighbouring Democratic Republic of the Congo (DRC) by organising a national reconciliation conference like the DRC's inter-Congolese dialogue that would facilitate

the return of exiles. They also said that they would propose a new amnesty law that would include exiles, particularly those who the state had found guilty of wrongdoing."

### **Amnesty for Ninja militants who fought government forces (September 2003)**

- The government said the amnesty would cover the period from 15 January 2000 until the date the bill is ultimately signed into law
- Under the terms of the amnesty, the Ninja militants will not be prosecuted for their actions
- In 1999, the former transitional government approved an amnesty for combatants in the civil wars of 1993, 1997 and 1998

### **UN OCHA, September 2003:**

"The National Assembly of the Republic of Congo approved on Thursday a bill on amnesty for Ninja militants who fought government forces in the Department of Pool in the south of the country.

In a communiqué, the government said the amnesty would cover the period from 15 January 2000 until the date the bill is ultimately signed into law by Congolese President Denis Sassou-Nguesso.

Under the terms of the amnesty, the Ninja militants will not be prosecuted for their actions.

In 1999, the former transitional government approved an amnesty for combatants in the civil wars of 1993, 1997 and 1998. That law expired in January 2000.

In March 2002, a new round of fighting erupted in Pool between government forces and Ninja militias loyal to the Rev Frederic Bitsangou, alias Pasteur Ntoumi. However, a peace agreement was signed on 17 March 2003 between the government and Ntoumi's Ninjas, ending a year of hostilities during which tens of thousands of people fled the region, while fighting trapped many more.

The amnesty bill is one of the measures of the peace agreement, which aims to restore peace in Pool, guarantee free circulation of persons and goods, and to restore state authority in the region."

### **The ceasefire agreement of 17 March 2003**

**Congopage.com, 19 March 2003:**

"1) Les engagements du « pasteur Ntoumi » « Je soussigné Révérend pasteur Ntoumi, président du Conseil national de résistance(CNR), confirme par cette présente les dispositions de l'accord de cessez-le-feu et de cessation des hostilités signés le 16 novembre à Pointe-Noire et le 29 décembre 1999 à Brazzaville. [See:"[Accord de cessation des hostilités en République du Congo 16 Novembre 29 Decembre 1999](#)"]

De ce fait, je m'engage à arrêter les hostilités, à ramasser les armes détenues par les ex-combattants pour les remettre à la commission habilitée et à ne créer aucune entrave à la réhabilitation de l'autorité de l'Etat dans le département du Pool, à la libre circulation des personnes et des biens dans le département du Pool, au redéploiement de la force publique dans le département du Pool et à l'achèvement du processus électoral dans le département du Pool.

Je m'engage en outre à contribuer à la consolidation de la paix et de la sécurité dans le département du Pool, notamment en mettant à la disposition du comité de suivi des informations utiles à cet effet.

En contrepartie, le gouvernement s'engage à garantir : les dispositions de la loi d'amnistie n° 21/99 du 20 décembre 1999, portant amnistie des faits de guerre découlant des guerres civiles de 1993-1994, 1997-1998 et étendus à ceux des événements du 29 mars 2002 ;

la sécurité et la réinsertion professionnelle, socio-économique des ex-combattants, en particulier par le recrutement dans la force publique, dans les limites des disponibilités et le respect des critères, des militaires de carrière étant remis à la disposition de leurs corps d'origine respectifs avec possibilité d'affectation dans la zone de défense n° 8 ;

l'intégration des représentants des ex-combattants par le comité de suivi de la Convention pour la paix et la reconstruction du Congo, autour duquel seront créées les cinq commissions spécialisées pour la paix dans le Pool, pour assurer l'exécution des dispositions des accords ci-dessus cités conformément à la structuration du dit comité. » Fait à Brazzaville, le 16 mars 2003. Pour le révérend pasteur Ntoumi et par ordre : Daniel Mahoulouba, représentant de la délégation à Brazzaville, et le Docteur Gozardio, représentant personnel. »

2) Les engagements du gouvernement « Je soussigné Isidore Mvouba, ministre d'Etat, ministre des transports et des privatisations, chargé de la coordination de l'action gouvernementale, agissant au nom et pour le compte du gouvernement et de son chef, le président Denis Sassou Nguesso, conformément aux dispositions des accords de cessez-le-feu et de cessation des hostilités signés le 16 novembre 1999 à Pointe-Noire et le 29 décembre 1999 à Brazzaville, ainsi que la loi d'amnistie n° 21/1999 du 20 décembre 1999 portant amnistie des faits de guerre découlant des guerres civiles, de 1993-1994, 1997-1998, et étendus à ceux des événements du 29 mars 2002.

De ce fait, je m'engage au nom du président de la république à garantir la sécurité et la réinsertion professionnelle, sociale et économique des ex-combattants et accepte, à compter de ce jour, d'arrêter les hostilités et de remettre les armes à la commission habilitée.

Je m'engage, à partir d'aujourd'hui, à recruter dans la force publique les ex-combattants dans les limites des disponibilités dégagées par le gouvernement et dans le respect des critères, les militaires de carrière étant remis à la disposition de leurs corps d'origine respectifs avec possibilité d'affectation dans la zone de défense n° 8.

Je m'engage, enfin, à intégrer les représentants des ex-combattants dans le comité de suivi de la Convention pour la paix et la reconstruction du Congo au sein duquel il sera créé une commission spécialisée pour la paix dans le Pool afin de garantir une bonne fin d'exécution des dispositions des accords ci-dessus cités, conformément à la structuration du dit comité.

En contrepartie, les ex-combattants s'engagent à ne créer aucune entrave à la réhabilitation de l'autorité de l'Etat dans le département du Pool, à la libre circulation des personnes et des biens dans le département du Pool, au redéploiement de la force publique dans le département du Pool, à l'achèvement du processus électoral dans le département du Pool, conformément à l'esprit de la lettre des accords ci-dessus cités qu'il confirme reconnaître et respecter. »  
Fait à Brazzaville le 17 mars 2003 : Isidore Mvouba. »"

### **Congo president asked Ninjas to surrender, but residents of Pool proposed own peace plan (November 2002)**

- Sassou-Nguesso urged the Ninjas to surrender and offered a safe passage, giving them a month to act on this
- A peace committee formed by Pool residents stressed that their peace plan was more realistic
- This plan, drawn up in October 2002 called for an end to the fighting, the opening of talks, the creation of safe corridors to get humanitarian aid to displaced people, an end to the shelling and bombing by the government, and also introduced a new amnesty

#### **AFP, 19 November 2002:**

"President Denis Sassou-Nguesso has urged a rebel militia force active in the Pool region bordering on Brazzaville to surrender in exchange for a guarantee of "safe passage" from the army.

However, a peace committee formed by residents of the densely forested area said on Tuesday that Sassou-Nguesso's call would fall on deaf ears and considered that a plan they have drawn up was far more likely to work.

[...]

Sassou-Nguesso told a public meeting on Monday, attended by more than 1 000 people from the Pool, that he was giving the militiamen known as the Ninjas a month to leave their bases.

"From 18 November to 18 December, we have ordered forces of law and order - the army, the gendarmerie and the police - to open corridors in all parts of the Pool, to let the young armed men to come out and come to Brazzaville.

"As president of the republic, I guarantee the safety of the young men and their leaders who surrender to the Brazzaville authorities," said the former military ruler.

The Ninjas, led by Reverend Frederic Bitsangou, better known as Ntumi, have refused to lay down their arms since General Sassou-Nguesso, a former military ruler, seized back power at the end of a four-month civil war in October 1997.

The president, who won an election in March and saw his supporters win a parliamentary majority three months later, said that an amnesty proposed in 1999 was still valid.

The presidential appeal was dismissed as propoganda by Bonaventura Mbaya, spokesman for a peace committee set up by politicians and people from the Pool, who submitted their own peace plan to the government on November 7.

"This is pretty much propoganda. The Ninjas can't surrender after a simple appeal, they can only surrender if there is dialogue," Mbaya said after the head of state's announcement.

"The peace plan we put to President Sassou-Nguesso is the only way of definitively bringing peace back to the Pool," he said.

The plan, drawn up in October at meetings of about 250 people from all political backgrounds, calls for an end to the fighting between government troops and the Ninjas, the opening of talks and the creation of safe corridors to get humanitarian aid to displaced people.

The conflict has driven thousands of villagers either to Brazzaville or the neighbouring Bouenza region.

Many have fled their homes for deeper in the forest, and such relief agencies as have managed to get access to them have described their conditions as appalling.

[...]

The president made no reference in his address to the plan drawn up by war-weary people of the Pool, which also urged the government to stop shelling the area and bombing it from the air, as well as introducing a fresh amnesty."

## **General human rights overview**

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### **National Human Rights Commission (March 2009)**

#### **HRC, 17 March 2009:**

In 2006, while noting with appreciation the establishment of the National Human Rights Commission and the Office of the Mediator of the Republic, CRC regretted the limited mandate of these two institutions. It recommended providing them with an adequate mandate and financial resources to enable them to monitor the implementation of the Convention at the national level and to deal with individual complaints, as well as with structural and systemic issues relating to the rights of the child. As of 20 February 2009, Congo does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).

#### **U.S. DOS, 25 February 2009:**

The government-sponsored HRC is charged with acting as a government watchdog and addressing public concerns on human rights issues. Observers claimed that the commission was completely ineffective and lacked independence. The president appointed most, if not all, of its members. During the year the commission met for the first time since its creation in 2003, but failed to take any significant actions other than sending its members on all-expense-paid trips to international conferences and other venues.

### **Human rights reports (February 2009)**

- Amnesty International (AI), Republic of Congo: Annual Report, 2005.
- Amnesty International (AI), Republic of Congo: A past that haunts the future, 2003.
- Amnesty International (AI), Republic of Congo: A human rights crisis rooted in power struggles, 1999.

- Freedom House, Republic of Congo, 2009.
- Human Rights Council, Congo: Universal Periodic Review (UPR), 2009.
- U.S. Department of State, Congo: Country Report on Human Rights Practices, 2009.
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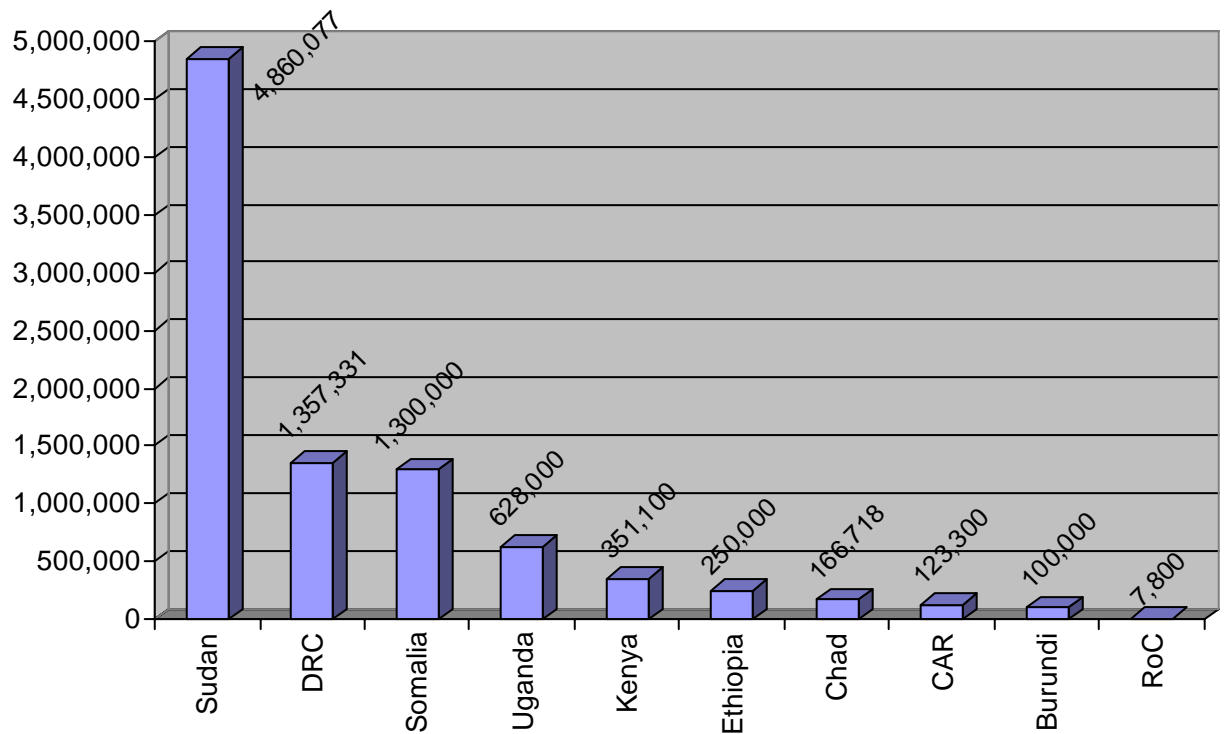
# POPULATION FIGURES AND PROFILE

## Global figures

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### 7,800 IDPs in Congo (March 2009)

UN OCHA, January - March 2009:



### 7,800 civilians still internally displaced (November 2006)

UN OCHA, 30 November 2006

"Les autorités Gouvernementales estiment en 2006 à environ 7,800 le nombre de déplacés du Pool temporairement installés soit dans d'autres localités du Pool, soit hors de ce département."

(In 2006 government authorities estimated the number of IDPs from Pool, who were temporarily settled in other areas of Pool or outside of the region, to be 7,800).

