

MONUC AND CIVILIAN PROTECTION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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1. Security Council resolution 1856 (2008)

UN Security Council Resolution 1856 (2008) stipulates that the Mission of the United Nations in the Democratic Republic of the Congo (MONUC), in close cooperation with the Government of the Democratic Republic of the Congo, shall:

- Ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence, in particular violence emanating from any of the parties engaged in the conflict;
- Contribute to the improvement of the security conditions in which humanitarian assistance is provided, and assist in the voluntary return of refugees and internally displaced persons; and
- Carry out joint patrols with the national police and security forces to improve security in the event of civil disturbance.

The resolution also “emphasizes that the protection of civilians [...] must be given priority in decisions about the use of available capacity and resources, over any of the other tasks [...]”. This means that the protection of civilians is explicitly established as an overriding priority in MONUC’s mandate.

MONUC defines protection as all activities aimed at:

- Ensuring the safety and physical integrity of civilian populations, particularly children, women, and other vulnerable groups, including internally displaced persons (IDPs);
- Preventing the perpetration of war crimes, crimes against humanity, and other deliberated acts of violence against civilians;
- Securing humanitarian access; and
- Ensuring full respect for the rights of the individual, in accordance with relevant national and international human rights and humanitarian law.

2. Major protection concerns and challenges

MONUC is facing one of the most complex emergencies in Eastern and Northeastern DRC. In addition to the increasing number of IDPs – 1,7 Million in the Kivus and 200,000 in Province Orientale – key protection issues relate to widespread human rights violations in the course of attacks by foreign armed groups, notably the Democratic Forces for the Liberation of Rwanda (FDLR) and the Lord’s Resistance Army (LRA),

and by remnants of Congolese armed groups, or due to acts of undisciplined soldiers of the armed forces of the DRC (FARDC).

The latter problem has become particularly acute since the fast-track integration of thousands of largely untrained and unruly National Congress for the Defence of the People (CNDP), the Coalition of Patriots in the Congolese Resistance (PARECO) and Mayi-Mayi into the army. The issue of these abuses is compounded by problems of supplies, irregular salaries, and the absence of garrisons of several tens of thousands of soldiers deployed in the Kivus. But this latest phase of integration is only the extension of an incremental process that has been going on since the end of the Sun City talks. The FARDC is still a conglomerate of more than 30 groups, which were never transformed into a structured and well-organised army, because security sector reform (SSR) has never started in earnest. The FARDC therefore has serious command-and-control problems, and elements of the FARDC as well as the police are responsible for exactions and human rights violations not only during crises and operations, but also during peace periods all over the country.

In the East, this situation is aggravated by two particular protection challenges: the wide-spread and appalling rate of sexual violence by all protagonists of the conflicts, and a dangerous ethnic dimension to the situation in some areas.

Abuses by both foreign and local armed groups, and rogue soldiers, include looting of civilian houses and health centers, illegal levying of taxes, rape, forced recruitment and forced labor, forced displacements, use of civilians as human shields, illegal executions and mutilations, and abductions of civilians. The latter has become a major concern in the Northern province Orientale, where we have seen alarming numbers of abductions by the LRA. The Office for the Coordination of Humanitarian Affairs (OCHA) estimates that up to 1,700 civilians were abducted by this armed group of Ugandan origin since September of 2008.

A serious dilemma arises when FARDC military operations, which are supported by MONUC in accordance with its mandate, lead to exactions and human rights violations committed by undisciplined soldiers of the national army. MONUC risks being accused of complicity. However, withdrawing MONUC's support to operations *Kimia* or *Rudia* would have far-reaching consequences; it would most likely aggravate the situation, possibly jeopardize these operations altogether, and lead to more human rights violations.

3. Practical activities, innovative measures, and challenges

Peacekeepers traditionally have observed ceasefires. As the need to operationalize protection is relatively new, a cultural shift in the organization is required to meet the new obligations. Implementation methods are still very much in the developmental stage. Criteria for when to intervene to protect must take into account the need for peacekeepers to possess *knowledge* of the dangers faced by civilians in a given situation, and of the peacekeepers' *capacity* to make a difference in that situation.

MONUC is improving its monitoring and analysis capabilities. Understanding how violations are committed and who the perpetrators are, regularly analyzing this information to determine trends and patterns, anticipating risks reducing the length of time during which people are exposed, and mitigating the worst effects of particularly risky scenarios, is crucial to success on protection of civilians. In this context, MONUC has created an early warning cell in the mission to ensure a close monitoring of the operations and their humanitarian fallout.

In 2009, MONUC has developed the Joint (civilian) Protection Teams (JPTs) to provide a new tool to assist in operationalizing the UN's protection obligations. The deployment of these teams has led to increased situational awareness thanks to better relations and communication with local communities and networks. The deployment of these JPTs, which include political affairs, civil affairs, disarmament, demobilization, repatriation, resettlement or reintegration, human rights and child protection staff, started during the escalation of violence between the FARDC and the CNDP late last year. The process of multi-disciplinary field missions was intensified after the joint FARDC-Rwandan Defence Forces (RDF) operations ("*Umoja wetu*") were launched on 20 January 2009 in North Kivu Province, followed by the joint FARDC-MONUC operations. The JPTs have carried out more than 30 multidisciplinary field missions in North Kivu, South Kivu and Province Orientale since March 2009.

