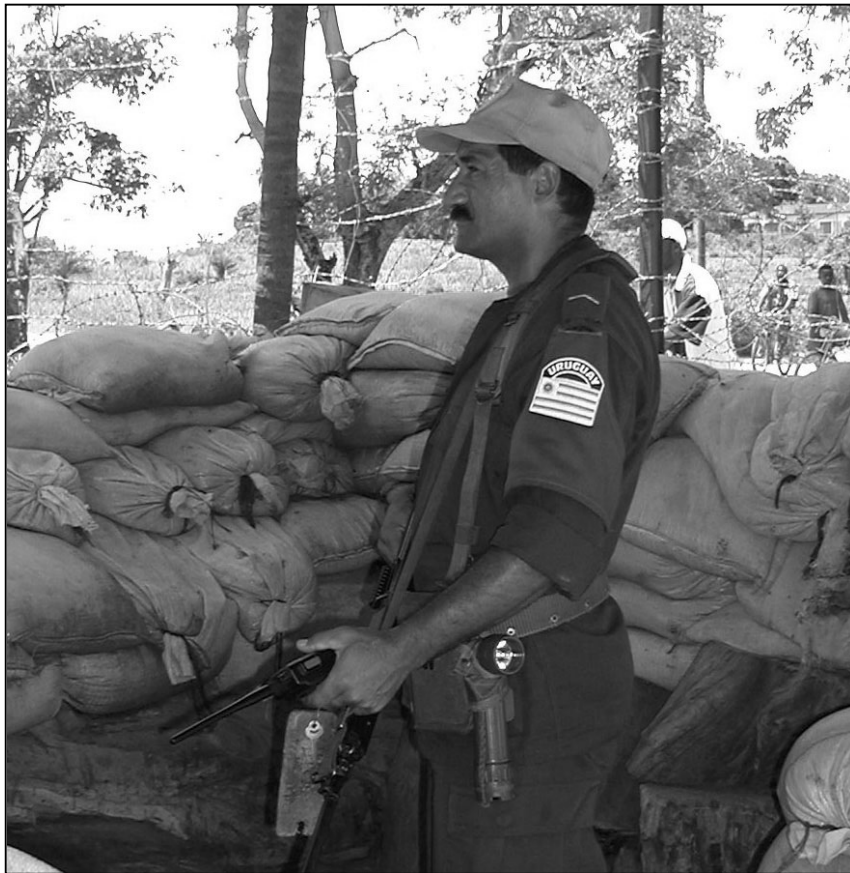


REFUGEES INTERNATIONAL

Report on the United Nations Organization Mission in the Democratic Republic of the Congo



MONUC: Flawed Mandate Limits Success

By
Clifford Bernath and Anne Edgerton
May 2003

RI's interest in UN peacekeeping operations

There are an estimated 15 million refugees and an additional 22 million internally displaced people worldwide who have been uprooted from their homes and communities. The leading cause of the displacement is armed conflict. Since early in 2000, *Refugees International* has been promoting effective peacekeeping operations as a means of preventing or shortening military conflicts. In 2001, *RI* co-founded the Partnership for Effective Peace Operations, which is a working group of NGOs that supports improvement of United Nations peace operations. In 2002, we began a series of studies on UN peacekeeping operations. In October 2002, we published our first report on the UN Mission in Sierra Leone, "UNAMSIL—A Peacekeeping Success: Lessons Learned."

This report on MONUC is the second in the series. The purpose of these studies is to help develop a list of factors that enhance the effectiveness of UN peace operations, and also a list of factors, based on lessons learned, that are not conducive to effective peace operations.

Our November 2002 mission to the Democratic Republic of Congo focused on analyzing the MONUC mission. We conducted more than 50 interviews with MONUC personnel, NGOs and Congolese citizens. We also interviewed senior officials in the U.S. Department of State, the Department of Defense, at the UN Directorate of Peacekeeping Operations in New York, and representatives from various countries that comprise the UN Security Council. These interviews and historical research form the basis of this report. Our latest mission to the DRC was February 2003.

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**1705 N Street, NW
Washington, DC 20036**

Phone: 202/828-0110 Fax: 202/828-0719 E-mail: ri@refintl.org

For more information on humanitarian issues and RI's work, please visit our website at www.refugeesinternational.org

MONUC: Flawed Mandate Limits Success

Refugees International Report on the United Nations Organization Mission in the Democratic Republic of the Congo

“While the rebels are killing us, MONUC takes notes and makes reports. What good is that?”

Congolese citizen, Kisangani
November 2002

Part I: Introduction:

The Democratic Republic of the Congo (DRC) is a nation divided against itself; a nation without a strong central government; a nation consumed by wars. Many of the factions are funded and armed by neighboring countries. It is a nation with millions of internally displaced people, including hundreds of thousands of refugees in neighboring countries; a nation whose population is under constant threat of being killed, raped, plundered, kidnapped, forced into military service, and being driven from their homes and villages; a nation with almost no paved roads and only a few functioning schools and health centers; a nation that has lost three and a half million people in four and a half years to the ravages of war, sickness and hunger; a nation whose people pray for the United States or the United Nations to militarily impose peace in their country so they can return to their homes, make a living and provide for their families.

From the time of its deployment as the Joint Military Commission (JMC) in 1999, MONUC (United Nations Organization Mission in the Democratic Republic of the Congo) has been heavily criticized for not doing enough to stop the fighting and bring peace to the DRC. United Nations officials and members of the UN Security Council point out, however, that MONUC was created to observe compliance with the Lusaka Ceasefire Agreement of 1999; and its mandate has never been, and never will be, to forcibly bring peace to the DRC. This dichotomy between the mandate many people believe MONUC *should* have, and the mandate that the UN and its member nations have imposed, and are willing to support, is key to people’s assessments of the mission. A senior MONUC representative put it this way: “The UN has to coax troop-contributors by downplaying the robustness of MONUC’s mandate at the same time as it has to fight for as robust a role

as reasonable in order to gain ground on the security front.”

At the heart of the problem is MONUC’s “Chapter 7” portion of its mandate that allegedly allows it to protect the civilian population of the DRC (see full discussion of Chapter 7 on page 8). But, in fact, the mandate is ambiguous and open to interpretation. A dramatic test of that mandate was the May 14, 2002 crackdown and killings by soldiers of the RCD-Goma, the Rwandan-backed rebel force, in Kisangani. There were about 1,200 MONUC military personnel in Kisangani (approximately 650 Moroccans and 550 Uruguayans), but there was no military response from MONUC to the attack, nor did they offer protection to civilians who came to them. From MONUC’s point of view, neither the Moroccans nor the Uruguayans are infantry units. Therefore, its leaders did not “deem it within [their] capability” to protect these civilians, even though the civilians were certainly under “imminent threat of physical violence.” (Quotations are from the MONUC mandate. See Appendix A.) The Congolese in Kisangani had a different perspective. They were being killed and were getting no help from 1,200 UN soldiers.

Blessed with natural resources and cursed by nations willing to do anything to obtain them, the DRC has never been the master of its own fate. From 1908 to 1960, the country was colonized by Belgium, which ruthlessly looted the Congo for its rubber and ivory and other resources. The exploitation of the DRC’s

resources has continued ever since, by neighboring countries and by western nations as well.

It has also been exploited by its own leaders. For most of the time since its independence in 1960, the country has been ruled by despots more interested in personal wealth and power than in the welfare of their people or the good governance of the nation. The men who have risen to power have led the country with the same cruelty, greed and disregard for the Congolese population as did their colonial masters.

Roots of DRC’s Current Problems:

The DRC’s current problems are rooted in the 1994 genocide in Rwanda. After an estimated 800,000 Tutsis and moderate Hutus were killed by Hutus in Rwanda, Paul Kagame led an exiled army from Uganda against the Rwandan Hutu government. Hutus fearing retaliation for the killings fled en masse to the DRC. These Hutus consisted of military units, family members, and civilians. Some took part in the genocide. Others were either forced to flee by the Hutu military, or fled in fear of the incoming Tutsi army. The Hutu camps they set up in the DRC were located mostly in the provinces of North and South Kivu. In North Kivu, they began to harass the province's Congolese Tutsis. Tutsis in South Kivu (known as Banyamulenge), fearing genocide, launched a preemptive strike in October 1996 against the Hutu

militias and rebel leader Joseph Mobutu's Congolese army.