### Unsuccessful attempts to estimate number of IDPs (November 2004)

- Estimates range from 100,000 to 147,000 IDPs at the height of the 2002-2003 crisis
- The displacement crisis during the 2002-2003 conflict was most likely far worse than initially estimated
- Close to 100% of families in six of the ten Pool districts were displaced during the 2002-2003 conflict
- The exact number of people still living with host families is unknown

**Caritas, 30 november 2004, pp. 13-14:**

"Displacement

The findings confirm that the level of displacement and the period of displacement during the 2002-2003 conflict was far worse than initially estimated. Though 94% of families reported being displaced during the previous conflict, virtually every family (99.8%) was displaced in the recent conflict. More than half said they were displaced for more than 12 months.

This report considers the best estimates of population displacement figures during the conflict to be well below the actual numbers. During the conflict, when the entire Department of Pool was inaccessible, UN-OCHA estimated 100,000 displaced people within Pool and Brazzaville. Yet this study shows that close to 100% of families in six of the ten Pool districts were displaced. Based on the 1996 census, approximately 124,000 were displaced in these six districts alone. Adjusting for population growth (2.8% growth per year), the displacement figure in 2002 is closer to 147,000 people, representing just half of Pool's population. Though these areas were the worst affected by the conflict with almost 100% displacement, all other districts also had displaced populations. The study thus concludes that the official UN OCHA estimate of the number of IDPs made at the time of the conflict is likely to be at least 50% below actual numbers [...]

Due to the absence of data, attempts to estimate the number of IDPs remaining in Brazzaville and other districts were unsuccessful. All IDP camps in Brazzaville were officially closed in March 2004, though many IDPs stayed on in Brazzaville. Follow-up focus group discussions with displaced families in Brazzaville corroborate the reasons cited above for not returning, but also revealed families' desire to return home. Insecurity, whether perceived or real, is the major deterrent to displaced people resettling in Pool."

**UNOCHA, 11 November 2004:**

[Accumulated number of people who have fled the Pool region, not accounting for urban migration and local integration of IDPs]

Districts in the Pool	Coverage	Population before the conflicts	Population after the conflicts	% Decrease
Kinkala	Centre	15,000	9,000	40%
	Entire district	33,000	30,000	10%
Mindouli	Centre	24,000	11,153	54%
	Entire district	70,000	49,276	30%
Mayama	Centre	4,000	700	82 %
	Entire district	8,230	4,100	50%
Kindamba	Centre	16,000	6,000	63 %
	Entire district	28,000	11,000	61 %

**NRC, 24 May 2004:**

"[...]available numbers of IDPs are held to be out-dated by local humanitarian actors and there are as of May 2004 no reliable assessments of humanitarian conditions and numbers of internally displaced persons available."

**IRIN, 27 January 2004:**

"The Humanitarian Affairs adviser in the UN Office for the Coordination of Humanitarian Affairs, Philippe Chichereau, said there were 12,000 people living in sites in Brazzaville in mid-2002 and 6,700 at the end of 2003, of whom about 4,000 could be considered as vulnerable. People living with host families in areas surrounding Brazzaville were 28,735 in mid-2002.

"The exact number of people still living with host families is unknown at present but it should not be more than 20 percent of the initial group," Chichereau said.

"On the other hand, the number of displaced people within Pool could be around 50,000 living with friends, in makeshift shelters, and in the forest," he added.

Some 100,000 people fled fighting in 2002 between government troops and Ninja militia loyal to Frederic Bitsangou, alias Pasteur Ntumi. These people found refuge in the departments neighbouring Pool asuch as Plateau, Bouenza and Lekoumou and suburbs south of Brazzaville."

**UN OCHA, 10 January 2003:**

"Populations were on the move in the Republic of Congo's Pool region in November and December of 2002 due to bombing, fighting, banditry and attacks on villages. In mid-December, attacks on villages near Inga and and Nganga-Lingolo caused people to flee their homes to seek shelter with host families in the capital, Brazzaville. This was in addition to displacement caused by aerial bombing in Yangui by the military in mid-November. The UN estimates that at least 84,000 people have fled the fighting between the Ninja rebels and Government troops, which began at the end of March 2002. Many others have not been identified as internally displaced persons because they have not been registered or are staying with relatives. The exact number of people displaced within the Pool region remains unknown because humanitarian aid workers have been denied access to this region while military operations were underway. Their best estimate is 60,000."

**Since fighting erupted in March 2002, a total of 75,000 people have been displaced (July-November 2002)**

- In the two months from the end of March 2002, humanitarian organizations estimated that at least 45,000 people became displaced, with more than 20,000 of them remaining inaccessible in the conflict zone
- 15,000 IDPs were estimated to have reached Brazzaville, where they were living with family members
- More than 4,000 IDPs were reported to be living in sites in Bouenza region, neighbouring the Pool region
- In November 2002, the IDPs still did not return home, although the possibility was very real
- The total number was estimated at some 75,000 displaced by November 2002

**UN RC/HC, 24 May 2002:**

**"At least 45,000 displaced:** Since 27 March 2002, when fighting began in the Pool region of Republic of Congo, at least 45,000 civilians have been displaced. Informal surveys conducted by UN agencies and international NGOs indicate that a number of these have been able to flee to safer ground during the past month. However, more than 20,000 still remain in the zone of conflict, unable to protect themselves or receive assistance.

15,000 have reached Brazzaville, where they live with family members. They have received assistance in the form of non-food items. Measures are being put in place by UN agencies to register new arrivals, ensure access to free health care, and monitor the nutritional status of the population.

In neighbouring Bouenza region, over 4,000 live in sites along the border with Pool. An inter-agency mission has recently taken place to assess the needs of those populations. They are in a precarious nutritional state and do not have access to health care. The UN is starting assistance to this region in the upcoming days.

**Conditions unknown:** Conditions for most of those remaining inside the most affected area are unknown and cause for mounting concern. Numerous witnesses have reached Brazzaville and testified to rapes and deaths. Many report growing hunger in some areas due to lack of access to their crops."

**IRIN, 30 July 2002:**

"About 66,000 people are currently displaced in the Pool region, just northwest of Brazzaville, capital of the Republic of Congo, since fighting broke out in late March [2002], the UN country team reported on Monday.

It said the UN and partner agencies had registered and helped the one-third of this number, who was now living in Brazzaville and the surrounding districts. The remaining two-thirds, the team reported, were "most probably" living in Pool.

"We are receiving very sporadic and limited information which indicates that most are residing in the forests near their destroyed homes, and preparing their fields for the upcoming planting season," Laura Linkenbach, head of the UN coordination unit in the country, said.

Fighting erupted when so-called Ninja militias attacked several government military positions in Pool, the government said. However, Ninja representatives said the clashes were provoked when they discovered government plans to arrest their leader, the Reverend Frederic Bitsangou, alias Pasteur Ntoumi."

**UN CT 19 November 2002:**

**November 2002**

"The United Nations country team considers that the return of persons from the Pool region, who are currently displaced, to their homes is a very probable scenario. The United Nations considers it a priority to be ready to respond to needs associated with this return in case the Government makes such an appeal. In this scenario, an estimated 66,000 persons would require direct assistance through support in nutrition and agriculture (in a number of cases they missed two farming seasons), assistance in matters of health and non-food items, and aiding the host communities to rehabilitate damaged infrastructures."

**PANA 31 October 2002:**

***To this 66,000, the latest group of displaced has to be added which fled violence southwest of Brazzaville in October 2002***

"Atrocities by "Ninja" militiamen headed by pastor Frederick Bitsangou, alias Ntumi and harassment by Congolese government forces have forced the displaced persons to leave their homes in Mbandza-Ndounga, Goma Tse-Tse and Boko districts."

**Email from UN Coordination Unit Brazzaville to NRC Geneva 15 November 2002:**

"Presently (15/11/02) more than 8600 displaced people have been registered in 7 sites south of Djoué bridge in Brazzaville suburbs, others entered the city."

**Prior to new displacements in 2002, estimates of remaining IDPs ranged from 0 to 150,000 (2001-2002)**

- U.S. State Department reports that all IDPs have returned home
- Amnesty International reports that almost all IDPs have returned home
- USCR reports in October 2001 that 150,000 persons remain internally displaced in Congo

**USDOS, February 2001:**

"According to U.N. estimates, the 1998-1999 conflict displaced approximately 800,000 civilians; all IDPs returned to their homes during the year [2000]."

**AI, 2001:**

"Almost all of the estimated 800,000 people who were internally displaced by the armed conflicts of 1997 and 1998 were reported to have returned to their homes by the end of 2000. Many were in poor health after being forced to live in forests where food was scarce and medical care virtually non-existent. The homes of many had been looted in their absence."

**USCR, 2 October 2001:**

"Humanitarian agencies ended most emergency relief programs in early 2001 and switched to rehabilitation and development assistance. An estimated 150,000 internally displaced Congolese were able to support themselves and no longer required special emergency aid, relief agencies concluded."

**Email from UN Coordination Unit Brazzaville to NRC Geneva 15 November 2002:**

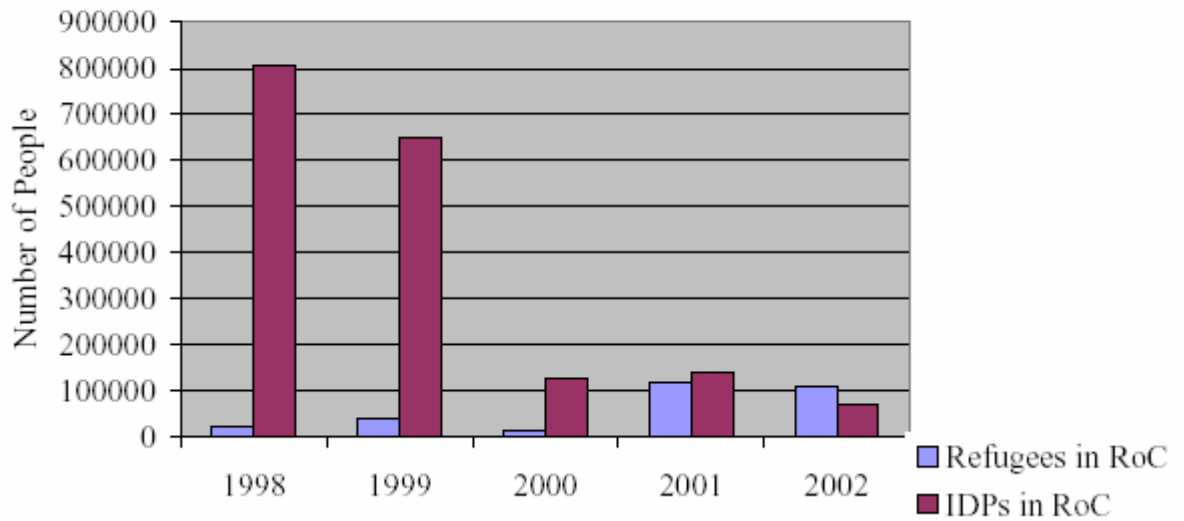
***November 2002:***

"The residual IDP population from 1998-1999 war is very difficult to estimate given that the people are now absorbed in the local population."

**Some 800,000 persons internally displaced at height of crisis in 1998**

**UNDP, 6 March 2003, p.10:**

**Figure 1. Displaced People in the RoC: 1998-2002**



**UN November 1999:**

"Of the 810,000 persons who were displaced since December 1998, 580,000 remain internally displaced, the majority in forested and other rural areas."

**WFP, 19 September 2000:**

"A series of skirmishes between militias loyal to the former government and forces of the Government in power since the previous war erupted into a new conflict in December 1998. The fighting proved more devastating than any before, causing the mass destruction of infrastructure and the loss of a huge number of lives. Again, vast numbers of people – an estimated 810,000, or 30 percent of the population – were displaced internally and externally. According to UNHCR some 20,000 people fled over the borders into neighbouring countries."

**ICRC, 2001:**

"By the end of the war a third of the population - 800,000 people were displaced from Brazzaville, the Pool, Niari, Bouenza and Lekoumou regions."

**Geographical distribution**

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**Tables of national IDP figure and geographical distribution (July 2002)**

**UN OCHA 31 July 2002:**

**TOTAL NUMBERS OF IDPs**

Registered and assisted	22,277
Non-assisted	44,004

Total IDPs	66,281
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#### IDPs Registered And Assisted

LOCATION	FIGURES
Brazzaville	11,264
Plateau (Djambala)	248
Lekoumou (Zanaga)	1,030
Bouenza (Kingue, Yamba, Mfoati)	9,735
Total	22,277

#### Breakdown of IDPs by Place of Origin

LOCATION	TOTAL POPULATION	PERCENTAGE	IDPs
Kinkala (commune)	16,801	30%	5,040
Boko (commune)	2,784		0
Mindouli (commune)	20,930	30%	6,279
Kibouende	6,495		0
Kinkala (district)	34,514	30%	10,354
Boko (district)	17,310		0
Mindouli (district)	53,906	30%	16,172
Kindamba	21,030	50%	10,515
Ngoma Tse-Tse	34,598	20%	6,920
Mayama	9,313	50%	4,657
Ngabe	24,506		0
Mbaza-Ndounga	14,162		0
Louingui	12,872		0
Loumo	7,036		0
Igne ex PK rouge	19,957		0
Vinza	12,690	50%	0
Total	308,904	21.5%	66,281

#### Major population displacements from Brazzaville and the southern provinces during 1998-1999 war (1999-2000)

- 230,000 inhabitants of neighbourhoods of Brazzaville (including 200,000 from Bacongo and Makelekele) were displaced towards the North of the town
- 150,000 persons from Brazzaville went into hiding in the forests of the Pool region
- Towns of Dolisie (80,000) and Nkayi (60,000) were entirely emptied of their populations
- Most affected areas were Pool, Bouenza, Lekoumou and Niari

#### AI, 25 March 1999:

"Over the past few months, combatants on both sides have raped women and deliberately wounded civilians. As many as 40,000 of civilians living in the Bakongo and Makélé-kélé districts of the capital, Brazzaville, have fled their homes, and 150,000 more have gone into hiding in the

forests in the Pool region. Others have sought refuge in the neighbouring Democratic Republic of Congo (DRC)."

