

Democratic Republic of the Congo: IDP protection in light of UNSC Resolution 1925 on MONUSCO's mandate

May 2011

Preventing future displacement of the civilian population in DRC and ensuring durable solutions to those who have been displaced has been recognized by UNSC Resolution 1925 as crucial to ensure sustainable peace and security in the country.

As no long term peace and security will be possible without finding durable solutions for people displaced in and from DRC, IDMC and NRC want to highlight the main concerns related particularly to the protection of IDPs in the Democratic Republic of the Congo (DRC) and suggest recommendations for how these can be addressed by the UN, the Congolese government and the broader international community.

PROTECTION CONCERNS THAT SHOULD BE ADDRESSED TO PROMOTE DURABLE PEACE AND STABILITY IN THE DRC

1.7 million people are still internally displaced and forced displacement continues as civilians are attacked by all parties to the conflict. Civilians in Eastern DRC continue to suffer from insecurity related to on-going military operations and direct attacks from all parties to the conflict, including undisciplined elements of under-resourced and trained security and police forces. Retaliation against civilians is rife for their alleged support of government enemies or to gain access to agricultural land and natural resources. The ongoing fighting in the east has also resulted in pendular displacement (meaning that people leave their homes in the afternoon to sleep in a more secure area), increasing problem of livelihoods as people can no longer cultivate their fields.

MONUSCOs ability to protect civilians is inadequate and movement of UN troops and bases might increase insecurity for civilians. Despite repeated efforts to strengthen MONUSCO's ability to protect civilians, UN peacekeepers are still not able to effectively provide protection. Lack of troops, vehicles and helicopters are still hindering an effective response and whilst resources for effective response remain inadequate, the focus on early warning systems and monitoring will not result in improved protection. Increasing concerns are also related to the impact on the safety and security of civilians of the movement of MONUSCO temporary operation bases. Civilians rely on MONUSCO for protection in areas where peacekeepers are present and by moving troops and bases from one location to another, MONUSCO might be increasing the risk for civilians. Recent incidents show that civilians have been targeted as MONUSCO bases are moved or dismantled. If MONUSCO's mandate is expanded to include new tasks it will

be fundamental that the already scarce resources are not moved away from the activities aimed at protecting civilians.

The civilian nature of camps is repeatedly violated and camps continue to be attacked by armed groups. Despite the majority of IDPs in North Kivu seeking refuge with host families, about 75,000 IDPs were still in camps as of the end of April 2011. Regrettably, armed groups and Congolese security forces continue to enter camps. Camps have also been deliberately targeted following the delivery of food assistance, and there are reports of forced labour.

Displaced populations are particularly vulnerable and continue to lack access to healthcare, food and education. Most IDPs and returnees continue to lack access to basic necessities such as food and clean water as well as education and health care. The protracted conflict and displacement have been identified as the main causes of food insecurity in eastern DRC, causing severe malnutrition in some areas. Humanitarian actors are struggling to provide assistance to some of the most vulnerable people as many settlements can only be reached by motorbike or on foot. Particular concerns are related to forced recruitment of displaced children.

Return is challenged by continued insecurity in many areas of origin and lack of investment in durable solutions for returnees. Insecurity still reigns in many of the areas where people have been displaced from, preventing people from returning home. In view of the November elections, there are increasing concerns within the humanitarian community that there might be a push for people to return home prematurely. Similarly the return of Congolese refugees especially those from Rwanda is unlikely to happen in the near future given the political sensitivity of this issue. Housing, land and property issues as well as ethnic tensions continue to be a large obstacle to safe return.

The Congolese government is not doing enough to protect and assist IDPs and returnees. DRC has ratified the Great Lakes Pact and signed, but not ratified, the AU Convention on IDPs. The government has made the Ministry for Solidarity and Humanitarian Affairs responsible for IDPs, but it has had a limited impact and there has been no legislation to support the protection of IDPs and returnees. A report submitted by seven UN experts to the Human Rights Council in March 2010 found that the government had neglected its responsibilities to protect and assist IDPs and returnees.¹ Humanitarian organisations have raised concerns about the limited support provided to IDPs to integrate locally or resettle elsewhere if their areas of origin remain insecure.

¹ United Nations Human Rights Council (UN HRC), 8 March 2010, Second joint report of seven United Nations experts on the situation in the Democratic Republic of the Congo (A/HRC/13/63), para. 111