Rwanda's Kagame joined forces with Uganda's Yoweri Museveni, and dispatched several units to South Kivu in support of the Banyamulenge and to clear the DRC-Rwandan border of the Hutu camps. Mobutu's army refused to fight back and fled. Kagame and Museveni began preparations to oust Mobutu. They put together a coalition of Congolese exiles called the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL), headed by Laurent Kabila.

On March 16, 1997, Mobutu was forced to relinquish power after 32 years of rule; and, on March 17, Kabila assumed the Presidency.

By 1998, less than a year after Kabila reached Kinshasa (capital of DRC), both Kagame and Museveni were frustrated by the lack of progress in rooting out the Hutu militias that remained in Congo. They demanded a free hand to take care of the problem, but to their surprise, Kabila refused. He had replaced most of the Rwandan and Ugandan advisors who had initially eased him into Kinshasa with his own men, who assured him that the rebuilt Congolese army could hold its own. They were wrong. Very quickly, the Rwandan and Ugandan units and their local proxies seized half the country, moving up to the gates of Kinshasa itself.

Sensing an opportunity for enrichment, Angola, Namibia and Zimbabwe threw their support

behind Kabila. The Rwandans and Ugandans were gradually pushed back, though they retained control of about half of the country.

Joseph Kabila, Laurent's son, replaced his father after his assassination in January 2001, and is the current leader of the DRC Kinshasa government, although there have not been any national elections. The eastern part of the country remains under various rebel faction control, although most, if not all of the rebel groups are not popularly supported. Despite a number of ceasefire agreements and the deployment of the most expensive current United Nations peacekeeping operation, the Congolese people continue to suffer from the effects of war, poverty, lack of government services, sickness, and hunger. Families are still being driven from their homes. Children are still being pressed into military service. Women are still being raped.

Description of the current situation:

Ituri is a district that can serve as an example of the suffering endured by Congolese civilians. In northeastern DRC Province Orientale, Ituri has been occupied by the UPDF (Ugandan army) since 1998. The most recent rounds of clashes involve new groups and breakaway factions that have all, at one time or another, received support from Uganda, as reported by the UN Panel of Experts on the Illegal Exploitation of Resources, and by Human Rights Watch. Six Red Cross workers were targeted and killed in this area in

2001, prompting the International Committee of the Red Cross (ICRC) to withdraw all of its workers from Ugandan-held territories pending an investigation that appears to be stalled.

The rebel groups operating in the area, each seeking power on its own behalf, represent an alphabet soup of acronyms and a spaghetti highway of links to foreign governments, primarily Rwanda, Uganda and, to a lesser extent, Zimbabwe. Rather than try to explain each group in the body of the report, a list of forces and their affiliations is attached (Appendix C).

As *RI* has reported on its website (www.refugeesinternational.org), civilians in the Congo are targets of much of the violence. In Ituri, in September 2002, a massacre in a hospital in Nyankunde provoked the flight of 100,000 people. In December 2002, rebel-forced cannibalism and rape provoked the flight of thousands of people. MONUC and the UN launched an investigation from 31 December to 23 January which resulted in trials in Gbadolite, the seat of one of the rebel leaders whose forces were implicated in the atrocities.

In April 2003, as many as 20 new mass graves were discovered in Ituri. At the time of this writing, MONUC is expected to participate in a joint investigation to determine what happened and who is responsible.

Insecurity still prevents much humanitarian response from reaching the populations. Although there

were brief optimistic reports of increased stability and opening of the area to humanitarian groups, the current withdrawal of Ugandan forces from Ituri and the slow and small numbers of MONUC forces entering the area have increased tensions. Reports currently reaching *RI* indicate renewed outbreaks of fighting and that levels of malnutrition among the displaced are catastrophic. For the entire region, estimates are that 500,000 Internally Displaced Persons (IDPs) are on the move or trying to get home.

ENTER MONUC

On July 10, 1999 at Lusaka, Zambia, the heads of state of the DRC, Namibia, Rwanda, Uganda and Zimbabwe, and the Minister of Defense of Angola, signed an agreement for a cessation of hostilities between all the belligerent forces in the DRC.

The ceasefire included:

- All air, land, and sea attacks as well as all acts of sabotage;
- Attempts to occupy new ground positions and the movement of military forces and resources from one area to another, without prior agreement among the parties;
- All acts of violence against the civilian population by respecting and protecting human rights. The acts of violence include summary executions, torture, harassment, detention and execution of civilians based on their ethnic origin;

- propaganda inciting ethnic hatred; arming civilians; recruitment and use of child soldiers; sexual violence; training of terrorists, massacres, downing of civilian aircraft and bombing the civilian population;
- Supplies of ammunition and weaponry and other war-related stores to the field;
- Any other actions that may impede the normal evolution of the cease-fire process.

A key element of the agreement was a request for a United Nations force for the DRC, even though the UN was not a party to the Lusaka Ceasefire Agreement. “The United Nations Security Council, acting under Chapter 7 of the UN Charter and in collaboration with the OAU (Organization of African Unity which provided ceasefire monitors to DRC), shall be requested to constitute, facilitate and deploy an appropriate peacekeeping force in the DRC to ensure implementation of this agreement; and taking into account the peculiar situation of the DRC, mandate the peacekeeping force to track down all armed groups in the DRC. In this respect, the UN Security Council shall provide the requisite mandate for the peacekeeping force.”

A “Chapter 6” peacekeeping operation is normally deployed to help keep a peace, and the peacekeepers are not authorized the use of force other than for self-protection. Chapter 7 peacekeeping operations, also referred to as “Peace Enforcing” operations, authorize UN

peacekeepers to use military force if necessary to restore peace and security. MONUC is a Chapter 6 operation with one Chapter 7 component that allows self-protection and limited protection for the civilian population.

From its conception, MONUC was flawed. According to a senior representative of a Mission to the United Nations, “The Congo file started in Africa, not in the United Nations. The Lusaka Agreement called for UN forces. They didn’t know what they were writing. The UN wasn’t there. The UN came in with a framework that wasn’t theirs.”

The Lusaka signatories (also referred to as “parties”) were expecting a military force that would, in addition to observing and verifying elements of the agreement:

- Provide and maintain humanitarian assistance to and protect displaced persons, refugees and other affected persons;
- Track down and disarm armed groups;
- Screen mass killers, perpetrators of crimes against humanity and other war criminals;
- Hand over "genocidaires" to the International Crimes Tribunal for Rwanda;
- Repatriate former combatants to their home countries;
- Work out such measures (persuasive or coercive) as are appropriate for the attainment of the objectives of disarming, assembling,

repatriating and reintegrating into society members of the armed groups.

On August 6, 1999, the UN Security Council issued Resolution 1258 authorizing “the deployment of up to 90 United Nations military liaison personnel, together with the necessary civilian, political, humanitarian and administrative staff, to the capitals of the States’ signatories to the Ceasefire Agreement and the provisional headquarters of the JMC, and, as security conditions permit, to the rear military headquarters of the main belligerents in the Democratic Republic of the Congo and, as appropriate, to other areas the Secretary-General may deem necessary.” The mandate was basically to assist the JMC, provide information to the Secretary General, and to lay the groundwork with the signatories for possible deployment of military observers in the DRC. Next came UN Security Council Resolution 1273, dated November 5, 1999. UNSCR 1273 extended the mandate until January 15, 2000. A few weeks later, November 30, 1999, UNSCR 1279 was adopted. It said that personnel authorized under resolutions 1258 and 1273 “shall constitute the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 1 March 2000.” It also established a Special Representative of the Secretary-General to lead MONUC. Added to its mandate was “to maintain liaison with all parties to the Ceasefire Agreement to facilitate the delivery of humanitarian assistance to

displaced persons, refugees, children and other affected persons, and assist in the protection of human rights, including the rights of children.” Finally, the resolution requested that the UN Secretary-General, “with immediate effect,” take the administrative steps needed to equip up to 500 military observers for the DRC.

MONUC’s Phase II mandate and manpower authorizations are contained in UNSCR 1291 dated February 24, 2000. It authorized the expansion of MONUC to consist of up to 5,537 military personnel, including up to 500 observers, or more, provided that the Secretary-General determines that there is a need and that it can be accommodated within the overall force size and structure, and appropriate civilian support staff in the areas, inter alia, of human rights, humanitarian affairs, public information, child protection, political affairs, medical support and administrative support, and requests the Secretary-General to recommend immediately any additional force requirements that might become necessary to enhance force protection. But MONUC never achieved its authorized strength. As of this writing, the MONUC military strength is 4,309. That number includes 455 military observers, 3,803 troops and 51 civilian police.