**UN, November 1999:**

"Some 230,000 inhabitants of neighbourhoods of the capital city (including 200,000 from Bacongo and Makelekele), were displaced towards the North of the town, into the interior of Pool region, and into neighbouring DR Congo. Several towns, including Dolisie (80,000), and Nkayi (60,000) – the third and fourth largest in the country – were entirely emptied of their population, and completely looted and considered damaged. Four southern regions – Pool, Bouenza, Lekoumou and Niari – were most affected, together comprising most of the southern half of the country. The coastal region was largely exempt, except for the region's capital – Pointe Noire – which experienced an influx of at least 100,000 internally displaced persons."

# PATTERNS OF DISPLACEMENT

## General

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### **Many IDPs were forced to find refuge in the forests during height of crisis (November 2004)**

- During the 2002-2003 conflict, 57% of IDPs fled into the forest or stayed in another village
- Nearly one-third went to another department
- 10% fled to Brazzaville
- Residents maintain makeshift shelters in the forest in the event of future insecurity or conflict

#### **Caritas, 30 November 2004, pp. 13-15:**

"More than half of the households[in Caritas survey on 2002-2003 conflict] were displaced for longer than a year, incurring a significant cost to people's lives. An additional 36% were displaced for longer than six months. Comparatively, in 1998-1999 less than a third were displaced for longer than a year, and 28% were displaced for six months or less. During the 2002-2003 conflict, 57% fled into the forest or stayed in another village. Nearly one-third went to another department and 10% fled to Brazzaville.

The effects of displacement are still visible and are captured in the results of the household surveys. Respondents reported a considerable number of family members who had not yet returned to Pool, representing upwards of 20% of the population. Families explained that the main reasons other members had not returned included insecurity, children continuing school in Brazzaville, poor access to health services, families members traumatized by the events, and fear of conflict restarting. Fifty-five families (6%) identified themselves as still being displaced because of the conflict. Another 16% said they were hosting other IDPs.

Due to the absence of data, attempts to estimate the number of IDPs remaining in Brazzaville and other districts were unsuccessful. All IDP camps in Brazzaville were officially closed in March 2004, though many IDPs stayed on in Brazzaville. Follow-up focus group discussions with displaced families in Brazzaville corroborate the reasons cited above for not returning, but also revealed families' desire to return home. Insecurity, whether perceived or real, is the major deterrent to displaced people resettling in Pool[...]

Repeated displacement during the conflicts in 2002-2003 and 1998-1999 have etched fear into many inhabitants of Pool. Tens of thousands of families lived in the forest for long periods of time to seek refuge from the fighting in the towns and villages.

Villagers surveyed for this report openly discussed their continued fear of internal displacement. In a number of villages, residents revealed that they are maintaining makeshift shelters in the forest in the event of future insecurity or conflict.

Farmers traditionally build rudimentary huts near their fields for protection during the rains and as a living space during the busy planting and harvest seasons. These shelters, however, are now being built with the express purpose of providing refuge during times of trouble and conflict. Families reported that they keep stocks of food and leave valuable items there as a precaution in case instability increases."

**IRIN, 25 October 2001:**

"This year, it [UNDP] said, UN agencies in the ROC were able to deliver food when epidemics arose or when IDPs emerged from the forest after years of hiding."

**UNICEF, 12 October 2000:**

"At the height of the emergencies, 70% of the internally displaced persons (mainly children, women and aged persons coming out from the forests) were reported to be severely malnourished."

**MSF survey reveals details about flight of families in 1998-1999 (November 2000)**

- Of 191 displaced families surveyed by MSF in Brazzaville, 150 had been displaced from Brazzaville itself
- 41 families originated from Pool
- Median duration of flight was eight months

**MSF, 18 November 2000:**

"A survey of mothers of malnourished children carried out in October 1999 in the MSF feeding centres in Brazzaville enabled us to retrace the movements of 191 displaced families, including 1033 people. Among these families, 150 (79%) had been displaced from Brazzaville since December 1998 when the fighting restarted. 41 (21%) originated from Pool and had sought shelter in Brazzaville because of the poor living conditions in Pool.

The median duration of flight was 8 months. 89 families (47%) returned to Brazzaville because of health problems (malnutrition and illness) and 60 (31%) after hearing that the situation in the capital had improved. 109 (57%) of the 191 families reported having been held in the region of Pool against their will, and 124 (65%) said that they had been robbed. In total, 92 (48%) families reported the death of at least one family member since December 1998. 139 people had died (13.5% of initial sample) of which 48 (35%) were children aged under 5 years. The main cause of death was malnutrition."

# PHYSICAL SECURITY & FREEDOM OF MOVEMENT

## General protection issues

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### Guiding Principles on Internal Displacement (1998)

#### Guiding Principles on Internal Displacement, 1998:

##### Principle 1

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

##### Principle 4

2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

## Physical security

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### Security situation improves in Pool region (February 2009)

#### U.S. DOS, 25 February 2009:

"During the year harassment and mayhem in the Pool region by armed elements believed to be Ninja rebels greatly decreased, following peace accords and disarmament agreements completed in June [2008]. Rebel leader Pasteur Ntumi ordered his Ninja troops to disarm and cooperated in an agreement with government soldiers and gendarmes to secure the Brazzaville to Pointe Noire railroad. While the region was not completely safe, there were many fewer reports of harassment or violence during the year."

#### IRIN, 6 June 2008:

The improved security has also allowed for the dismantling of road blocks erected by security forces and ex-combatants in the region. "All the barriers have been removed," Col. Ibata Yhomby, the regional commander of the police force in Brazzaville, said. "The accomplishment of this operation is a great relief for the people of Pool." The Pool region was the most affected in the country's series of civil wars between 1998 and 2003.

### Insecurity prevails in the Pool region (January 2005)

- Proliferation of small arms contributes to increased number of security incidents

- Trains between Pointe-Noire and Brazzaville are regularly looted
- Protection of IDPs and other war-affected people made difficult by poor road conditions and insecurity

**UNOCHA, 30 January 2005, p. 12:**

"Au niveau de la sécurité, plusieurs facteurs contribuent à la dégradation générale de la situation régionale. Principalement, on note la paralysie du processus de réconciliation, depuis plusieurs mois. De plus, la prolifération des armes légères et lourde au sein de la population, ainsi que la circulation des armes parmi les jeunes, représentent un facteur potentiel de conflit. Finalement, l'instabilité persistante dans le Département, due aux hostilités intermittentes opposant l'armée aux éléments armés, contribue à l'atmosphère volatile qui persiste.

De ces postes de contrôle, plusieurs incidents de sécurité ont été récemment rapportés, et dont les acteurs humanitaires ont notamment été victimes au cours des mois de juillet, août et décembre 2004. Le transport ferroviaire souffre également des effets de l'insécurité, les marchandises étant régulièrement sujettes à des pillages systématiques et les passagers à des opérations de rançonnage. De plus, la combinaison des facteurs sécurité et accessibilité influent grandement sur l'accès aux populations démunies par les humanitaires, le mouvement de retour des déplacés et des réfugiés vers leur communauté d'origine, ainsi que sur leur capacité reprendre leurs activités économiques. Ces facteurs laissent des populations entières isolés et dans un état de vulnérabilité extrême, amplifié par tous les manques socio-sanitaires laissés par les conflits. La protection de la population civile demeure un défi à relever."

**Both sides have committed abuses against civilians (February 2004)**

- Abuses committed by all parties to the conflict include killings, 'disappearances' and abductions, torture, including rape, and other forms of ill-treatment
- Throughout 2002 unarmed civilians were forcibly displaced, and some were reportedly then attacked, killed or injured by government forces using helicopter gunships
- Press reports that government forces killed civilians in the Pool region prior to the March signing of the Peace Accord
- During the Government's attempts to fight the rebels between March 2002 and March 2003, particularly when using air power, civilians were killed in the crossfire
- Since the signing of the Peace Accord, there were reports that either uncontrolled security forces or Ninja elements committed unlawful killings against civilians in the Pool region
- UN High Commissioner for Human Rights expresses concern at reports of indiscriminate military attacks on civilian populations, the rape of women, abduction of young men from IDP camps and at the humanitarian situation in the besieged town on Kindamba
- The High Commissioner calls on the warring parties to grant free and unconditional access to humanitarian organizations to reach all those in need of assistance in the Pool region

**US DOS, 25 February 2004:**

"There were no reports of political killings; however, there were press reports that government forces killed civilians in the Pool region prior to the March signing of the Peace Accord between the Government and anti-government Ninja rebels. These reports indicated, that during the Government's attempts to fight the rebels, particularly when using air power, civilians were killed in the crossfire. Since the signing of the Peace Accord, there were reports that either uncontrolled

security forces or Ninja elements committed unlawful killings against civilians in the Pool region. In October, five civilians died in a clash between government soldiers and Ninja rebels. In December, "uncontrolled" Government military forces launched an attack against Ntumi's Ninja elements in the BaCongo area of Brazzaville, killing six Ninjas. Also, a pro-government militia member, who was arrested because of his reported involvement in the December attacks against Ninjas members in Brazzaville, died while in the hospital in the presence of the General Prosecutor. According to the Government, he reportedly died of injuries sustained when he resisted arrest.

There was no action taken against security forces who reportedly summarily executed several soldiers for killing an entire family in 2002.

No action was taken, nor is any likely to be taken, against members of the security forces responsible for the 2001 killing of a suspected thief and the 2001 killing of a person believed to have threatened the security of a government minister.

From March 2002 until March, prior to the signing of the Peace Accords, Ninja forces reportedly killed many civilians during raids against villages in the Pool Region. In February, Ninjas attacked a freight train between Brazzaville and Pointe Noire. Also in February, Ninjas killed 10 civilians and a police commissioner in an attack on a police station in Yambu, Bouenza Province. Ninjas under Pasteur Ntumi also were reportedly responsible for robbery, intimidation, and looting villages from September until the year's end. [...]

There were no developments in the 2002 alleged kidnapping and killing of a French priest by Ninja rebel militia members."

#### **AI, 9 Apr 2003:**

"In January and February 2002 Amnesty International delegates set out to look into on-going human rights concerns in the Republic of Congo. At the end of the visit to the capital, Brazzaville, the delegates found that the violent past continued to haunt the Republic of Congo, despite official protests to the contrary.

[...]

Successive Congolese governments have attempted to hold on to power and to build political stability on a foundation weakened by a history of impunity and against a background of grave human rights abuses by their forces and those of their armed opponents. The current government hoped that by winning a Constitutional referendum in January 2002, a presidential election in March and a parliamentary election in June it would eliminate all armed opposition. A month after the referendum, armed conflict erupted in the Pool region, south of Brazzaville. Indeed the general election which was initially scheduled for March 2002 had to be postponed. As fighting between government forces and armed government opponents escalated after the elections, all parties to the armed conflict carried out widespread serious human rights abuses, including unlawful and indiscriminate killings, 'disappearances' and abductions, torture, including rape, and other forms of ill-treatment. Other abuses which continued to be reported throughout 2002 included forced displacement of local unarmed civilian populations, some of which were reportedly attacked, killed or injured by government forces using helicopter gunships."

#### **UNHCHR, 28 May 2002:**

"United Nations High Commissioner for Human Rights Mary Robinson issued the following statement today:

'I am deeply concerned at the deteriorating situation in the Republic of Congo, in particular in the Pool region, where both parties to the ongoing conflict are showing blatant disregard for the safety and human rights of the civilian population.

'Serious fighting has been reported in and around the towns of Kinkala, Kindamba, Ngoma Tsé-Tsé and Vindza. According to witnesses, government forces have launched air-attacks by helicopter against inhabited villages in the Pool region, and an unknown number of civilians have been killed and injured as a result of indiscriminate rocket and machinegun fire. Widespread destruction of houses and other property is also reported. Dozens of women have allegedly been raped by men in uniform. A number of young men are reported to have been abducted from camps for internally displaced persons. Their fate and whereabouts are unknown.

'Since 27 March 2002, when fighting began, some 45,000 civilians have been displaced in the Pool region, and humanitarian access to the most affected parts of the region has been denied for the last two months. The situation in the besieged town of Kindamba is reported to be particularly critical, with food and medical supplies running low. At the same time, the civilian population of Kindamba continues to suffer from armed attacks by the so-called Ninja rebels.

'I appeal to the Government of the Republic of Congo to take immediate steps to ensure the safety and integrity of the civilian population. I urge the warring parties to grant humanitarian agencies free and unconditional access reach all those in need of assistance in the region of Pool.'

#### **Displaced faced harassment and threats before, during and after displacement (October 2002)**

- During October 2002, people were displaced from Mbandza Ndounga by Ninja atrocities
- The displaced were racketed on their way to the capital Brazzaville
- Once arrived, the displaced have reportedly been living in fear of abductions by certain Congolese police officers

#### **UN RC. 24 October 2002:**

"Displaced people arrived in large numbers in the south of Brazzaville on the 19 and 20 October [2002], others are still arriving. Most of them come from the district of Mbandza Ndounga or from localities on the road between Brazzaville and Kimpanzou (second road to Kinkala). The people report they were attacked by bandits and forced to move towards the capital. They were racketed along their way, are now very poor and tired from their long walk and stay in churches or abandoned schools."