The JPT experience has also helped create a better working relationship between MONUC troops, the local population, civil society organizations and their representatives. Access and humanitarian assistance to areas which, for long periods, have been inaccessible to humanitarian actors have been established. Inside MONUC, the JPTs have considerably improved the quantity and quality of exchanges between civilian sections and the military, and between the substantive sections themselves.

At the operational level, MONUC has developed the concept of "Mobile Operational Bases" (MoB) to spread out its presence in order to act as a dissuasive force against potential threats and to be closer to potential risk-areas and able to intervene more rapidly. Over 40 such MoBs or Company-strength bases have been established in North Kivu, and the South Kivu Brigade is currently building up its presence across the province, as operations against the FDLR are gaining pace.

But MONUC – or any other mission – does not have the operational capacity to position troops in every locality, given the size of the territory concerned, infrastructural gaps and security challenges. Therefore the mission must maintain its ability to intervene effectively in a focused manner and it has to avoid overstretching its forces. Logistic means – and in the context of Eastern and Northeastern Congo air-mobility – is absolutely critical to the mission rapid reaction capacity. This is currently the most serious constraint the mission is facing.

Finally, MONUC published a "Protection handbook for Peacekeepers" meant to be an essential tool for training of senior military and police staff at all levels.

4. Advocacy with the Government of the DRC and national security institutions

MONUC is a pilot peacekeeping mission with regards to adding civil protection priorities into military plans – not only our own, but also those of the FARDC. In the context of operations *Kimia* and *Rudia* against the FDLR and the LRA, MONUC has been lobbying with the FARDC to integrate civilian protection into the planning of the operations and to proceed with protective deployment before going into offensive operations. At the same time, MONUC has also intensified its own protective deployment.

Furthermore, MONUC has consistently lobbied with the FARDC and the Government of the DRC for the removal of serious human rights violators from command positions, and eventually from the army altogether. This remains still an uphill struggle. We continue to pressure the Government to accept systematic vetting, both for the police and the army, when elements are selected for training by MONUC or other international partners.

5. Protection of civilians before, during and after operations

Joint planning and contingency planning in accordance with international humanitarian law, human rights law and refugee law is conducted with the FARDC in the context of operations *Kimia* and *Rudia* against the remaining foreign armed groups in the DRC. Planning is done at the strategic and tactical levels, the latter at Joint Operations Centres (JOCs) established in Goma, Bukavu, and several forward locations at the brigade level. Building on existing planning tools (Protection Matrix), the planning includes the identification, in consultation with protection actors and local populations, of potential risk areas (“protection hot spots”) and preventive deployment. In these areas, non-combatants are encouraged to leave exposed locations, normally on a short-term basis, to avoid that civilians are caught in the crossfire. If and when MONUC is participating in offensive operations, the mission takes the lead in establishing safety zones to protect civilians, in particular the most vulnerable (sick and aging persons, children, pregnant women and mothers with small children).

The deployment of the 2,875 additional troops authorized by Security Council resolution 1843 (2008) will enhance MONUC’s capacities and allow the Force to cover more territories and to establish a reserve force for rapid intervention. However, the challenges concern primarily the question of how to use existing and expected capacities; how to adapt usual UN contingents’ activities to have an impact on the protection of civilians; and how to be present where problems *will happen* rather than where problems have already happened.

MONUC also conducts joint patrols with the national police, before, during and after military operations in sensitive areas, including inside IDPs camps, in coordination with humanitarian actors and in particular with the UN High Commissioner for Refugees (UNHCR). We are also supporting, through the UN Security and Stabilization Support Strategy (UNSSSS), the deployment of police (PNC) and judicial administration in areas where security has been restored.

The use of military escorts is often considered by humanitarians as neither an inappropriate nor sustainable way of securing humanitarian access. It is suggested to open regular “windows of access” along specific stretches of key axes at specific times, according to humanitarian access needs. These would require creating security points and patrols according to a pre-agreed schedule, to be coordinated within the framework of existing coordination mechanisms (CPIA, Protection Cluster), and through CAS/CIMIC. Given MONUC’s limited capacities, UNDSSS restrictions on UN agencies, and the disproportionate military effort necessary to secure a road, the use of escorts remains for the time being the preferable option.

6. Protection of victims, witnesses and human rights defenders

In conflict situation with serious human rights violations, those who are advocating for human rights and working for their respect and promotion are a vulnerable group of their own. They require specific attention and protection. MONUC has created a Protection Unit – the first of its kind in a peacekeeping operation - to respond to individual protection cases received by the United Nations Joint Human Rights Office (UNJHRO). Beyond the protection of targeted individuals, it aims at strengthening local capacities in protection, inter alia by supporting local initiatives and human rights groups. Eleven national protection officers have been deployed to the field to deal with protection cases and establish an informal network of local civil society partners for the protection of victims, witnesses and human rights defenders.



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