In December 2002, the Security Council voted to go forward with Phase III, expanding the MONUC strength to 8,700, with a mandate to implement the Disarmament, Demobilization, Repatriation,

Reintegration and Resettlement (DDRRR) program. Although MONUC's Phase III has been approved by the UN Security

Council, it has not yet been fully manned or implemented.

Part II: Analyzing the MONUC Mission

This report will analyze strengths and weaknesses of the MONUC mission from the United Nations headquarters level, and from the perspectives of the people on the ground in the DRC, and make recommendations to enhance overall MONUC operations and support.

The difficulty of analyzing the MONUC operation in terms of what is working, what is not working, and what can we learn that can help future operations succeed is that definitions of "success" and "failure" depend on who and where you are. If you are at the UN in New York, there are some small problems with MONUC but, basically, everything is going according to plan. If you are an NGO or a part of the MONUC organization in the DRC, particularly outside Kinshasa, MONUC has its successes, but there's a lot of frustration about how little it's doing and how hard it is to do more. If you are a Congolese, you are wondering why armed soldiers either sit around in their bases or drive their UN vehicles on your dirt roads and don't lift a finger to protect people or stop the fighting.

To understand, and evaluate, a UN peacekeeping operation, it is necessary to understand the procedures and the restrictions under which the UN operates. New York

is the headquarters of the United Nations. There are 191 member countries and each has a Mission to the UN in New York. The UN Security Council consists of five permanent members (the "P-5" – United States, United Kingdom, France, China, Russia) and 10 elected members that each serve 2-year terms. It is responsible for investigating complaints of threats to peace and making recommendations about possible UN alternatives. Any member of the P-5 can veto a recommendation.

The office responsible for peacekeeping operations is the Department of Peacekeeping Operations (DPKO). DPKO is responsible for the planning, preparing, conducting and directing UN peacekeeping operations. As an operational arm of the Secretary General, it formulates policies, procedures and contingency planning, based on Security Council decisions, for peacekeeping operations and certain others, such as election monitoring. While DPKO has a core of its own staff, supplemented by seconded military and civilian staff, it does not have military forces permanently under its direct control. Instead, each operation utilizes troop contingents provided by various governments, normally headed in the field by a

Force Commander chosen from one of the troop-contributing nations.

When the Security Council approves a peacekeeping operation, it must then go to its 191 members and ask for contributions of manpower, equipment and money to send in peacekeepers. Participation in any particular mission is voluntary.

Thus, the UN is always in the precarious position of assessing the risks of a particular peacekeeping operation, developing a mandate that will support an operation capable of enforcing the mandate, and then going to the member countries to ask for troop contributions. Most often, donor support is much less than what DPKO recommends as needed. So the mandate becomes more tailored

to the degree of support by donor nations that to the actual operational requirements of the mission. These points will be further explained as we discuss the MONUC mandate.

The complete MONUC mandate is at Appendix A. This report focuses on the following portions of the mandate:

1. Chapter 7 protection
2. Facilitating humanitarian assistance and human rights;
3. Monitoring and reporting on compliance with the Lusaka Ceasefire Agreement;
4. Although the Phase III (DDRRR) mandate has not yet been fully implemented, this report looks at how the program is designed to work.

Part III: Chapter 7 Protection

The most contentious element of the mandate is its last sentence pertaining to protection under Chapter 7 of the UN Charter. Chapter 7, titled “Action With Respect To Threats to the Peace, Breaches of the Peace, and Acts of Aggression,” states “Should the Security Council consider that [non-military] measures would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security.”

The vast majority of UN peacekeeping operations fall under Chapter 6 of the UN Charter – “Pacific Settlement of Disputes.”

Other than for self-protection, Chapter 6 mandates generally prohibit the use of force. However, most operations also have a Chapter 7 capability for self-protection and varying degrees of protection of the civilian population.

Many of the people and parties who disagree on the success or failure of MONUC do so based on how they interpret this particular element of the mandate.

A close reading of the Chapter 7 element of the mandate shows how vaguely it is written: “Acting under Chapter 7 of the Charter of the United Nations, decides that MONUC *may* take the *necessary*

action, *in the areas of deployment of its infantry battalions and as it deems it within its capabilities*, to protect United Nations and co-located JMC personnel, facilities, installations and equipment, ensure the security and freedom of movement of its personnel, and *protect civilians under imminent threat of physical violence.*”

Thus, when MONUC troops failed to protect civilians in the Kisangani rebel attacks, it is easy to see how they justified their inaction.

A Congolese woman from Kisangani told RI her experience on May 14, 2002.

“I was in my house listening to the radio about what the military was saying. I was staying calm. At high noon, a military person came to the door and said the Commandant wanted to see me.” She refused to go. “He came back with a second soldier and they threatened to beat me up if I didn’t come. I was very afraid and ran to the Moroccan (MONUC) camp. I told them that the RDC was menacing me and I asked for their help.” After waiting on the sidewalk outside the MONUC base for hours, she returned to her home. “Two days later, Rwandans passed through my house and found my 20 year old son. They told him that if he didn’t help them find the civil president they would recruit him into their army. We went into hiding after that.”

Despite the presence of a Moroccan Infantry Battalion and a Uruguayan Infantry Battalion in Kisangani, MONUC commanders there did not believe they had the mandate to protect the citizens, or to even help this woman.

On June 12, 2002, MONUC’s Amos Namanga Ngongi, the Special Representative of the Secretary-General (SRSG) in the DRC, told reporters after briefing the Security Council behind closed doors, that “There were discussions on the

protection aspect of MONUC’s work, and clearly it is understood that MONUC does not have the capacity to be able to ensure full protection of the civilian population in the DRC – that’s not possible,” he said. “But clearly MONUC has the responsibility and the mandate to be able to protect those whose lives are in imminent danger, especially in the areas in which MONUC is fully deployed, like Kisangani.” He went on to say “We can take dissuasive action, rather than proactive protection. We don’t have the troops or the appropriate equipment for that. But that’s no excuse for not coming to the rescue of people whose lives are imminently in danger.”

In his June 2002 report to the Security Council, Secretary-General Kofi Annan wrote that even though the Security Council mandated MONUC to protect civilians under imminent threat, “...MONUC troops currently deployed in the Democratic Republic of the Congo are not equipped, trained or configured to intervene rapidly to assist those in need of such protection.”

According to a senior DPKO military officer, “The troop strength in MONUC is a drop in the bucket. You say ‘Why not send troops with MILOBS (Military Observers) and security officers?’ What if those troops are attacked? We can’t get troops from Kinshasa or other places for hours or days. You can’t send in troops without plans for helping them if they run into problems. That’s a basic military strategy. All they are trained or equipped or manned to do is protect their bases

and equipment.”

Chapter 7 Protection: The UN Headquarters and Member State Perspective

If MONUC’s first problem was that the UN was not present at the Lusaka Ceasefire Agreement to weigh in on what the signatories were *asking for*, MONUC’s second problem was the mandate it was *going to get* from the UN. This is not an indictment of the UN, but rather an acknowledgement of the realities under which it operates.

What the Lusaka parties asked for was a force to restore and enforce the peace. What they got was what the UN was willing and able to provide. “The mandate is a function of what member states are likely to bear and what troop-donating countries are willing to commit to,” said a Humanitarian Affairs Officer with the Office of the Commissioner for Humanitarian Affairs (OCHA). Or as another member of the Permanent Mission to the UN Security Council put it, “There is no such thing as a bad mandate. The mandate is what the Security Council makes it. Simply put, there was no willingness among the UN member states to commit combat troops to a Chapter 7 mission in the DRC.”

A senior military official in DPKO said, “Mandates are political. Mandates are the result of taskings [to the member states]. The wishes of a commander on the ground are different from those in New York. Here we have the problem of the dollar sign.” Another senior DPKO

official said, “The UN knows it can’t do military missions without military assets.”

According to a report from the International Crisis Group (ICG), *From Kabila to Kabila: Prospects for Peace in the Congo*, dated March 16, 2001, “Security Council officials in New York were loath to accept responsibility for what they expected to be a disaster. The U.S. Congress, which contributes [25%] of any peacekeeping operation’s budget, was equally wary of what appeared to be a dangerous Congolese quagmire. Compelled to placate these conflicting concerns, the UN Secretary-General decreed that the force deployed to the Congo must be both militarily credible and cheap.”