#### **PANA, 31 October 2002:**

"Atrocities by "Ninja" militiamen headed by pastor Frederick Bitsangou, alias Ntumi and harassment by Congolese government forces have forced the displaced persons to leave their homes in Mbandza-Ndounga, Goma Tse-Tse and Boko districts.

According to witnesses, the Ninja militiamen have been forcing the population to leave the areas so that they can take control of villages.

The Ninja rebels killed several villagers who tried to oppose their installation in their areas.

The displaced villagers had to walk for two to three days to reach Brazzaville. They are temporarily living in [...] makeshift shelters at the Rural Development Institute (IDR) and in the parishes of the Evangelical Church in Loua and Mansimou.

Relatives in Brazzaville are hosting others because living conditions in the camps are very precarious.

The World Health Organisation (WHO), Action Secours d'Urgence (an NGO belonging to the Evangelical Church) and UNICEF have been providing basic drugs to the displaced persons.

Meanwhile, the displaced are reportedly living in fear of abductions by certain Congolese police officers.

The displaced, whose number is steadily rising, have called on the Congolese government to rapidly end hostilities so that they could return to their respective villages.

About 100,000 people have been forced to leave the Pool region since fighting between Ninja militiamen and the Congolese army Started in March 2002. These have fled to the neighbouring regions of Bouenza, Plateaux and Brazzaville."

### **Helicopter gunship attacks on villages caused unknown number of civilian casualties (June 2002)**

- Witnesses report helicopter attacks on civilians in at least 10 villages
- Although Ninja guerillas are the presumed target of the attacks, indiscriminate heavy firing has been reported

#### **IRIN, 3 June 2002:**

"The systematic use of helicopters to attack villages in the Pool region of the Republic of Congo shows 'a wanton disregard for civilian lives', Bill Paton, the UN Resident and Humanitarian Coordinator in Brazzaville, has said.

'We have first hand testimonies from several villages of helicopter attacks on civilians. We have the names of ten villages we are sure of,' he said on Tuesday.

The military uses MI-24 helicopters armed with bombs or rockets, and always with heavy machine guns capable of firing 3,000 rounds of 23 mm ammunition a minute. No one can yet estimate the casualties the helicopter raids have caused. One casualty of the attacks, now lying in a Brazzaville hospital, his back lacerated by shell shrapnel, told IRIN how helicopters attacked his village repeatedly.

The wounded man, Mayala Fidele, from the village of Zandu in Pool, said he heard bombing at Matoumbou, a village about 10 km away at midday on 11 May. 'We hid in the long grass around the village,' he said. 'We saw the helicopters circle us twice, dropping bombs in the village and shooting at houses and into the forest.'

He was wounded when the helicopters returned on Wednesday and strafed the area. Mayala and his family said they never saw the Ninja guerrillas, the presumed target of the attack on Zandu."

## **Children and armed conflict**

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### **Forced recruitment of children into armed forces (May 2008)**

#### **Coalition to Stop the Use of Child Soldiers, 20 May 2008:**

"No recent information was available on the recruitment of child soldiers by the CNR. The vast majority of former child soldiers who had fought with the CNR during the conflict were by 2007 believed to be over 18. However, child soldiers were reported as guarding the railway in the Pool region, suggesting that recruitment in some form may have been continuing. Estimates dating from 2003 were that some 1,500 - 1,800 former child soldiers required demobilization, but the reliability of these figures had not been established.

The governmental commission for the reintegration of former combatants, Haut Commissariat à la Réinsertion des Ex-combattants, estimated that over 4,600 child soldiers took part in Congo's conflicts between 1993 and 2002.

Between February 2002 and December 2004, 965 former child soldiers, most of whom were by then over 18, were among 9,000 former combatants taking part in an Emergency Demobilization and Reintegration Program (Projet d'Urgence de Démobilisation et de Réinsertion, PDR).

Of former child soldiers to have been provisionally identified, 517 were girls and 1,261 boys.

A project on Prevention and Reintegration of Children involved in Armed Conflict was implemented between 2004 and 2007 by the International Program on the Elimination of Child Labour (IPEC) of the International Labour Organization (ILO). It focused on socio-economic reintegration support and preventing recruitment of children by armed groups. Approximately 200 former child soldiers, more than 70 of them girls, received professional training or work placements, while over 650 vulnerable children, including more than 200 girls, participated in the anti-recruitment program."

### **DDR - Disarmament, demobilization and reintegration (August 2009)**

#### **UN GA, 6 August 2009:**

"The International Labour Organization (ILO), primarily through its International Programme on the Elimination of Child Labour, works to facilitate the socio-economic reintegration of former child soldiers, as well as the prevention of the recruitment of children. In recent years, ILO and its key stakeholders, including Governments and employer and worker organizations have implemented an interregional project to prevent the recruitment of children as soldiers and support the reintegration of former child soldiers in Burundi, Colombia, Congo, the Democratic Republic of the Congo, Rwanda, the Philippines and Sri Lanka."

#### **Coalition to Stop the Use of Child Soldiers, 20 May 2008:**

"Building on the lessons of other MDRP-supported DDR programs in the region, the PNDDR explicitly recognized the necessity of addressing the particular needs of former child soldiers, recruited as children but demobilized as young adults. It proposed that particular attention be paid

to psychosocial counselling and support, life skills, independent living skills, employment orientation and guidance for former child soldiers up to the age of 21 in the case of males and 25 in the case of females. The PNDDR also recognized the special attention required to address the needs of former girl child soldiers, including encouraging participation in the program, adapting psychosocial support to female trauma profiles and conflict experiences, providing appropriate apprenticeships and training, and sensitizing spouses and families.

A project on Prevention and Reintegration of Children involved in Armed Conflict was implemented between 2004 and 2007 by the International Program on the Elimination of Child Labour (IPEC) of the International Labour Organization (ILO). It focused on socio-economic reintegration support and preventing recruitment of children by armed groups. Approximately 200 former child soldiers, more than 70 of them girls, received professional training or work placements, while over 650 vulnerable children, including more than 200 girls, participated in the anti-recruitment program.

In 2006 the UN Committee on the Rights of the Child expressed concern that despite international support for a DDR process, the physical and psychological recovery needs of many former child soldiers had not been met. It recommended that particular attention be paid to the specific needs of girls and to the reintegration of former child soldiers into the education system."

### **Optional Protocol on the Involvement of Children in Armed Conflict (June 2009)**

#### **HRC, 5 June 2009:**

The recommendations formulated during the interactive dialogue have been examined by Congo and the recommendations listed below enjoy the support of Congo:

1. Sign and ratify the Optional Protocol to the Convention on the Right of the Child on the involvement of children in armed conflict (CRC-OP-AC) (France, Gabon); ratify both Protocols to the Convention on the Rights of the Child (CRC) (CRC-OP-AC and the Optional Protocol on the sale of children, child prostitution and child pornography, CRC-OP-SC) (Argentina, Slovenia).

#### **Optional Protocol on the involvement of children in armed conflict, 25 May 2000:**

Article 3(1): States Parties shall raise in years the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, taking account of the principles contained in that article and recognizing that under the Convention persons under the age of 18 years are entitled to special protection.

Article 4(1): Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.

Article 6(3): States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

## **Guiding Principles on Internal Displacement (1998)**

### **Guiding Principles on Internal Displacement, 1998:**

#### **Principle 13**

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.

## **Gender-based violence (GBV)**

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### **More than 27,000 women raped during ten years of conflict (January 2003)**

- At the beginning of 2003, rape continues to be common in conflict zones like the Pool Region
- NGOs have often highlighted rape and other human rights abuses committed by the former 'Cobra' militia group loyal to President Sassou-Nguesso

#### **PANA, 23 Jan 2003:**

"More than 27,000 women and girls were raped during or after the decade-long conflict in Congo, newspapers reported in Brazzaville Thursday, quoting a UNICEF report.

Rapes are still common in conflict zones like Pool region, where fighting has been going on since March 2002 between government forces and 'Ninja' militiamen headed by Pastor Frederic Bitsangou, alias Ntumi.

Other women and girls were also raped during the violence, which occurred in major urban centres like Brazzaville, Pointe-Noire, Dolisie, Nkayi in the south, Owando and Gamboma in northern Congo.

However, this high figure does not reflect the true picture of how many people were raped in Congo because some of the victims are sometimes ashamed of reporting to NGOs.

NGOs have on many occasions accused government troops, a majority of whom once belonged to President Denis Sassou-Nguesso former 'Cobras' militia group of raping women and girls, or violating human rights.

Congo's Justice Minister Jean Martin Mbemba said that he was informed about cases of rape, arbitrary arrest, torture and other atrocities that were being committed in various police stations.

Violence has persisted between government forces and various militiamen since 1993 when these were created by the three top Congolese politicians -- President Denis Sassou Nguesso, his deposed predecessor Pascal Lissouba and the exiled former Prime Minister Bernard Kolelas."

## **Guiding Principles on Internal Displacement (1998)**

### **Guiding Principles on Internal Displacement, 1998:**

### **Principle 11**

2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:

(a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender specific violence, forced prostitution and any form of indecent assault;

(b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children.

## **Freedom of movement**

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### **Road blocks and barriers dismantled (June 2008)**

**IRIN, 6 June 2008:**

The improved security has also allowed for the dismantling of road blocks erected by security forces and ex-combatants in the region. "All the barriers have been removed," Col. Ibata Yhomby, the regional commander of the police force in Brazzaville, said. "The accomplishment of this operation is a great relief for the people of Pool." The Pool region was the most affected in the country's series of civil wars between 1998 and 2003.

### **Guiding Principles on Internal Displacement (1998)**

**Guiding Principles on Internal Displacement, 1998:**

#### **Principle 14**

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.

2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

# SUBSISTENCE NEEDS

## General

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### Grave humanitarian situation (September 2003)

- Essential social services such as clean drinking water, adequate sanitation facilities and basic healthcare services are seriously lacking
- Schools were seriously damaged and looted
- Infrastructure has been completely destroyed
- Children in particular are dying of acute malnutrition
- Immediate needs for non-food items such as shelter material and blankets

### UNICEF, 18 September 2003:

"With the signing of a peace agreement between the government and Ninja, on 17 March 2003, there are increased signs for the return of peace and stability in the Pool region, south-east of the country. In recent months, several inter-agency assessment missions were conducted in the region in cooperation with the government. These missions revealed grave humanitarian situation, particularly in the districts of Boko, Mbandza-Ndounga, Loumou, Louingue, Mindouli, Mayama, Goma Tse-tse, Kimba, Kindamba, Kinkala, and Vindza. Essential social services such as clean drinking water, adequate sanitation facilities and basic healthcare services are seriously lacking, thereby resulting in increased incidences of diseases and deaths. Schools were seriously damaged and looted. The lack of essential non-food items, looted during armed conflict, makes the return of normal life extremely difficult for the internally displaced persons (IDPs)."

### UN OCHA, 2 September 2003:

"The Republic of Congo has been experiencing several armed conflicts for the past decade. While peace has been restored in the country, the Pool region is still suffering from the ravages of war. Recently the Pool region has been affected by fierce fighting between government forces and the Ninja rebels as well as large-scale looting from March 2002 to March 2003. The area remains under UN Security Phase IV.

2. According to the Ministry of Social Affairs, Solidarity and Humanitarian Action, the number of IDPs is estimated as up to 100,000. This number is expected to increase as the population has fled into the forest and is returning to their villages, only to find that their homes have been destroyed and their crops devastated. Further, reconstruction remains a challenge for the population as due to large scale looting, many are without working tools such as hoes, machetes, axes etc.

3. The health situation is also a major concern. NGOs on the ground report diseases such as measles, skin diseases, tuberculosis, and malaria. The death rate has increased significantly especially in Kindamba and Kimba. In other areas, the population must walk over 60km to reach NGO health centres.

Immediate Needs

4. OCHA facilitated several inter-agency humanitarian assessment missions to the Pool region with the cooperation of the government between May and August 2003. These missions revealed that the Pool region may be out of political crisis, but remains in acute humanitarian crisis. Infrastructure has been completely destroyed, sanitation is seriously lacking, the health and nutritional situation is of grave concern and children in particular are dying of acute malnutrition. There are immediate needs for non-food items such as shelter material and blankets, as well as for drinking water and sanitation facilities and food for the affected population."

## **Food**

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### **Growing number of Congolese IDPs need food aid (January 2003)**

- By January 2003 the number of IDPs needing WFP food increases 100 percent since fighting resumed in October 2002, to a total of about 30,000
- Newly displaced people are encamping in churches and abandoned buildings, and are reliant on relief food for survival
- WFP also extremely concerned about the estimated 60,000 IDPs inaccessible in the forests of Pool
- WFP complains that food stocks are inadequate to meet the needs

### **WFP, 14 Jan 2003:**

"WFP is concerned about growing numbers of people who need food aid after being displaced by fighting in the Republic of Congo.

Last December, over 1,800 newly displaced people escaped from RoC's conflict area near the capital Brazzaville, seeking safety and assistance at [WFP] camps.

With more victims arriving every day, the number of IDPs needing WFP food has increased 100 percent since fighting resumed in October 2002.

To cope with the sudden influx, over the next six months the agency urgently needs an estimated 4,000 metric tons of food aid.

WFP currently provides relief food for some 30,000 victims of the continuing conflict between government forces and rebels in the Pool region.

### **CAMPED OUT**

The newly displaced population is encamped in churches and abandoned buildings in Brazzaville, Bouenza Plateaux and Niari.

'The living conditions of these people are very precarious,' said Sory Ouane, WFP's Country Director for RoC.

'They fled fighting bringing absolutely nothing with them. Their survival depends on the provision of relief food.'

'We already have cases of malnutrition among children and elderly people,' [Ouane added] 'Their lives are at stake if we are forced to suspend operations for lack of funds.'

Most of the displaced people walked for several days in the forest to avoid armed men before they found refuge in the camps.

In the rush to escape, people lost everything. Some families were separated, creating female-headed households and unaccompanied children.

### **DWINDLING STOCKS**

Without urgent new donations, WFP fears that by March 2003 food rations will be reduced from the standard level of 2,167 kilocalories per person per day to 1,500 kcal.

Further cuts will be imposed until all stocks are exhausted, at which point the programme will be suspended.

### **OUT OF REACH**

WFP is also concerned with another estimated 60,000 people trapped in the forest and off limits to aid workers.

Since the conflict began last March, thousands of people who fled the fighting hid in the forest, unable to find safe passage to peaceful areas.

So far, all efforts to negotiate humanitarian access to the Pool region have failed.

'We are extremely concerned about the fate of these people,' Ouane said. 'We don't know their condition, but we fear the worst.'

'Even if we eventually gain access to them, our lack of funds might prevent us from giving them the help they need.' "

## **Guiding Principles on Internal Displacement (1998)**

### **Guiding Principles on Internal Displacement, 1998:**

#### **Principle 18**

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
  - (a) Essential food and potable water.

## **Nutrition**

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## **Health**

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### **Health assistance in Pool for hospitals, health centres and mobile clinics (November 2004)**

- 29 out of 42 health centres reported to be open in the Pool region
- Medicine procurement and management remain significant problem
- Most of the health centres are almost exclusively reliant on international organisations such as MSF, ICRC and the World Health Organization

#### **Caritas, 30 November 2004, p. 27:**

"Of 42 health centers in Pool, 29 are reported to be open, though most of them were damaged during the 2002-2003 conflict. Seven of the 14 health facilities surveyed by the research team had buildings that were partially or totally destroyed. Another five sustained partial damage during the conflict of 2002-2003. Of the 12 health facilities that were damaged in the conflicts, eight had undergone some NGO managed rehabilitation or reconstruction.

#### **Drug Procurement**

Medicine procurement and management remains a significant problem. Among the 14 centers surveyed, only six have pharmacies. The others have only episodic access to medicines, if they can access them at all. Those that have access to medicines are almost exclusively reliant on international organizations such as MSF, ICRC and the World Health Organization (WHO). Generally, where there is no external assistance, there is no reliable source of medicines.

Drugs provided by international NGOs are available to patients free of charge, because NGOs' analysis reveals that the emergency post-conflict situation has increased poverty to such a degree that cost recovery schemes are not yet feasible. Some local NGOs involved in health center management do implement cost recovery schemes, but they vary widely in design and application. Some work with the community health committees to set user fees and to manage the acquired income while others set user fees themselves and use the revenue to pay their staff. [...] In fact, 17 out of 42, or 40%, were closed before the 2002-2003 conflict. Some health facilities, such as Kindamba Ngouedi, Kimanika, Kimbedi, Kilembe-Moussaka and Missamvi dispensaries, which were closed before the conflict are now open thanks to the intervention of NGOs."

### **Mortality is significantly elevated in the south of the Pool Region (April 2004)**

- The Pool region in a state of complex emergencies for the past decade
- Malaria is the most commonly diagnosed disease
- Crude mortality rate of 2.9 deaths / 1,000 people / month (95% CI 1.8–3.9), significantly more than the baseline of 1.3 reported for sub-Saharan Africa as a whole
- Disease, rather than direct violence, is the principal cause of death
- Immunization coverage is extremely low
- Nutritional status for children under 5 is concerning

#### **IRC, 30 April 2004:**

"Pool region is located in the south-east of the Republic of Congo, near the capital Brazzaville. A series of violent confrontations between the government and "Ninja" rebels started in 1997,

destroying optimism created in the early 1990's about the recent transition to multi-party democracy. Kinkala-Boko District is in southern Pool; it borders Brazzaville in the North and the Congo River in the East.

The District has been considered to be in a state of complex emergencies for the past decade due to military activity, massive population displacements, destruction of key infrastructure, and extreme poverty. Malaria is the most commonly diagnosed disease at health facilities, representing 34 % of new visits in the southern half of the health district." [...]

"Since 1997, civil war has wrecked the infrastructure and caused massive population displacement in the Pool Region of the Republic of Congo. The International Rescue Committee (IRC) carried out a mortality survey in November and December 2003 to document the scale of the humanitarian crisis in Pool. The survey also included assessments of immunization and nutritional status for children under five years of age. The survey was carried out in the catchment areas of seven health centers supported by the IRC, representing the southern half of Kinkala-Boko Health District in Pool Region. Thirty clusters were selected, using systematic, proportional-to-size random sampling, and ten households were interviewed in each cluster for mortality. A further five households in each cluster –for a total of fifteen households per cluster– had a child assessed for the nutrition survey.

The main findings are:

- Mortality is significantly elevated in the south of the Pool Region. The survey documents a crude mortality rate of 2.9 deaths / 1,000 people / month (95% CI 1.8–3.9), significantly more than the baseline of 1.3 reported for sub-Saharan Africa as a whole. The crude mortality for children under five years of age is also elevated, at 4.1 deaths / 1,000 children / month (95% CI 0.7-7.5), but the sample size was not adequate to determine if this increase is statistically significant.
- Disease, rather than direct violence, is the principal cause of death. Violence represented 9% of all deaths, in contrast to 17% for neonatal deaths (more than 60% of all child deaths), 13% for respiratory infections, and 11% for malaria. At least 1 in 3 deaths is caused by preventable infectious diseases.
- Immunization coverage is extremely low, with only 27% (95% CI 19%-35%) of children being completed immunized against the six major vaccine-preventable diseases before their first birthday. The majority of children did not have evidence of any vaccination contact at all.
- Nutritional status for children under 5 is concerning, with 23% (95% CI, 18%-28%) of children under 5 years of age having a weight-for-age z-score of less than –2. Malnutrition is likely to contribute to a significant proportion of child deaths in the part of Pool Region. Peak incidence of malnutrition appears to be between 6 and 23 months, suggesting that weaning and diarrheal disease are likely to be important causes of malnutrition."

### **Main morbidities are malaria and respiratory infections (September 2003)**

- Nutritional situation appeared precarious with one in ten children under five suffering from malnutrition
- Food and medicines are available in small quantities in the market but only to those with enough money.

**MSF, 16 September 2003:**

"The nutritional situation appeared precarious with one in ten children under five suffering from malnutrition. Food and medicines are available in small quantities in the market but only to those with enough money. MSF ran two days of mobile clinics and saw over 250 children. As the local expression goes, this was only the 'ears of the hippopotamus' and below the surface bigger problems lurk," said Harris.

MSF hopes to start hospital support, set up a therapeutic feeding centre (TFC) in the town and start mobile clinic activities in the surrounding areas before the end of this month.

Since mid-May, MSF has been supporting all departments of Kinkala Hospital including surgery and maternity. The main morbidities here are malaria and respiratory infections. In total, 643 patients have been admitted to the hospital since the start of the programme."

## **Guiding Principles on Internal Displacement (1998)**

### **Guiding Principles on Internal Displacement, 1998:**

#### **Principle 18**

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:  
(d) Essential medical services and sanitation.

#### **Principle 19**

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.
2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.

## **Water and sanitation**

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### **56 percent of households in the devastated Pool region lack proper access to water and sanitation (November 2004)**

- Only 8% of households in the Pool region collect water from a tap
- The majority (63%) reported a natural spring as their primary water source
- A third of the surveyed households have to walk over a kilometer to their water source

**Caritas, 30 November 2004, pp. 20-21:**

"Only 8% of households [from survey on humanitarian conditions in the Pool region] collect water from a tap. The majority (63%) reported a natural spring as their primary water source. A third of households have to walk over a kilometer to their water source, some walking as far as 7km. According to Sphere Project minimum standards, each household should have two water collection vessels of 1-20 liters, plus water storage vessels of 20 liters. In Pool, 56% of respondents fall below Sphere standards, with access to two or fewer recipients per household. 21 Sphere standards also indicate that each person should have access to 15L of water per day. The average household size in Pool is 4.8 people, meaning that 72L of water should be collected daily. However, more than half (54%) of households have a water storage capacity of 25 liters or less. It is likely that families have a limited store of water or are making repeated trips to collect water each day. Though 72% of respondents have access to a latrine, 59% share with 5 or more people, and 18% share with 10 or more."

### **Guiding Principles on Internal Displacement (1998)**

#### **Guiding Principles on Internal Displacement, 1998:**

##### **Principle 18**

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
  - (a) Essential food and potable water;
  - (d) Essential medical services and sanitation.

### **Shelter and non-food items**

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#### **Massive destruction of houses in 2002-2003 conflict (November 2004)**

- High level of destruction of villages, including infrastructure, health centres, schools, seeds and agricultural tools
- Stolen metal roofing most common damage to houses
- Villages situated along the railway line were the most severely damaged
- 94% of families lost belongings they had left in their houses
- Most of the items lost were kitchen utensils, followed by bed linen, clothes, agricultural tools, and tables and chairs.

#### **Caritas, 30 November 2004, p. 16:**

"Homes were razed in helicopter bombardments or heavy weapons attacks, burned, or looted for their roofs, windows and doors. The most common damage was stolen metal roofing (26%), which left part or all of the roof uncovered. Another 26% of the houses had damage to one or more walls, and many houses had windows and doors stolen. Only 15% of the damage could be fully or partially attributed to weather or neglect.

Mindouli district was particularly badly affected during the 2002-2003 conflict. An evaluation of humanitarian conditions undertaken by Atlas Logistique in September-October 2003 identified the villages of Kingoyi, Kinkembo, Luolombo, and Kimbedi, situated along the railway line, as the most severely damaged. While the walls of some of the houses in these villages were still standing, soldiers had systematically looted metal and wood roofing structures, windows and doors. Villages northeast and south of Mindouli also experienced extensive looting and destruction. The study found that approximately half of Mindouli district's houses were destroyed; 25% have no roof; and only 25% remain intact. East of Mindouli, along the railway line, lie the villages of Missafou and Massembo Loubaki. The latter was completely destroyed. At the time of the evaluation, Massembo Loubaki was deserted. Missafou was sheltering a number of displaced people from nearby settlements. A mere 13% of houses along the railway line are still standing.

Looting during the 2002-2003 conflict was particularly widespread: 94% of families lost belongings they had left in their houses while they were displaced. Most of the items lost were kitchen utensils, followed by bed linen, clothes, agricultural tools, and tables and chairs. Sixteen percent of the households reported stolen food stocks. Lost agricultural seeds or tools, hunting equipment, building materials, sewing machines, or commercial stock accounted for 30% of looted items. The loss of these essential possessions not only undermines households' ability to prepare food and restart economic activity, it sustains unacceptably low living standards and deteriorates the ability to maintain human dignity. "

#### **ATLAS, 4 October 2003:**

"Sans répéter le contenu de ce rapport, [ATLAS evaluation report] nous voulons rappeler en conclusion que, selon nous, le problème qui se pose avant tout autre, est celui de la réhabilitation de l'habitat individuel. Il s'agit là d'actions qui doivent être envisagées en urgence, sans tarder, même et surtout si la saison des pluies s'annonce. Ensuite viennent les problèmes liés aux écoles, aux Centres de Santé, aux voies de communications, qui tous participent de la précarité et du sentiment d'insécurité et de peur très forte que connaissent les habitants du Pool, et qui est un frein non négligeable à leur retour au village. Le travail de MSF sur l'accès gratuit aux soins et aux médicaments dans l'ensemble du district est crucial, et il doit être renforcé par l'action d'autres acteurs intervenant dans les domaines que nous avons cités. Enfin, nous n'avons pas parlé ici du manque crucial de semences agricoles et d'outils, mais, sans que nous abordions le sujet, il n'est pas un village où l'on ne nous ait pas soulevé cette question."

#### **Guiding Principles on Internal Displacement (1998)**

##### **Guiding Principles on Internal Displacement, 1998:**

##### **Principle 18**

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
  - (b) Basic shelter and housing.

# ACCESS TO EDUCATION

## General

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### Vast majority of children in the Pool region do not attend school (March 2005)

- More than half of schools in the Pool region remain closed as of March 2005
- Schools have been looted
- Teachers have fled the area
- National authorities do not respond to the education crisis
- 

### IRIN, 7 March 2005:

"Since 1999, the vast majority of all the children in the Pool stopped going to school. The professionals have left the region, the schools have been looted and destroyed and the national government institutions, which would be responsible for reconstruction, do not react to the situation, OCHA said. Only one book is available for 20 school children, and only one chair for six. Currently, more than half of all schools remain closed."

### Caritas, 30 November 2004, pp. 21-22:

"As the beginning of the 2004-2005 school year gets under way, a number of schools are still closed. Those that are open function in makeshift buildings with little or no equipment or teaching materials. There is also a teacher shortage, demonstrated by the fact that some local communities have hired "voluntary" teachers, whose salary is paid by parents. Unfortunately, this means that parents who have not yet recovered from the consequences of displacement and interrupted livelihoods are required to pay higher than normal fees for their children's education. The Ministry of Education has recently tried to address the added hardships in Pool by lowering school fees. With the cost of additional teachers, most parents pay even higher fees, which contribute to higher drop out rates when parents can no longer pay."

### National Education Structure

Pre-school is optional for children between the ages of three and five. Primary school starts at age six. In year six, when children are twelve years old, they take the Certificat d'Etudes Primaires Elémentaires<sup>22</sup> (CEPE), which permits them to continue on to secondary school.