“MONUC was never intended to make peace,” said a representative from a P-5 member of the Security Council. “The parties [to the Lusaka Ceasefire Agreement] must make the peace. MONUC has no capacity to do that. There is not a single state willing to provide combat forces. MONUC must use political instruments, not military ones. But if MONUC were not doing what it does, no one else would be doing it. Things would be much worse.”

Ultimately, the debate about the mandate boils down to two questions: Is the mandate too weak, or is the MONUC leadership interpreting the mandate too conservatively? The view from DPKO and the UN members (including the United States) favors the latter. A U.S. State Department official told *RI* that the current

mandate is robust enough to accomplish the mission and to protect citizens. “But the MONUC leadership is risk-averse,” he said. “Risk-averse” is a term that came up frequently in meetings at UN Missions and at DPKO.

A member of one country’s Mission said, “The current mandate would support deployment in Ituri. Mr. Ngongi has a very conservative view of the mandate, just like his bosses in New York. There is no need to provide the military with more aggressive equipment. They only need to be equipped for deterrence.” He said, “Our country supports a more proactive role. We support more presence in the east. All this is possible within the current mandate.”

However, according to a MONUC official in Kinshasa, “When the SRSG asked the Security Council to allow MONUC to intervene, one prominent P-5 member state said that this was ‘mission creep’ and that MONUC should not be engaging there. Most of the Security Council agreed with that prominent member’s analysis at the time.”

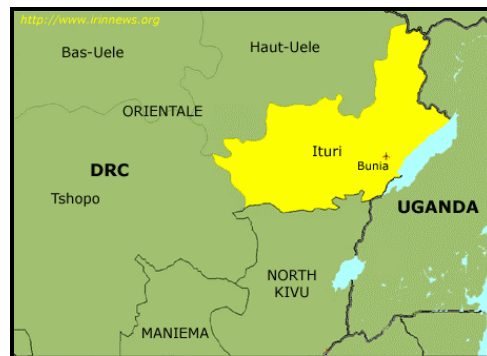
“The problems are not linked to one person,” a P-5 member said. “They are cautious because we keep saying ‘no’ to them. There is not good communication between New York and Kinshasa.”

A senior military officer in DPKO argued that MONUC’s ability to pursue a Chapter 7 initiative is very limited. He told *RI*, “The UN military system is complex. We have rotating leadership and

contingents. Some are rotated every six months. Some don’t speak English. Some don’t speak French. This leads to problems in understanding the mandates.”

In summary, the point of view of the leadership in DPKO and the UN Missions is pragmatic. The current MONUC mandate is the right mandate because it’s the best mandate they are going to get. There is no support among UN member states to send combat troops to the DRC to enforce a peace.

But this reluctance could prove disastrous as MONUC forces begin their deployment to Ituri, where, at least for the short term, they will be greatly outnumbered by rebel forces that have no restrictions on the use of force that a UN mission must observe.



As of this writing, the Ituri District is in a very tense situation. On April 24, 2003, the first 1,500 of a total of about 6,000 Ugandan forces are returning to Uganda. Many people fear their withdrawal from the area will create a power vacuum that may result in increased fighting and civilian deaths from indigenous rebel and ethnic forces in the region.

MONUC is scheduled to deploy 2,500 peacekeepers to Ituri before June 2003. The first contingent of 200 Uruguayans arrived in Ituri on April 23, 2003.

MONUC spokesman Hamadoun Toure said in an April 23 press conference that the mandate of the Uruguayan troops was to support the Ituri pacification process and the administrative bodies formed to try to end the hostilities. According to an IRIN News Report from the UN Office for the Coordination of Humanitarian Affairs (OCHA) on April 24, when “asked at a news conference in Kinshasa whether MONUC troops would be able to return fire if fighting resumed, Toure said that the troops would try to prevent renewed hostilities, but would take ‘measures’ to avoid the situation degenerating if fighting broke out.”

The fact that MONUC is finally deploying to Ituri is very encouraging. The question remains, however, if they are deploying with enough force and authority to maintain the fragile security in the region that had only been marginally maintained by the Ugandan force of 6-7,000 troops. If security is not preserved, MONUC’s entire IPC (Ituri Pacification Commission) process will be jeopardized.

And worst of all, MONUC could find itself in the same situation as UNAMSIL forces in May 2000, when they were overrun by rebel forces in Sierra Leone.

Chapter 7 Protection: The View from within the DRC

The perception of MONUC’s mandate from those on the ground in the DRC – MONUC personnel, NGOs and the Congolese people – is very different from the Headquarters perspective.

Many MONUC personnel voiced frustration. A senior MONUC official in Kinshasa summarized that frustration. “Look, people shouldn’t throw stones at MONUC if they haven’t given us the mandate and the people to do the job. Where’s the P-5? Where are the Western troops?”

MONUC officials point out that despite many skirmishes, and some regrettable massacres, the ceasefire between the signatories to the Lusaka Agreement is holding. According to a senior MONUC official, “The Disengagement is a reality. All parties are indeed back to their new defensive positions. The withdrawal of all foreign troops, except for Uganda, has taken place. We have started, although we have not had enormous success at it, the DDRRR process. It is not as if MONUC has been sitting on its hands, and simply observing while action is taking place around it.

“The SRSG has expended efforts to convince Congolese belligerents that a military solution was neither viable nor possible, and could only result in the continued deaths of many thousands of innocent Congolese. On December 30 [2002], he managed to secure a truce in the eastern region between the MLC/RCD-N and the RCD-K/ML, a

truce which ultimately saved many lives. More recently, on March 18, 2003 in Ituri, he initiated and obtained the signing of a cessation of hostilities agreement, followed by the establishment of the Ituri Pacification Commission (IPC). For the first time, Iturians of all ethnic complexion agreed on local structures and appointed a broad representation of all the communities through an executive organ to run the region until a transitional government is put in place.

Another defense of the SRSG is the length of time it has taken to fill Senior Management posts. The Mission's first Deputy SRSG was only appointed on April 19, 2002, exactly one year ago. The Director and Deputy Director of Political Affairs were only appointed in September 14 and November 11, respectively. A second Deputy SRSG, Behrooz Sadry, was appointed on February 18, 2003. Prior to that, the SRSG was effectively running all senior level country management of the largest peacekeeping mission in the Africa, with a Force Commander as his effective deputy.

A MONUC officer in Kisangani said, "DPKO needs to take MONUC seriously. If they would, they would provide people, money and a mandate. DPKO does not think Congo is a priority. People here know the world is aware of what is happening, but no one takes it seriously." Another MONUC officer there added, "The question of Chapter 6 or Chapter 7 is a big issue in trying to protect civilians. We actually can't do it. DPKO can't

define 'imminent threat' or 'protection.' The Chapter 7 part is unclear. No one will commit troops to accomplish the mission."

An OCHA Humanitarian officer told *RI* that the "mandate was written the way the members wanted it. It was set up with the idea that essentially the Africans need to sort things out themselves." He explained that there are really three types of conflict in the DRC: Interstate (belligerents from neighboring countries fighting in the DRC), Intrastate (Congolese rebel factions fighting with the Kinshasa government and among themselves), and Ethnic (Hutu-Tutsi, Lendu-Hema). "The [MONUC] mandate accounts primarily for the interstate conflict," the OCHA official said. "And from that perspective, MONUC has succeeded in separating the belligerent parties. The mandate really doesn't affect the situation in the east. I know this is a sore point for people who don't like the mandate."

The head of a Congolese NGO in Kisangani represented the oft-expressed view of the Congolese: "The mandate has never been understood by the people. We thought they were here to restore peace. Now we learn they're only here for themselves—not to intervene. It's important that the mandate be understood. When MONUC first came, everyone celebrated. But now there is disappointment."

Many Congolese acknowledge that their country is better off with MONUC than without it. They

acknowledge the value of observing violations and reporting them to the rest of the world. Many also acknowledge that MONUC's presence is a source of revenue for local businesses and communities. But they usually come back to what they see as the fundamental issue. A Congolese NGO leader in Goma told *RI*, "People who work with MONUC are passive. We have seen massacres and reported to MONUC. Nothing! We would like to change the mandate of MONUC to make it a force for peace." He added, "We are learning that MONUC is only here to look for Interahamwe. Nothing more. MONUC offices have posters about Interahamwe. We thought they were here to get all the foreigners out."