Secondary education is accessible in technical centers or general, technical or professional education schools. Secondary education can take six or seven years and is divided into two cycles, the first for children aged 13-16, and the second for children aged 17-19. At the end of the first cycle, pupils take the Brevet d'Etudes du Premier Cycle<sup>23</sup> (BEPC) or the Brevet d'Etudes Techniques (BET). The second cycle ends with the Baccalauréat or a professional diploma. Higher education is available at Marien Ngouabi University in Brazzaville.

### School Attendance

The household surveys suggest that, on average, one in four school-age children in Pool are not attending school. School attendance is even lower in the more isolated northern districts. In Mayama, 67% of all school age children in the three villages surveyed do not go to school, and in the three villages surveyed in Vindza, 72% of children do not go to school.

More than half of these families no longer had the financial means to send their children to school. Another 12% reported that the school was closed, and 12% reported having children who were not going to school because they were beyond the normal age. Only four households out of the entire sample reported that they were sending children above the normal age to school (see tables and charts below for a summary of comparable school attendance and enrollment figures). The number of functioning schools fell during the academic years of 1998-1999 and 2002-2003. The number of active teachers shows a similar pattern, reaching a high of 459 in 1999-2000 and a low of 71 in 2002-2003. Even between 2000 and 2002, the number of teachers was still extremely low, with an average of less than one teacher per school."

**UN OCHA, 24 September 2003:**

"A local NGO in the Republic of Congo has launched an urgent appeal for an increase in primary school teachers in the war-weary southern department of Pool, where a year of fighting caused tens of thousands of people to flee the region, while fighting trapped many more.

Efforts are underway on the part of the government, UN agencies and NGOs to facilitate the return of Pool displaced to their homes.

The president of the Convention for the Renaissance and Reconstruction of Pool (Convention pour la renaissance et la reconstruction du Pool - CRRP), Roland Malonga, told IRIN on Friday that the organisation was trying to recruit 250 teachers for the 2003-2004 school year, due to begin on 1 October. He said there was a deficit of some 1,297 teachers, which is why the organisation had launched the appeal.

"The cost of this initiative will be about 200 million francs CFA (US \$364,199), and we are daring to hope that we can pull this together," he added. "As education is the foundation for the development of a country and for improved living conditions for the population, we are hoping that all Congolese concerned about the future of the country will lend their support."

The NGO says for the 314 primary schools in the 15 regions of Pool, a total of 2,004 teachers is desirable. However, there are only 593 for a student population of 42,966 - a ratio of 70 students per teacher. As one of the worst cases in the department, the NGO cited the example of the Kimba school zone, where there is one teacher for 1,172 students in 19 schools.

The CRRP was created following a peace agreement signed on 17 March between the government and "Ninja" rebels of Rev Frederic Bitsangou, alias Pasteur Ntoumi, which ended a year of hostilities.

Fighting in the region forced many teachers to flee, exacerbating an already severe deficit of teachers in rural zones, and resulting in overcrowded classes or the closing of schools.

According to a 1999 report by the UN Children's Fund and the African Student Parents' Association, school enrolment rate in the Congo - one of the few African countries where it used to be 100 percent - had dropped to 78.9 percent in 1998. Conflict and its aftermath also increased the illiteracy rate, to 24.9 percent. Literacy for men was estimated at 83 percent, while for women the rate was 67 percent. The average school dropout rate was 7 percent, the study said.

Presently, less than 50 percent of primary school students complete five years of schooling, according to the Congolese government."

## **Guiding Principles on Internal Displacement (1998)**

### **Guiding Principles on Internal Displacement, 1998:**

#### **Principle 23**

1. Every human being has the right to education.
2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.
3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.
4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

# ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

## Issues of self-reliance

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### **Agricultural activity in return areas is far below pre-conflict levels (November 2004)**

- 33% of returnees have not harvested since they came back to their villages
- Years of insecurity and displacement have depleted seed stocks
- Only 25% of the households surveyed had used their own stock for planting
- All farming households had access to at least one type of agricultural tool
- Looting has depleted the returnees productive capacity

**Caritas, 30 November 2004, p. 18:**

#### "Agricultural Production

Agricultural activity is still far below pre-conflict levels. Despite the central subsistence role of agriculture, 33% of respondents had not harvested since they came back to their villages. Results were relatively consistent across districts, ranging from 26% of households in Mayama district to 40% in Mbanza Ndounga district that had not yet harvested. Of those households, 16% say that it will be more than six months before they harvest. Furthermore, families who reported that their previous harvests were stolen were less likely to have harvested or planted. For a population dependent on small subsistence farming, the unavailability of produce presents a pressing problem in the short-term.

The years of insecurity and displacement have depleted seed stocks. Though small-scale farmers generally rely on their own harvest to produce a seed store for the following season, only 25% of the households surveyed had used their own stock for recent planting activity (March/April for staple crops). Sixteen percent supplemented their own stock with seeds that were bought, borrowed, or given, and 25% had no seed, relying entirely on seed being given by NGOs, friends or family. More than a quarter of households bought all their seeds during the last planting season (40% purchased seeds in their own village; 36% purchased in Brazzaville; 18% 24% bought seeds from other villages in Pool or the neighboring region). Having to buy seed is an additional financial burden on households recovering from long periods of conflict and displacement. Some families did not plant staple crops in March/April because they were not able to procure seeds at all.

Although the majority of people have started to plant, harvest is still distant for some. This is likely due to a heavy reliance on manioc, the primary crop for 85% of families, which requires more than eight months to mature. Of the returned families who harvested, only 28% had harvested manioc. Over 70% had harvested shorter-cycle maize, peanut and vegetable crops.

In comparison to seed stocks, a higher number of families had access to agricultural tools. Donations supplied 37% of rural families with essential agricultural tools, representing a larger percentage than families who had been donated seeds. The level of donations is largely attributed to NGO tool distribution as part of return kit programs reaching a wider beneficiary group than the agriculture programs giving seed. All farming households had access to at least one type of agricultural tool, and 71% possessed both a machete and a hoe. Most of the families consumed their last harvest. Of the 87% who said they ate all or part of their last harvest, 27% consumed all their harvest and 39% sold a portion. A considerable amount of produce was stolen

from families' last harvest: 10% claimed that all their harvest was stolen, and 6% said that part of their produce had been stolen. Only 16% of families stored any of their last harvest (9% ate some and stored the rest, 7% ate, sold and stored their harvest). This low number helps to explain the shortage of seeds.

Looting has resulted in a prolonged challenge to farmers' productive capacity. Families who had all or part of their previous harvest stolen are particularly vulnerable. Although these families constituted just 16% of the total sample, they represented 49% of the families who were yet to harvest. In this subgroup, not a single household had stored any seeds for the next planting season."

### **IDPs in Brazzaville no longer reside in camps; still, many reportedly remain there without work (2001)**

- Four remaining IDP camps in Brazzaville were closed in April 2001
- IDPs still in Brazzaville no longer require life-sustaining assistance
- Still, many are from rural areas and are without work

#### **UNICEF, 2001:**

"...; while the numbers of displaced requiring life-sustaining assistance have fallen dramatically, tens if not hundreds of thousands are not living where they lived before. The forced flight and looting caused people to lose savings, assets, tools – in short, their capacity to withstand shocks and respond to changing circumstances. At least one study shows that significant numbers displaced from rural areas remain in Brazzaville without work (formal or informal), and are anxious to have work, credit and training. Many displaced suffer from trauma. There are many more female-headed households."

#### **USCR, 2001:**

"In April [2000], the last of four sites for internally displaced persons in the capital closed and the last refugees from Congo-Brazzaville remaining in Congo-Kinshasa returned home with assistance from the UN High Commissioner for Refugees (UNHCR)."

#### **ICRC 21 November 2001:**

"In the beginning of 2000, the ICRC (in cooperation with the Congolese Red Cross) still gave assistance to IDPs in camps in Brazzaville. Due to the return of [most of the] IDPs, these camps were closed in April 2000..."

## **Public Participation**

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### **New committee for local and national elections in Pool region ( September 2003)**

- The commission would most likely comprise representatives from the Ministry of Territorial Administration and Decentralisation (Le Ministère de l'Administration du Territoire et de la Décentralisation), headed by Francois Ibovi
- Pool elections would enable the Congolese Parliament to fill a void of some dozen seats for the region

**IRIN, 22 September 2003:**

"The creation of a committee to prepare for local and national elections in the war-weary Pool region of southern Republic of Congo was announced on Friday by the government of the Republic of Congo, with actual elections to be held "soon".

The move comes a year after similar elections were held nationwide.

The improved situation in Pool follows a peace agreement signed on 17 March between the government and "Ninja" rebels of Rev Frederic Bitsangou, alias Pasteur Ntoumi, which ended a year of hostilities. Tens of thousands of people fled the region, while fighting trapped many more. Efforts are underway on the part of the government, UN agencies and NGOs to facilitate the return of Pool displaced to their homes.

The government said that although members had not yet been named to the commission, it would most likely comprise representatives from the Ministry of Territorial Administration and Decentralisation (Le Ministere de l'Administration du Territoire et de la Decentralisation), headed by Francois Ibovi.

It reported that the Pool elections would enable the Congolese Parliament to fill a void of some dozen seats for the region that have been vacant in the National Assembly and in the Senate.

The government also suggested that Ntoumi could be a candidate in the elections."

**People displaced after June fighting were reluctant to vote (June 2002)**

- Displaced were traumatised and unwilling to vote in the second round of the parliamentary elections
- The first round took place on 26 May 2002 and was marred by fighting in the Pool region
- All elections in the affected districts of Pool have been postponed until the return of stability and an estimated 20,000 IDPs

**AFP, 20 June 2002:**

"Would-be voters in Congo's parliamentary elections who have been displaced by heavy fighting between rebels and government forces appear reluctant to venture out to the polls on Sunday, candidates said.

"I just spoke to my voters who were displaced by fighting last week. They are all traumatized and do not seem ready to vote on Sunday," said Thierry Mougala, a candidate from a western Brazzaville district, Mfilou, where fighting took place between government forces and rebels last Wednesday.

The fighting sparked by an attack by "Ninja" rebels on the international airport west of the Congolese capital also affected western Brazzaville's La Base and Moukondo districts.

Residents fled their homes to take refuge in neighboring districts or church shelters.

[...]

Most residents of western Brazzaville, who fled when the fighting broke out, had returned home on Wednesday, an AFP reporter said. However several thousand living in the vicinity of the airport were still staying away.

Moungala, a member of the opposition Union for Democracy and the Republic (UDR), said: "The voters of Mfilou told me they wanted to go home. They are traumatized because their homes were looted by men in uniform who prevented them from going home."

On Wednesday the party applied to the electoral commission and interior ministry for a postponement of the vote in Mfilou and in one Moungali constituency.

It will be the second round in the central African country's first legislative elections in a decade. The first round, which took place May 26 [2002], was marred by fighting in the Pool region southwest of Brazzaville, where the army is hunting down Ninjas.

Voters in eight of 14 voting districts in the southern region of Pool were unable to cast their ballots in the first round because of the unrest.

Independent Mfilou candidate Stanislas Ebata-Mongo said he had suggested that the displaced voters from his constituency be lodged in a high school so that they could vote despite their displacement. "They were reluctant for security reasons," he said."

**IRIN 24 June 2002:**

"All elections in the affected districts of Pool have been postponed until the return of stability and an estimated 20,000 internally displaced residents."

# ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

## Family Unity

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### Guiding Principles on Internal Displacement (1998)

#### Guiding Principles on Internal Displacement, 1998:

##### Principle 17

1. Every human being has the right to respect of his or her family life.
2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.
3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.

# PATTERNS OF RETURN AND RESETTLEMENT

## Return prospects

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### Guiding Principles on Internal Displacement (1998)

#### Guiding Principles on Internal Displacement, 1998:

##### Principle 15

Internally displaced persons have:

(d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

##### Principle 28

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.

## Obstacles to return

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### Villages abandoned in the Pool region (November 2004)

- Eight villages and two neighborhoods in Pool have been abandoned
- Many people who return find their houses looted or burnt and many are missing relatives
- Some inhabitants live in the surrounding bush too afraid to return

#### Caritas, 30 November 2004, p. 15:

"The disappearance of villages constitutes an alarming development that will substantially impede the renewal of livelihoods for returning families. Insecurity and the widespread destruction of homes and infrastructure are the main factors that have led to desertion by the local population. This study identified eight villages and two neighborhoods in Pool that have been abandoned and, effectively, no longer exist: Sha Sha and Mouvimba in Kinkala district, Oualala in Mindouli district, Fia near Mayama, Moyen and Diolo in Vindza, Garé and N'kou to the north of Brazzaville, Kinkembo neighborhood in Mindouli district, and the center of Insini in Vindza district."

#### MSF, 16 September 2003:

"It is obvious people have suffered a lot, many people who return find their houses looted or burnt and many are missing relatives. On paper the war may have ended in March, but on the ground

the two sides don't talk, villages are empty and their habitants live in the surrounding bush too afraid to return," said Dr Steve Harris, of the MSF Mobile Clinic Pool Emergency Programme."

### **Devastated infrastructure and insecurity impedes return movements (November 2004)**

- Returnees face armed men at numerous roadblocks which hamper access and movement
- Parallel problem of poor access and insecurity another obstacles to return movements

#### **UNOCHA, 11 November 2004:**

"In addition to security considerations, several access-related factors impact humanitarian activities in the region: lack of basic social services, destroyed physical infrastructures, and the un-addressed effects of years of looting and neglect. These factors affect the return of Internally Displaced Persons (IDPs) and refugees to their community of origin. Indeed, returnees must face armed men at numerous roadblocks, which hamper access and movement. There has been an increase in security incidents at these checkpoints, with several cases reported by humanitarian actors in the months of July and August.