The commander of one of the MONUC Infantry battalions in the DRC defined his mission. "Our mission is the security of the airport and the [MONUC] facilities. We have no mission outside for the civilian population." He compared this mission with a previous mission in which he participated. "Compare our mandate here with Cambodia. There we had clearance to move. We covered the area. Here you need clearance [from the rebels] to move. It's a big country. Verification is very difficult. The mandate must be more aggressive."

Chapter 7 Protection: Summary

It is not unusual for differences of opinion to exist between a policy-oriented Headquarters that is driven

by political realities, and the ground-level military and civilian personnel a half a world away who believe they have been given an impossible mission constrained by a lack of money, people and political will. But as any military planner knows, it is the job of the headquarters to clearly define a mission and then to provide the resources necessary to accomplish that mission. The DPKO has failed on both accounts. Although leaders in New York understand that the mandate is a political product, and they understand the political "realities" that it represents, there is no such clarity in the DRC. There, MONUC personnel are frustrated by having a Chapter 7 component without the assets to implement it. And, if DPKO's charge is correct – that the problem is not the mandate but rather the "risk averse" MONUC leadership – DPKO still bears responsibility for not acting to change the leadership or correct those risk-averse tendencies.

It is clear, given the fact that a Chapter 7 protection mandate was approved by the P-5 and DPKO, that there was some international support for MONUC to provide protection to the civilian population. It is also clear that there is no support among UN member states to adopt a

Chapter 7 mandate that would clearly and unambiguously allow MONUC forces to enforce peace and disarm combatants.

Recommendations: Chapter 7 Protection

- **The United Nations Security Council approve an unambiguous mandate for MONUC that clearly provides for the protection of at-risk civilian populations.**
- **The United Nations donor nations support that mandate with sufficient combat forces that are trained, equipped, and configured to enforce it.**
- **MONUC’s deployment to Ituri is long overdue. MONUC must ensure that the deployed force has an unambiguous mandate to ensure stability in the absence of the Ugandan forces, and is large enough, and well enough trained and equipped to enforce that mandate.**

Part IV: Facilitating Humanitarian Assistance and Human Rights

This part of the mandate is “to facilitate humanitarian assistance and human rights monitoring, with particular attention to vulnerable groups including women, children and demobilized child soldiers, as MONUC deems within its capabilities and under acceptable security conditions, in close cooperation with other United Nations agencies, related organizations and non-governmental organizations.”

As in the case with the Chapter 7 protection section of mandate, success and failure are in the eyes of the beholder. And again, much of the perception gap is between how DPKO and the UN members in New York interpret this part of the mandate, and how the people in the DRC interpret it. Within the DRC, there is also often a gap between MONUC and the NGOs, and between MONUC and the Congolese people.

Facilitating Humanitarian Assistance and Human Rights: The New York Perspective

In New York, the emphasis for this part of the mandate is on the word “facilitate.” As an OCHA official explained it, “MONUC’s mandate is not to carry out humanitarian affairs projects, or human rights, or child protection. Their job is facilitation – assisting in arranging flights and coordinating meetings. These are all new functions in DPKO. They’re not resourced and funded. But we’re looking at all of that.”

“I would not interpret sending troops to protect human rights officers as a primary task of MONUC,” a member of a UN mission told *RI*.

“MONUC’s core missions are: deployment/redeployment of its forces, monitoring the ceasefire line, and DDRRR. MONUC is the most expensive UN operation,” he said. “Civil affairs (humanitarian projects) is not why we’re paying \$600 million per year.”

The exception to support for humanitarian projects is MONUC's Quick Impact Program, or QIP, as it is called. "QIP is our civic action program," said a representative from a P-5 member Mission to the UN. A Humanitarian Affairs Officer added that "QIPs is meant to be image-building for MONUC." QIPs was established by the United States as a \$1 million program to fund and facilitate the mandate implementation by reaching the population through small-scale humanitarian and social contributions. Each project is limited to \$15,000, although DPKO is considering raising the cap to \$30,000 per project. From the New York and the Kinshasa (MONUC Headquarters in the DRC) perspectives, QIP is working well. The view from the ground, however, is exactly the opposite.

Facilitating Humanitarian Assistance and Human Rights: DRC: The View from within the DRC

One MONUC innovation that receives high marks in the DRC is MONUC's Radio Okapi. Radio Okapi provides news, information, public service announcements and entertainment for most of the DRC, as well as for MONUC personnel. Its programming is considered credible by the Congolese. The program is also training Congolese men and women as broadcast journalists so there will be an infrastructure for reporting when MONUC departs.

In general, however, there was a great deal of dissatisfaction among the NGOs with their relationships with MONUC. There was also frequent frustration from MONUC personnel toward the NGOs.

A frequent complaint from NGOs is the difficulty in getting MONUC to assist in transporting humanitarian supplies to needy populations. An OCHA representative who visited the DRC in August 2002 noted, "It was surprising to see how MONUC viewed its relationship with the NGOs. They had a disrespectful attitude. There's been some progress since then. MONUC plans to increase cargo for NGOs. But there's still a lack of pro-activeness on the part of MONUC."

It's not a one-sided issue. A MONUC Humanitarian Affairs Officer in eastern DRC explained, "We don't have a mandate for field projects. We help a lot in transportation of goods. We assisted 9,000 non-MONUC passengers in the past year. It usually takes 3 days to get the paperwork for travel requests. It depends on the availability of flights and clearances from rebel forces. I feel like we're becoming a travel agency. Too many people are coming to us for flights. We need more staff in the field. The Humanitarian Affairs mission doesn't give us many resources but we're trying to do it."

What the NGOs see are dozens of helicopters and airplanes and countless MONUC SUVs. MONUC says these modes of transportation are needed for deploying and redeploying MONUC troops,

personnel and equipment. That's their main mission. On a space available basis, they carry non-MONUC personnel and equipment. NGOs are given the lowest priority on flights.

But what is particularly hard to work with is the MONUC bureaucracy. All flight requests from anywhere in the country must be approved at MONUC headquarters in Kinshasa. That is a process that can take many days. And even if a flight request is approved and an NGO has its supplies ready at the airfield, the priority can change without notice, leaving the NGO and supplies on the ground. This happens frequently and all decisions are final – unarguable, non-negotiable, no appeal. As one NGO said, “When we need to get food and medicine to people in need, we can't wait until 2004.”

MONUC is trying to respond to these complaints. “We have implemented procedures to offer more support to NGOs, giving them specific priority a few days each month for shipping humanitarian goods,” a senior military officer at DPKO said. “But NGOs must also be realistic. Too often, they come in with last-minute requests and unreasonable demands. We have to work together.”

According to a senior MONUC official, “MONUC, has, in the past year, transported 5,500,000 kg of cargo by air and barge. Roughly 800,000 kgs of it is for NGOs and UN agencies, sent to all areas of the DRC. The vast majority of this cargo has been sent on a space-available basis, as per UN Rules and Regulations, and much of it, at no

cost to the external humanitarian partners.”

Subsequent to *RI*'s visit to DRC, MONUC has established a written procedure that states, “Once authorized passengers are accepted at first point of embarkation and board a MONUC aircraft, they will be allowed to complete the travel itinerary as directly as possible. In spite of their non-MONUC status, they are not to be offloaded in favor of MONUC passengers. However, they will not take precedence over the urgent travel of UN military (i.e. MILOBS) or civilian personnel (i.e. technicians), for whom it is essential to travel on a particular flight.”

NGOs also complain about other aspects of coordinating and communicating with MONUC. Many complain that too much communication is one-way, flowing from NGOs to MONUC, but not in the other direction. They complain that in places like Kisangani, Kalemie, Goma, Bukavu and other cities where there is a large NGO and MONUC presence, the NGOs have organized weekly meetings for sharing information. MONUC is always invited to attend. But the MONUC representatives rotate frequently and do not establish a rapport with the NGOs. Many times, the representative does not speak French and therefore does not contribute beyond a short, prepared security briefing, in English, based many times on information provided by the NGOs, who often have better access to remote areas than do MONUC personnel.

MONUC is addressing some of these concerns. According to a MONUC official, “We have created NGO/UN internet access points in Kalemie, Lubero and Kindu for use by humanitarian partners. We have met with OCHA and the NGO Security focal points and are putting into place a communications security system to ensure that, country-wide, NGOs will be able to contact MONUC Humanitarian Affairs Officers or other MONUC focal points in the event of an emergency. We are developing, at our initiative, but in conjunction with OCHA, a plan to stockpile medicines and displaced kits in two to three centers to ensure that in the event of a crisis, the UN and NGO systems will have stocks in place to respond.”