Poor to no planning for the upkeep of transport infrastructure has cut off access for entire populations. Much of the population affected by the crisis is isolated; access by public services and humanitarian agencies is problematic. Rail and road traffic is not reliable and lacks security. In times of tensions and hostility - as in August of 2004 - access to affected zones must be done by air through adjoining regions, thus increasing operational costs for humanitarian actors. This cannot be sustained in the long term.

Poor access and insecurity are related, worsening the humanitarian situation and rendering inaccessible regions like the Cuvette where highly communicable diseases like Ebola incubate, or by rendering difficult the development of a logic and the logistics for the return of IDPs and repatriation of refugees in regions like the Pool."

## **Return movements**

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### **About 131,000 IDPs have returned to a completely destroyed Pool region (August 2004)**

#### **WFP, 1 August 2004:**

"The internally displaced people that were residing in the sites in Brazzaville have returned to their homes of origin. However, they still have to reconstruct their livelihood. The socio-sanitary infrastructure is not rebuild yet, thus resulting to a delayed normalization of the situation. About 131,000 persons have returned to a completely destroyed Pool region. Some of them have

received seeds and tools to restart with agricultural activities, but a major part of them cannot do agriculture activities because of insecurity."

### **All sites for internally displaced people (IDPs) closed in Brazzaville (May 2004)**

- In January 2004 the government began to assist the voluntary return of thousands of IDPs in Kinkala
- In all, 2,414 people have returned to their villages since the programme was launched
- IDPs who could not stand the poor living conditions at the sites returned home without government support
- Return home has been possible because of the relative calm in the country

### **IRIN, 4 May 2004:**

"The government of the Republic of the Congo has closed all sites for internally displaced people (IDPs) of the Pool Department, the Ministry for Solidarity and Humanitarian Action said on Monday.

In a communiqué, it said all seven sites were closed on Saturday. In January the government began to assist the voluntary return of thousands of IDPs in Kinkala, a town 50 km west of the capital, Brazzaville, to their home villages in the Pool. In April, IDPs were also taken from the districts of Mbanza-Ndouna, Ngoma Tse Tse and Kibossi back to the Pool.

In all, 2,414 people have returned to their villages since the programme was launched. Other IDPs who could not stand the poor living conditions at the sites returned home without government support. Their return home has been possible because of the relative calm in the country since an agreement was reached on 17 March 2003 between rebel leader the Reverend Frederic Bitsangou and the government to honour a 1999 ceasefire accord.

In October 2002, the government had authorised the establishment of seven IDP sites in the south of Brazzaville, which catered for 12,000 people, the ministry said. That measure was in response to the exodus of some 100,000 people who fled the Pool to the capital and to the departments of Bouenza, Lekoumou, Niari, Plateau, Kouilou; because of fighting between the government and Bitsangou's rebel group, known as Ninjas.

The government said the UN Development Programme, European and national NGOs, the church, China, Egypt, France, Italy and the United States had all supported the return of the IDPs."

### **Displaced were forced to return home, just before parliamentary elections (June 2002)**

- The Congolese authorities decided two days before the elections to forcibly send home people displaced during the June 2002 violence
- Most of the displaced moved to host families in town when they were asked to leave the camps
- Many of them did not return to their homes until 15 August 2002, the day after the announcement of the end of the transition government

**IRIN 17 June 2002:**

“At least 10,000 people have fled Brazzaville, capital of the Republic of Congo, following two days of fighting between government forces and Ninja militias that began on Friday, the United Nations Humanitarian Coordination Office in the country reported.”

**PANA 22 June 2002:**

“Congoese authorities decided on Friday, two days before the second round of the country's parliamentary elections, to forcibly send home people who had sought refuge in churches during the recent fighting in the western part of Brazzaville.

The second ballot will be held on Sunday to enable voters to fill the remaining seats at the national assembly.

Clashes took place on 14 June between government troops and Ninja militiamen led by Father Frederik Bitsangou aka Ntumi in the areas of Mfilou, La Base and Moukondo, near Brazzaville airport.

The fighting drove thousands of civilians to neighbouring areas. Most of the displaced stayed in churches and private homes.

On Thursday, Congoese communication minister Francois Ibovi said at a news conference that attacks by "terrorist gangs" could not put into question the electoral process.

However, opposition candidates called on the government to postpone the elections by a week in areas affected by the fighting, to enable people to recover from the trauma caused by the clashes.

[...]

In the second round, voters will elect another 78 MPs. There will be no elections in eight constituencies in the southern Pool region, where clashes are going on between government troops and Ninja militiamen.”

**Email from UN Coordination Unit Brazzaville to NRC Geneva 15 November 2002:**

***Many did not return until 15 August 2002:***

“In June 2002 the IDPs [...] were asked to return to their homes. Most of the people who were in sites moved to host families in town when they were asked to leave the sites. Many of them did not return to their homes until 15th of August (day after announcement End of transition government).”

**Mass return of IDPs took place during 2000 (2000-2001)**

- Between 500,000 and 600,000 IDPs returned home in 2000
- Return happened with unprecedented speed and momentum
- Remaining four IDP camps in Brazzaville closed in April 2000
- 60% of returnees went back to their homes in urban centres
- Return took place in difficult conditions given large-scale destruction of socio-economic infrastructure

**USCR, 2001:**

"Some 500,000 internally displaced Congolese also returned home [in 2000].

[...]

Humanitarian access dramatically improved. Hundreds of thousands of displaced persons had returned home by mid-year. In June [2000], the UN noted that 'the speed and momentum of these events is impressive. The year 2000 has become a tremendous opportunity – a chance to begin rebuilding a durable peace.'

[...]

The vast majority [of IDPs] returned home en masse in the first four months of year."

**ICRC, 21 November 2001:**

"In the beginning of 2000, the ICRC (in cooperation with the Congolese Red Cross) still gave assistance to IDPs in camps in Brazzaville. Due to the return of the IDPs, these camps were closed in April 2000 and the humanitarian needs evolved from emergency to rehabilitation; direct emergency assistance (food distributions and feeding centers, mainly in Brazzaville and the Pool region) was replaced by rehabilitation programs such as seed and tools distributions, rehabilitation of health centers and the protection of water sources."

**EPCPT, November 2000:**

"The cease-fire reached in November 1999 and the factions' compliance with during 2000 gave hope for recovery and reconciliation in Congo Brazzaville. More than 600,000 of 800,000 people displaced by the war had returned home by August 2000."

**UNICEF, 12 October 2000:**

"UNICEF assistance is now directed towards rehabilitation and development activities to support returned displaced persons. Humanitarian access has now been secured to all interior areas of the five southern war-affected regions (Brazzaville, Bouenza, Lekoumou, Niari and Pool), resulting in the return of over 700,000 (out of 810,000) displaced persons and refugees to their original home settlements. At this stage of this massive return, continued extension of humanitarian assistance is essential for their immediate resettlement and return to normal life."

**WFP, 19 September 2000:**

"Many [IDPs and refugees] began to return after the signature of peace agreements in December 1999. On 30 April 2000 some 600,000 people were estimated to have returned to their home areas, most of them in urban centres (60 percent). Their resettlement is taking place in difficult conditions, however, given large-scale destruction of socio-economic infrastructure and looting of private property. But returnees are having to cope with food insecurity caused by the loss of their stocks and the absence of any agricultural production for two successive seasons. Attempts to revive food production in the affected regions are currently complicated by a lack of seeds, tools and other agricultural inputs.

With improved security in the country, United Nations agencies, NGOs and the Ministry for Humanitarian Activities have intensified joint missions in the newly accessible regions (70 percent of affected regions). What emerges from those evaluations is that more than 40 percent of returnees over the regions as a whole have lost their former socio-economic equilibrium. The level of vulnerability of these civilian victims of conflict calls for sustained humanitarian assistance

in several sectors, including: health, nutrition, support to renewed food production, rehabilitation of basic infrastructure and the social reintegration of young people."

## **Disarmament, Demobilization and Reintegration (DDR)**

### **30,000 ex-combatants in DDR programme (June 2008)**

#### **IRIN, 10 June 2008:**

"A long-delayed process of reintegrating into civilian life some 30,000 combatants who took part in the Republic of Congo's 1998-2003 civil war began in Kinkala, the main town in the devastated Pool region, on 9 June 2008.

Present at the launch of the National Programme of Demobilisation, Disarmament and Reintegration (NPDDR) were the government official in charge of the programme, Michel Ngakala, and Ninja rebel leader Frédéric Bintsamou, who is also known as Pasteur Ntoumi.

Some 5,000 men still under Pasteur Ntoumi's command, 6,000 government forces and 19,000 former fighters who have already demobilised on their own are expected to take part in the programme, financed to the tune of 17 million dollars by the World Bank, with another million provided by Congo's government.

Ntoumi used the occasion to announce the disbanding of the Ninjas, the armed wing of his political party, the Conseil national des républicains."

#### **Coalition to Stop the Use of Child Soldiers, 20 May 2008:**

"After significant delays due in part to the difficulty in establishing the number of beneficiaries and a financial management system, a National Disarmament, Demobilization and Reinsertion Program (Programme national de désarmement, démobilisation et réinsertion, PNDDR), partially funded by the Multi-country Demobilization and Reintegration Program (MDRP), received its first disbursement in October 2006. It was expected that by July 2007 reintegration support would have been delivered to some 1,000 former combatants who had self-demobilized. Up to 30,000 former combatants, including 19,000 from the 1998-9 conflict, were expected to benefit from the PNDDR."

### **Disarmament, demobilisation and reintegration programme has stalled (November 2004)**

- In April 2003, 2,300 ex-Ninjas surrendered weapons voluntarily following the signature of peace accords
- Not one rebel soldier from the Pool region has been demobilized since then
- The number of young fighters in Pool Department ranges from 17,000 to 50,000
- The same uncertainty applies to the quantity of firearms in circulation on the country

#### **Caritas, 30 November 2004, p. 7-8:**

"The end of the 2002-2003 conflict was accompanied by great expectations for Disarmament, Demobilization, and Reinsertion (DDR) programs to help rid the Republic of Congo of the continued threat of small arms and youth militias. In April 2003, 2,300 ex-Ninjas surrendered weapons voluntarily following the signature of peace accords. Since then, formal disarmament programs have stalled. In fact, despite multiple programs promising money for weapons, there has not been a single success: not one Ninja soldier has been demobilized in over 16 months.

In July 2000, after the 1998-1999 conflict, the Congolese Government, together with the UN Development Program (UNDP) and International Organization for Migration (IOM), had initiated a disarmament, demobilization and reinsertion (DDR) program in response to the considerable number of small arms and militia groups remaining in the country after the successive civil conflicts of the 1990's. IOM reported that 11,114 weapons were collected, and 8,009 militia members reintegrated.

In 2001, the Congolese Government also created its own High Commission for the Reintegration of Ex-Combatants (HCRFF). Government Colonel Michel Ngakala leads the Commission with representation from the Government and the CNR. The World Bank issued a \$5 million credit to the HCRFF. With the intention of reintegrating ex-combatants into productive life, the commission financed 2,417 micro projects proposed by 6,658 ex-militia men from all over the country.

In Pool, however, only 1,130 ex-combatants participated in these programs and were disarmed. The vast majority of Ninja remained in Pool with the arms that they have retained since the 1998-1999 conflict. The UN reports that an additional 16,000 Ninjas were signed up for reintegration into civilian life, but were never incorporated into DDR programs for lack of funds. When hostilities resumed in 2002, they were easily re-recruited. While there are no numbers disaggregated for Pool, in early 2004, Colonel Ngakala estimated that there were no less than 42,000 small arms in circulation in the country. After the first disarmament in April 2003, the CNR reported that they had 14,000 men enrolled in their militia. The Congolese Defence Minister, Jacques Yvon Ndolou, has estimated the Ninjas at 17,000. Ntoumi himself speaks of as many as 50,000.

Recognizing the urgent need to disarm Ninja ex-combatants, the European Union agreed to finance an emergency UNDP project to disarm 1,000 Ninjas for a cost of € 730,000 (US\$ 900,000). The objective was to finance micro-projects in exchange for arms surrendered to the UN. After months of negotiations between the Ninjas and the Government in mid-2003, the process stalled. In January 2004, the program was officially launched with Ntoumi's symbolic presentation to the Government of a rusty 14.5 mm cannon. But in a speech at the ceremony, Ntoumi imposed new conditions on the disarmament of his troops. In March 2004, the Government issued statements officially rejecting Ntoumi's new demands and, after nearly 12 months without progress, the European Union withdrew its funding.

The UNDP has recently launched a second program that offers the Ninjas a new opportunity to disarm. "Disarmament for Development" is a national program that aims to reduce the number of illegal small arms not just in Pool, but also throughout the country while assisting communities with high concentrations of ex-combatants and arms to receive development assistance. The program targets not only the ex-combatants, but also offers incentives to entire communities to surrender arms. In exchange for the returned weapons, communities will be rewarded with assistance funds to support activities such as school rehabilitation or purchase of a grain mill. The collected arms will be destroyed in a public ceremony. It is hoped that the program, worth €2 million (approximately US\$2.4 million), which started in August 2004, can impel Ninjas to give up their weapons for good."

**IRIN, 2 February 2004:**

"[...] at least 16,000 former Ninjas who had signed up for reintegration into civilian life are still waiting, because the programme is underfunded. As result, many of them were re-recruited and rearmed by the Ninjas when they made an incursion into Brazzaville's western suburbs in June 2002.