NGOs are also concerned about the lack of MONUC humanitarian affairs, child protection and human rights staff, with whom they would like to have greater contact and coordination. Many MONUC personnel in these areas share this frustration.

One MONUC Child Protection Officer said, “My role in MONUC? There are two of us here in this location. [There are eight international Child Protection Advisors and several national assistants throughout the DRC.] We’re not *implementing* anything. We have no budget. We observe, monitor and report. We establish links between partners and donors.”

A Human Rights Officer told *RI*, “We don’t have a budget—not even our cell phones. No budget is forthcoming. The mission is

DDRRR-focused. All the money is going there. There is one car for 4 people. We have to pay for official phone calls out of pocket. We can’t be compared to other missions because we have no budget. That’s MONUC-wide. We have no tables, no logistics. We report to Kinshasa. We need dollars and access.”

“Our mandate is more observation than monitoring,” said a MONUC Human Rights Officer in eastern DRC. “We’re severely understaffed. Given the size of the Congo, we need more people.”

“It is not essential [that these sections have budgets] and not having a budget is no excuse for the Section not undertaking its facilitative role in the DRC,” a senior MONUC official in Kinshasa said. “There is very little that the Section cannot do with committed, proactive officers, who are keen negotiators, and who understand humanitarian priorities and are determined to ensure that gaps on the humanitarian front which can be filled by them are addressed.”

Since *RI*’s visit, Human Rights (HR) has increased its staff by two professionals and three UN Volunteers. According to MONUC Headquarters, HR is undertaking joint investigations with Civil Police and Child Protection offices.

Throughout the county, *RI* found dedicated men and women in these critical functions trying to monitor humanitarian rights abuses and trying to establish liaison with local NGOs. They have had many successes. MONUC Humanitarian

Affairs (HA) officers have negotiated access with authorities to deliver assistance, both with OCHA and separately in the absence of OCHA, in areas such as Punia, Bunia, and Beni. The Section has successfully advocated for the presence of MILOBs in areas such as Mambasa, Muhanga, Mongwalu and Komanda. As of this writing, MILOBs have been approved for Mahagi, Aru and Kpandroma.

They have developed projects like expanding a school in Lubero, and delivering water to 6000 displaced persons in Lumbwe, a displaced camp close to Kalemie. They helped reunify 300 Congolese families and have escorted many humanitarian barges. [Ed. Note: Since RI's field visit to the DRC, the Humanitarian Affairs Section has increased its staff by five officers.]

But it is also true that their missions are unclear and not resourced – a clear indication of the priority MONUC has assigned to this element of its mandate.

Another area of dissatisfaction is the Quick Impact Program (QIP). Although this is a relatively small program that was designed to quickly put money in the hands of people who could implement small projects quickly, it has become a program that many NGOs say characterizes the MONUC bureaucracy at its worst. *RI* interviewed dozens of local and international NGOs in the DRC. Although most said they had submitted QIP projects, we could not find a single NGO that had a project approved. MONUC personnel

outside Kinshasa and NGOs almost unanimously identified the centralization of the program's administration in Kinshasa as the biggest problem.

Following are representative comments on QIPs from NGOs at various locations in eastern DRC:

- Kisangani: We initiated a QIP to establish livestock centers to rebuild the livestock population. Vulnerable families could receive grants for raising livestock. Demobilized young men could work on livestock. It would take \$20-30 thousand for each center. We submitted the request 3 months ago. No answer. The program would have a big impact. UNDP would run one center. Some groups are already planting hay. [We are] ready to stock them. MONUC needs to approve the QIP.
- Kalemie: We applied for 2 QIP grants. One was a bridge at Kalemie to allow 2000 kids to get to school. Another was for agricultural shipments to Katanga. They are still "in committee." For a \$25k project, there's an incredible amount of statistical reporting required. We need to make things happen. The paperwork and administration required to apply have already cost us \$25k.
- Goma. [Following a volcano eruption that destroyed much of Goma in January 2002]

QIPs took 3 months to approve volcano projects in Goma. That's too late.

MONUC headquarters in Kinshasa has a different view of the QIPs program.

After RI's field visit, MONUC began implementing some changes to the program. "This process was very slow," a MONUC official said. "It seems that with decentralization and the establishment of local QIPs Committees that this has helped to ease the bureaucracy attached to this process. There are now more staff in the field to recommend projects and oversee their progress and implementation. The fact that the UN Controller oversees the use of the funds and requires original documents to be submitted before agreements are signed and funds released still adds another layer to the process.

"The first allocation of US\$ 1 million is now entirely committed to various projects. and over 1.8 million Congolese are estimated to have benefited from QIPs assistance. Projects include the repair of bridges in Kalemie, Bukavu and Kisangani, the supply of medical equipment in

Gbadolite, the repair of roads in Kisangani, the provision of food items for a nutritional center in Kindu and the refurbishing of schools in Manono.

In Goma, there were many stories about lack of assistance from MONUC following the volcano eruption in January 2002. One typical story came from an NGO that provides assistance to children in Goma. "There is very little esteem for MONUC from the people. They have big structures but people see very little from them on a social basis. MONUC has provided no help since the volcano. Not even at the airport. MONUC could help with hospitals. A number of health centers need rebuilding. Even schools. They could use their planes to transport goods."

Implementation of MONUC's humanitarian assistance and human rights mandate appears to rest on the "as MONUC deems within its capabilities and under acceptable security conditions" portion of the mandate. MONUC has sent capable, energetic and concerned people to the field but has given them little assistance or support to implement the mandate.

Recommendations: Facilitating Humanitarian Assistance and Human Rights

- **DPKO determine if Humanitarian Assistance and Human Rights should be included in the MONUC mandate. If it determines that these functions are mandated, then these functions should be staffed, funded and equipped to accomplish the mission. If not, this part of the mandate should be eliminated in order to stop false expectations and frustration within MONUC and the NGO and Congolese populations.**
- **MONUC continue effort to establish a productive and cooperative relationship with NGOs. In addition to more reliable transportation,**

MONUC can encourage community assistance projects, liaison meetings between NGOs and dedicated French-speaking MONUC officials, “hearts and minds” activities that allow MONUC to interact with communities in a positive manner, and expand NGO Resource Centers to other regions in the DRC (on an “as available” basis) that would allow NGOs without internet connections to use MONUC internet capabilities.

- **MONUC decentralize authority for approval of use of aircraft assets as it has done with the QIP initiatives.**
- **MONUC Headquarters in Kinshasa make the QIP process and results more transparent to requestors and the NGO community, and continue to expedite the processing of QIP initiatives.**

Part V: Monitoring and reporting on compliance with the Lusaka Ceasefire Agreement

MONUC’s primary function under its Phase II mandate is to monitor and report on compliance with the Lusaka Ceasefire Agreement by its signatories. Among the activities it monitors and reports on are: disengagement and redeployment of the parties’ forces; release of prisoners of war, captives and remains; and re-supply of war materials to warring parties. To do that, MONUC is authorized 500 military observers (MILOBS). The actual numbers deployed was 455 MILOBS as of this writing.

The MILOBS are the eyes and ears of MONUC. Everyone and everything else in MONUC is there to support the MILOBS. That means it takes more than 3,800 people to support 500. Although that sounds like a lot, DPKO and MONUC explain that the DRC is one of the most challenging logistics areas in the world. The country covers 2.3 million square kilometers, about 32 times as big as Sierra Leone (which

has a UN force that once had 17,500 troops). It has virtually no paved roads, meaning many areas are only accessible by air. There is limited food, fuel and facilities to support and armed force. Therefore, whatever these MILOBS need in the way of support must come from MONUC itself.

There is another reason for the large support structure. Countries that provide the MILOBS have an expectation of protection for them. In today’s world, countries are very reluctant to commit troops to peacekeeping missions where the risk of casualties is too high. MONUC requires sufficient military power and bases to provide adequate protection for the MILOBS.

But, like many other aspects of the MONUC mandate, the MILOB program has serious problems that call into question DPKO’s commitment to ensuring success. One problem is the number of

MILOBS. An NGO representative who works in the Congo said, “In Bunia, it is difficult to survive. People are getting killed while they search for food. MONUC has 8 MILOBS on the ground in Bunia. That’s too few to do the job. We need more witnesses.”