The number of young fighters in Pool Department remains unidentified to this day. A former Ninja commander, Aime Malanda, also known as Gourbas, said he did not to know their exact number. Defence Minister Jacques Yvon Ndolou estimates them to number 17,000. The same uncertainty applies to the quantity of firearms in circulation. What is certain, however, is that the Ninjas were regularly rearmed between 1998 and 2003. One retired Ninja officer said the weapons were either stolen from the barracks or brought in by groups from Rwanda, or the neighbouring Democratic Republic of the Congo.

Other fighters are in northern ROC, an area virtually untouched by the war. Militiamen loyal to former President Denis Sassou-Nguesso used to go to the departments regarded as his fiefdom. They went mainly to bases in Gamboma, and Owando, respectively about 400 km and 600 km north of Brazzaville.

Having visited the area, notably Impfondo and Djambala, Col Andre Bongouende, an IOM consultant on arms collection, estimated civilians there were holding more than 30,000 illegal weapons. Moreover, Bongouende said, "Nearly 20,000 automatic weapons are circulating Brazzaville, where there has also been fresh recruitment."

# HUMANITARIAN ACCESS

## General

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### **Poor road conditions and insecurity reduce accessibility (November 2004)**

- Only five out of the 26 villages in the Pool region have a truck stopping or passing through during the week
- Average speed for a car is 10 km/h because of the poor road conditions
- Delivery of humanitarian assistance was interrupted for several weeks in December 2004
- Manufactured goods are in short supply as a result of resettled families' low purchasing power and the lack of commercial transportation
- Bribes paid at roadblocks between Kinkala and Brazzaville can cost an additional \$20 for a single trip

### **UNOCHA, 30 January 2005:**

"Le manque d'accès et l'insécurité sont deux facteurs liés et dont les effets contribuent à l'aggravation de la situation humanitaire, en rendant inaccessible les zones où les urgences sont les plus grandes. Au niveau de l'accès, le manque de planification de l'entretien des infrastructures rend extrêmement difficile l'accès à l'ensemble du territoire du Pool. La Route Nationale N°1 est dans un état lui permettant difficilement de mériter son titre de « nationale », la vitesse moyenne d'un trajet, à bord d'un véhicule à 4 roues motrices, est en moyenne moins de 10 km/h. Le chemin de fer reste une alternative plus ou moins fiable, principalement pour le transport commercial. En effet, mis à part les irrégularités et les retards fréquents, le trafic ferroviaire est régulièrement perturbé par les attaques et les pillages de marchandises, qui menacent également les passagers du CFCO. De plus, en saison des pluies, le trafic peut être perturbé par des éboulements, des inondations ou autre désastre naturel, comme en décembre 2004, où l'interruption a paralysé la livraison de marchandises pour plusieurs semaines. La troisième alternative, au niveau de l'accès à la zone, demeure le transport aérien. Cette solution est toutefois peu pratique, étant donné son coût élevé et le peu de zones accessibles par avion. En effet, il n'existe qu'une seule piste d'atterrissage pour tout le Département, soit Kindamba. Alternativement, les localités de Mouyondzi et de Nkayi, toutes deux hors du Département, demeurent également des alternatives. Toutefois, pour atteindre Mindouli, un trajet de plus de 80 km sur une route secondaire est requis à partir de Mouyondzi, ou un trajet de plus de 140 km sur la route nationale, à partir de Nkayi. L'interruption et l'augmentation du coût de transport impliquent que la pauvreté continue d'affecter les régions du Pool, autrefois à vocation agricole. Aujourd'hui, les populations ne peuvent prétendre qu'à une agriculture de subsistance."

### **Caritas, 30 November 2004, p. 20:**

"Road conditions in Pool, however, are so bad, and armed militias manning roadblocks and demanding money so frequent, that few commercial transporters venture into the region. Only five out of the 26 villages included in the survey have a truck stopping or passing through during the week. Prior to the conflict, 10 villages had trucks stopping or passing through at least once a

week. Eight of the villages in the study are located along the railway line, with upwards of than five trains passing through a week. It is not clear whether villagers along the railway have better market access than the other villages.

Villagers explained that the trucks did not come more regularly because of the poor condition of the roads (45%), insecurity (25%) and roadblocks erected by armed groups (20%). Manufactured goods are in short supply as a result of resettled families' low purchasing power and the lack of commercial transportation. Even essential household items such as soap are absent from local markets and households. Sixty-four percent of families reported that they do not have soap in their home. Though soap can serve as an indicator of hygiene and sanitation, it is also a strong indicator that markets and dispensable income have yet to be revitalized in Pool. Prices have increased due to limited availability, and in some cases soap cannot be bought.

Insecurity and poor infrastructure are increasing commercial transportation costs to excessive levels. The cost of renting a truck roundtrip from Kinkala to Brazzaville is about between US\$800-1000. Bribes paid at roadblocks between Kinkala and Brazzaville can cost an additional \$20 for a single trip. Prior to the conflict, the same trip cost between US\$600-700; this 25% increase is resulting in fewer traders and higher costs passed on to the population."

### **Train access to the Pool region (May 2004)**

- Train services between the Republic of Congo capital, Brazzaville, and the recently troubled Pool Department resumed
- Revival of services would help the formerly internally displaced people, who now live in villages close to the railway, to rebuild their lives
- The 250-km Brazzaville-Loutete railway line was often attacked by Ninja militiamen
- Security of the train is in the hands of the Ninja and elements of the national gendarmarie

### **IRIN, 4 May 2004:**

"Train services between the Republic of Congo capital, Brazzaville, and the recently troubled Pool Department resumed on Tuesday after a six-year suspension, the director-general of the Congo-Ocean Railway Company (or the CFCO), Jacky Trimardeau, said.

The resumption of the service follows the gradual return to peace to Pool, in the southwest of the country.

"The train is 100 percent owned by CFCO. It was rebuilt in 35 days in our workshops and comprises five coaches four of which are second class and the other first class. Three other wagons are for freight," he said.

The chairman of the Association of the Pool Youth (Association des jeunes ressortissants du pool), Clotaire Boutsindi, said that the revival of services would help the formerly internally displaced people, who now live in villages close to the railway, to rebuild their lives. It would also spur the public to resume farming because they could now get their produce to markets more easily.

"With four train departures weekly, Brazzaville residents will be supplied with more food," Sylviane Donga, a banana seller along the railway line, said. "Economic activity will resume after a long suspension. It will be easier to care for our families."

The railway company's infrastructure was destroyed in Brazzaville and in the departments of Pool, Kouilou, Lekoumou and Bouenza during the conflict between the government and rebel groups. Rehabilitation of these infrastructure cost the government around \$11.3 million.

The 250-km Brazzaville-Loutete railway line was often attacked by Ninja militiamen loyal to the Rev Frederic Bitsangou, while government troops in charge of security frequently robbed travellers. However, now that the political climate has improved, security of the train is in the hands of the Ninja and elements of the national gendarmerie, who signed an agreement with the railway authorities.

"All the rail stations will soon be open with the arrival of the Air Pool train," Emilienne Raoul, the minister for solidarity and humanitarian action, said recently."

#### **UN missions are denied access into the Pool region (January 2004)**

- The security remains in phase IV and all UN missions are denied access into the area
- A few NGOs, like MSF/France and Holland have decided to resume their activities in the two districts of Kinkala and Minduli (Pool Region)
- Two staff members of the international Committee of the Red Cross (ICRC) who had been held since 4 December 2002 were released the same month

#### **WFP, 16 January 2004:**

"The security incidents and gun battles that erupted in southern Brazzaville around the end of December 2003, contributed to the continuous insecurity in the Pool region. The security remains in phase IV and all UN missions are denied access into the area. Nevertheless, a few NGOs, like MSF/France and Holland have decided to resume their activities in the two districts of Kinkala and Minduli (Pool Region) where their mobile clinics are operating in the remote areas of these districts"

#### **ICRC, 29 December 2002:**

"Two staff members of the international Committee of the Red Cross (ICRC) who had been held since 4 December [2002] were released yesterday in the Bouenza region, in southwestern Congo.

Both men, a Frenchman aged 41 and a Congolese aged 37, were in good health when they were reunited with their ICRC colleagues.

The ICRC is relieved to see them return and gratified that reason has prevailed. It warmly thanks all those who have helped bring about a happy resolution to a difficult situation.

The men disappeared while assessing the needs of displaced people in the Bouenza region."

#### **Humanitarian access to the Pool region continued to be limited (August-October 2002)**

- In August 2002, the UN requested access to four towns, but was allowed to go only to Kindamba and Kinkala
- In October 2002, the UN continued the negotiations to gain access to the Pool region, but the security situation was deteriorating

**UN RC, 24 August 2002:**

“Still in close contact with government officials, the UN continues to negotiate and coordinate humanitarian access to the most affected zones in the Pool region. The UN has requested humanitarian access to four towns (Kindamba, Mayama, Kimpello and Kinkala) in the Pool district, but for the moment, the UN has only been granted humanitarian access to two key towns - Kinkala by road and Kindamba by air. The newly appointed government has expressed willingness and openness to discussing security concerns and humanitarian access to the Pool region.”

**UN RC, 24 October 2002:**

“Still in close contact with the government officials, the UN continues to negotiate humanitarian access to the Pool. On the 26th of September 2002, the UN requested humanitarian access to the area of Kindamba and to the district of Mindouli in the Pool Region. Access to the Pool by road or rail has been denied by the authorities until now for security reasons. No road access to the Pool region has been given since end of June. The last humanitarian UN mission in the Pool took place in the beginning of August in Madzia where food distribution was completed.

The security situation in the Pool region is not improving. Repeated attacks on trains and trucks have been reported.”

*See our map section for a [map on the humanitarian access to the Pool and surrounding regions \(map of 24 August 2002\)](#)*

**Guiding Principles on Internal Displacement (1998)**

**Guiding Principles on Internal Displacement, 1998:**

**Principle 24**

2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

**Principle 25**

3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

**Principle 26**

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

**Principle 30**

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

# NATIONAL AND INTERNATIONAL RESPONSES

## National Response

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### National Response (Overview 2009)

In 2000, the government created the Ministry of Cooperation, Humanitarian Action and Solidarity as an institutional framework to resolve the problem of internal displacement (HRC, 23 February 2009). However, it has remained severely underfunded and has done very little to address the needs of remaining IDPs, host communities and returnees, such as assessing their numbers and providing access to basic social services. The UN country team in 2008 noted that very little social protection was afforded to vulnerable populations, including women and children. There was a lack of funding for such protection as only 0.34 per cent of the government's overall budget was allocated to social spending (HRC, 17 March 2009).

In 2008, a positive regional development for the protection of IDPs was the entry into force of the Pact on Security, Stability and Development in Africa's Great Lakes region (the Great Lakes Pact). It represents a commitment by states to work to end the conflicts plaguing the region, and to cooperate on security, governance, development, humanitarian and social issues. The Republic of the Congo is one of eleven states that ratified the Great Lakes Pact, which entered into force on 21 June 2008 (UN SG, 24 June 2008).

The Great Lakes Pact has ten protocols, three of which affect IDPs directly: the Protocol on the Prevention and Suppression of Sexual Violence against Women and Children, the Protocol on Property Rights of Returning Persons, and the Protocol on the Protection and Assistance to Internally Displaced Persons (ICGLR, 14-15 December 2006). The latter commits member states to incorporate the Guiding Principles on Internal Displacement into domestic law. The Republic of the Congo has yet to enact national legislation to protect IDPs.

### Guiding Principles on Internal Displacement (1998)

#### Guiding Principles on Internal Displacement, 1998:

##### Principle 3

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

##### Principle 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.

## **International Response**

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### **International Response (Overview 2009)**

The Republic of the Congo enjoys high oil dividends but poverty indicators such as maternal mortality and child malnutrition remain alarming. The country's economy is heavily dominated by the oil sector, which in 2008 accounted for approximately 65 percent of its gross domestic product (WB, March 2009). However, this has not translated into measurable improvements in the living conditions of the majority of the population living under the poverty line.

While several international donors do not fund humanitarian appeals because they believe the government has oil dividends at its disposal, and even though the situation in the Republic is no longer considered as a humanitarian emergency, the Central Emergency Response Fund (CERF) disbursed \$2 million to UN agencies in 2008 as part of its underfunded emergencies programme, to assist returnees and local communities, as well as 50,000 refugees from DRC (OCHA, 28 April 2009). The funds were used to provide health care services including emergency obstetrics, agriculture and food security support, and nutrition, water and sanitation projects.

No humanitarian funding appeals were made for the Republic of the Congo in 2009. However, UNICEF will provide US\$500,000 in additional support for health, nutrition and education programmes to help mitigate the effects of the global economic crisis on the most vulnerable people there (ReliefWeb, 24 August 2009).

### **Guiding Principles on Internal Displacement (1998)**

#### **Guiding Principles on Internal Displacement, 1998:**

##### **Principle 25**

2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.

##### **Principle 27**

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.

## **References to the Guiding Principles on Internal Displacement**

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### **Known references to the Guiding Principles (August 2003)**

**Reference to the Guiding Principles in national legislation**

None

**Availability of the Guiding Principles in local languages**

None

**Training on the Guiding Principles**

UN OCHA IDP Unit held a two-day workshop on the Guiding Principles in Brazzaville. The objectives were two-fold: the first was to raise awareness of the Guiding Principles among key government actors, UN agencies, international NGOs, and civil society representatives at the national level. The second objective was to identify perceived or potential operational gaps in responding to the problem of displacement, with particular emphasis on the return and resettlement process following recent positive political developments.

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