Insufficient numbers of MILOBS are only part of the problem. A bigger problem is lack of language skills among the observers. A MONUC official said, “Congolese don’t necessarily speak good French, especially in the rural areas. MILOBS have poor French, at best. MILOBS have difficulty speaking to each other. Most important, they can’t talk to the people. Many of their reports are coded ‘NTR’ (Nothing to Report).”

RI received many reports of 4-man MILOB teams composed of people from 4 different countries, with 4 different languages (none of which were French), and with religious and dietary differences that did not allow them to even share a refrigerator.

One MILOB expressed his frustration. “We have one MILOB from [deleted]. He’s like on the moon. He can drive and use the computer but he can’t collect information. We have 7 teams in Kalemie. One, composed of Benin, Malawi, Pakistan and Senegal, is functional. The other 6 teams do nothing. They have no French speakers. We only have 2 French speakers on the MILOB staff in Kalemie. Some teams are not patrolling. They are saving petrol. They make reports that are lies. No

one on the staff asks about accuracy.”

Almost everyone *RI* interviewed in DRC – MILOBS, other MONUC personnel, NGOs – agreed that language was a significant barrier to observing, gathering information and submitting accurate reports. The solution most often suggested in the DRC was to allow MILOBS to hire interpreters. But hiring of interpreters is not permitted.

In New York at DPKO, the language problem was viewed as an administrative problem, but not a significant barrier to mission success. A military officer explained that interpreters were not allowed to be hired because of concerns for the safety of the interpreters. He explained that when MONUC personnel asked questions of rebel leaders, the leaders were not likely to attack them. But if interpreters were used, rebel leaders might seek to harm them. Of course, the other answer is to recruit more French speaking MILOBS. But that solution depends on cooperation from French-speaking donor nations which have, thus far, not stepped forward.

According to a MONUC HQ official, additional French and Swahili speakers were posted in March-April 2003, and MONUC has made a “positive effort” to ensure that those with appropriate language ability are spread around. MONUC is also adding some women to the MILOB teams, the official said.

Another problem noted with the MILOBS is quality of the personnel.

This is not to say that all MILOBS have quality issues. That is not the case. But one reality is that most of the MILOBS are from nations where their normal pay is very low. Many seek UN jobs because of the better pay. One MILOB noted, “My salary for one month here is one year’s salary in [my home country]. When I go home, I will buy a house and a car.” Too often, according to some MILOBS and other MONUC personnel, that kind of pay attracts people who are more interested in the money than the mission, and more interested in playing it safe than going out into dangerous rebel-controlled areas to observe and report.

Military Observers are at the leading edge of the MONUC mandate. Without them, there is no observation, verification, or reporting. It does not appear that DPKO has provided them the numbers or the tools to successfully execute their mandate. With the approval of Phase III of the MONUC mandate, MONUC’s authorized strength will be increased to 8,700 military personnel, including an increase to 760 MILOBS. If those numbers are actually achieved, that increase may enable the MILOBS to cover more territory for observation and reporting. But it does not address other problems.

Recommendations: Monitoring and reporting on compliance with the Lusaka Ceasefire Agreement

- **MONUC ensure security in Ituri as Ugandan forces are withdrawn in order to protect the population and to allow the Ituri Pacification Commission to complete its work.**
- **DPKO and MONUC pursue long-term solutions to the MILOBS and other MONUC language problems. For example, the screening and interviewing processes of DDRRR will require skills in a variety of languages. If donor nations cannot meet the demands, interpreters should be hired and provided necessary safeguards.**
- **MONUC monitor the quality and quantity of MILOB reporting and verify accuracy of reports. Teams or individuals that turn in false reports, or excessive “NTR” reports should be identified and eliminated from missions.**

Part VI: DDRRR

The last part of this report deals with the future, which is Phase III of the mandate. That future is DDRRR – Disarmament, Demobilization, Repatriation, Reintegration and Resettlement. The program involves the voluntary disarmament and demobilization of the armed groups listed in the Lusaka Ceasefire Agreement: the former Rwandan Government forces (ex-FAR), Rwandan Interahamwe militia, the Allied Democratic Front, Lord's Resistance Army, the Forces for the Defence of Democracy of Burundi, the Former Uganda National Army, the Uganda National Rescue Front II, the West Nile Bank Front, and the National Union for the Total Independence of Angola.

The objective of the DDRRR process is the return to civil peace through the disarmament of all foreign-armed groups named in the Lusaka Peace Agreement based in the DRC and return of former combatants to their respective countries of origin.

Based on planning figures of 2-3 dependents for each armed combatant, MONUC estimates that between 50,000 and 60,000 people are eligible for DDRRR. In addition, although Congolese combatants are not part of the program, if they show up at a MONUC Reception Station, MONUC is authorized to accept and destroy their weapons, register them and then pass on the information to the Congolese. Once the voluntary disarmament and demobilization are complete, MONUC then transports

the participants to the border of the country of origin. Those countries are then responsible for the last two Rs – Reintegration and Resettlement.

Currently, the approach is to establish very austere, temporary assembly areas from which combatants and their dependents would be brought by road to transit points on the borders. For Rwandans, for example, people would be transported to transfer points at Goma and Bukavu, and then taken across the border.

According to UN Security Council Resolution 1445, dated December 5, 2002, which approved Phase III, the Secretary-General proposed “that the Mission shift the emphasis of its activity eastward, and enhance its DDRRR capacity through the creation of a forward force. That force would be composed of two robust task forces, based in Kindu and Kisangani, as well as a reserve battalion, riverine units and specialized support units.” The second task force would be deployed “when the Secretary-General determines that disarmament, demobilization and repatriation needs could not be carried out by the first task force alone.”

Discussions at DPKO and with representatives from various Missions to the UN indicate a belief that DDRRR is the most logical next-step for MONUC and that the time is right to implement it. The rationale is that there cannot be

peace or stability in the DRC until combatants are disarmed and demobilized, and until foreign combatants are returned to their home countries.

The assessment that now is the right time for DDRRR is based on several factors. Many of the major players – Rwanda, Namibia, Angola, Zimbabwe – say that they have withdrawn from the country and are cutting their support to militants in the DRC. Uganda is withdrawing also. Without outside support, these rebel forces may be less able to fight. Second, many Rwandan Interahamwe and ex-FAR have been fighting in the DRC since 1994. According to sources at DPKO, they are tired and they are ready, to go home and live in peace. Third, many of the rebels would rather negotiate demobilization with MONUC than wait for other unpredictable alternatives.

There is another factor behind the decision to focus Phase III almost entirely on DDRRR. It relates to international lack of support for strengthening the Chapter 7 protection element of the mandate. Since there is no support for mandatorily disarming rebel forces, the next best step, from DPKO's perspective, is to encourage them to disarm voluntarily. DDRRR may be the most MONUC can do because it's the most the international community will support.

Critics point out, however, that DDRRR won't work as a voluntary measure. Fundamentally, they say, the conflicts are an economic

problem that is exacerbated by resources and arms trafficking. Many people doubt that Rwanda and Uganda will easily give up control over those resources. There are also doubts among Congolese and NGOs about whether or not Rwanda has really totally withdrawn from the DRC. In addition, Congolese rebels, like the Mayi Mayi, are not covered by the DDRRR program. They have little to gain by disarming and demobilizing.

A recent UN report tends to support this theory. In its October 2002 *Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of DR Congo*, the UN panel focused on exploitation of the DRC's diamonds, gold, coltan, copper, cobalt, timber, wildlife reserves, fiscal resources and trade in general. One of the report's findings was "The regional conflict that drew the armies of seven African States into the Democratic Republic of the Congo has diminished in intensity, but the overlapping micro conflicts that it provoked continue. These conflicts are fought over minerals, farm produce, land and even tax revenues. Criminal groups linked to the armies of Rwanda, Uganda and Zimbabwe and the Government of the Democratic Republic of the Congo have benefited from the micro conflicts. Those groups will not disband voluntarily even as the foreign military forces continue their withdrawals. They have built up a self-financing war economy centered on mineral exploitation."

Although MONUC conducted one voluntary DDR program in Kamina in 2002, MONUC's Phase III mandate had not been approved by the UN Security Council. MONUC claimed success based on the number of people successfully processed and returned to Rwanda. Others say the test was not a complete success because many more wanted to participate than MONUC could accommodate. Until the Phase III deployments are in place, and the program is fully implemented, it is too soon to declare victory or failure.

There are some warning signs of possible problems:

- During *RI*'s visit to Bukavu in November 2002, we were able to attend a DDRRR training course for MONUC personnel. A key point made in the training was that everyone in MONUC would be doing DDRRR during Phase III. The "DDRRR Training Manual for MONUC Staff" states that "DDRRR is MONUC's mandate for Phase III. It essentially means that all Military and Civilian components of MONUC work jointly for DDRRR." This raised concerns among NGOs and MONUC staff members. A MONUC Humanitarian Affairs Officer told *RI*, "We have a 2-person staff here. One person is away right now. We aren't even staffed to do our jobs – we keep getting complaints from NGOs – and now we're being told we'll be doing

DDRRR as well. Who will do humanitarian affairs here?" NGOs voiced the same concerns. As noted previously, relations between NGOs and MONUC are strained. Now the few people in MONUC who work with them will be doing DDRRR as well. They fear things can only get worse. At DPKO, *RI* was told that MONUC would continue its other mandated duties as well as DDRRR. But that word has not filtered to personnel in the DRC.

- The process of disarming militants is not clear-cut. MONUC's planning for disarming militants and destroying their weapons are detailed and well thought out. But the militants have been surviving in the jungles for a long time and they have many ways to deceive. *RI* talked to a repatriated ex-FAR soldier in the Mutobo Demobilization Center in Rwanda. He told about his experience at the Kamina demobilization site. "We began the process of disarmament. It was nothing but a game. We manipulated it by saying we were disarmed. But our best weapons were in hidden spots. MONUC was working with the Congolese military authorities. The Congolese manipulated MONUC. They knew Sun City did not end the war."

- A MONUC Human Rights Officer expressed concerns. “It will be a very pressured situation with many agendas. You will need: protection from leaders [who will pressure people against demobilizing], some will fear returning, some families may have differences [about whether a Congolese wife, for example, would rather remain in the Congo than go to Rwanda], and interpreters. Language is a big problem. You need Congolese, French, Kinyarwanda, KiSwahili. Not only are the languages a problem, but also the motivation of the interpreters. How do we ensure it’s a voluntary process? How do we protect the freedom of choice and free will of the program? What about access to information?”
- A Human Rights Officer cited an example of how things can go wrong. “From September 30-October 9, 2002, 81 people were sent from Kamina to assess the situation in Rwanda. The group composition was left to the FDLR (Rwandan rebel group). MONUC did not interfere. FDLR motives were clear. The group included one intelligence officer and one political officer. These two kept pressure on the rest of the group and caused problems. MONUC should have prevented the FDLR political goals. It’s important to be

there [in the camp] early and late to check with people. The political officer and intelligence officer kept causing problems. They tried to prevent individual briefings. They wanted group meetings because they knew people would be afraid to express their opinions in the group. People needed personal attention. MONUC did not detect the danger.”

- MONUC is depending on NGOs and other UN agencies to provide many needed services, such as some food and non-food items, family counseling, and other family services. To date, there has been little coordination by MONUC with NGOs or the other UN agencies (UNHCR, UNICEF) to plan for that support. MONUC also has no responsibility in the repatriation country. Therefore outside agencies, like NGOs, will have to determine if there are human rights or other abuses in the home countries. That support has also not been adequately coordinated.

One of the main problems highlighted in these concerns is the lack of linguists in MONUC. Every phase of the DDR program -- attempting to determine who are soldiers and who are not, who are genocidaires and who are not, which people want to be repatriated and which do not – depends on being able to communicate successfully with the volunteers and their

families. The less MONUC is able to effectively and efficiently communicate, the more problems like those mentioned are likely to occur.

There is also the issue of the deployment of the two task forces under Phase III. As was mentioned, the plan is to deploy one task force and then deploy the second only if the first can no longer fulfill the mandate. Unfortunately, this is a political answer to a military problem. More precisely, this is a DPKO solution, based on pressure from the United States. According to many sources, the U.S. was the only holdout to increasing the size of MONUC. The U.S. share for MONUC is currently about \$160 million per year. That would go to about \$200 million with the full MONUC expansion. The U.S. promoted the phased approach. But

is the political decision the best decision? Despite the Lusaka Ceasefire Agreement and the agreements that followed it, the country is still very much at war. The current mission of the task forces is to provide security in, and presumably around, the demobilization centers. But how will people get through rebel-controlled areas to these centers? More than perimeter security is required. Given the vastness of the country and the degree of killing and displacement still going on, wouldn't it make more sense to deploy the largest force possible under the mandate as quickly as possible? Then if the situation stabilizes, which it is more likely to do with a greater peace force deployed, those forces can be drawn down as needed. It is much easier to draw down a force than build one up.

Recommendations: DDRRR

- **MONUC deploy both task forces under the Phase III mandate simultaneously and as quickly as possible to the eastern DRC.**
- **MONUC ensure sufficient interpreters are deployed before the DDRRR process begins.**
- **MONUC coordinate, and if needed, initiate Memorandums of Understanding with NGOs and UN agencies for required support in the demobilization centers and repatriation countries.**

Part VI: Conclusion:

Given the political realities of the UN donor nations, it would be unrealistic to expect a more robust Chapter 7 mandate for MONUC. But, given that reality, it is fair to ask if MONUC, given its current mandate and structure, is doing all it

can to aid in the peace process and fulfill its existing mandate. Nothing in this report should be interpreted to suggest that MONUC is a total failure or that current international support for MONUC should be withdrawn. MONUC's presence and

activities in the DRC does have a deterrent effect on the warring parties. Although the fighting, and the atrocities that result from the war, continue, the general consensus is that things would be much worse without MONUC.

The most important barrier to greater success is that the politically designed mandate does not meet the operational situation in the DRC. DPKO measures the success of MONUC by the warring parties' adherence to a ceasefire line that is now irrelevant. There is currently no fighting along the original ceasefire line, but there is fighting throughout the eastern part of the country by groups that were not part of the Lusaka Ceasefire Agreement.

In addition, the mandate calls for a Chapter 7 protection response capability, but the political wording of that part of the mandate makes agreement on its meaning almost impossible. Within the political realities of the world situation, the UN Security Council and DPKO must clarify the mandate in light of the military and security situation that currently exists in the DRC.

MONUC can also accomplish more within its current mandate and resources than it is accomplishing.

MONUC's implementation of its humanitarian assistance and human rights mandate has, until recently, been unnecessarily weak and unimaginative. Recent personnel changes and additions in MONUC Headquarters have resulted in many positive changes. The problem, again, is a politically acceptable mandate that is out of line with operational realities. The mandate calls for these specific activities, but those activities are not resourced. If the political leadership is serious about this part of the mandate, they have to resource it.

MONUC's relationship with the NGO community and with the Congolese people still requires attention. Here, too, recent changes in senior personnel at MONUC have begun to make positive changes. MONUC could do more to reach out to communities in a variety of ways that build goodwill. MONUC has engineering equipment, vehicles, aircraft and manpower. Much of this equipment sits unused for much of the time. It is inconceivable that MONUC cannot find ways to combine training requirements with much-needed community improvement projects that demonstrate that the UN and MONUC are positive forces for progress in the DRC.

MONUC Mandate

According to Security Council resolution 1291 (2000) of 24 February 2000:

MONUC consists of up to 5,537 military personnel, including up to 500 observers, or more, provided that the Secretary General determined that there was a need and that it could be accommodated within the overall force size and structure, and appropriate civilian support staff in the areas, inter alia, of human rights, humanitarian affairs, public information, child protection, political affairs, medical and administrative support. MONUC, in cooperation with the joint Military Commission (JMC), has the following mandate:

- To monitor the implementation of the Ceasefire Agreement and investigate violations of the ceasefire;
- To establish and maintain continuous liaison with the headquarters of all the parties' military forces;
- To develop, within 45 days of adoption of resolution 1291, an action plan for the overall implementation of the Ceasefire Agreement by all concerned with particular emphasis on the following key objectives: the collection and verification of military information on the parties' forces, the maintenance of the cessation of hostilities and the disengagement and redeployment of the parties' forces, the comprehensive disarmament, demobilization, resettlement and reintegration of all members of all armed groups referred to in Annex A, Chapter 9.1 of the Ceasefire Agreement, and the orderly withdrawal of all foreign forces;
- To work with the parties to obtain the release of all prisoners of war, military captives and remains in cooperation with international humanitarian agencies;
- To supervise and verify the disengagement and redeployment of the parties' forces.
- Within its capabilities and areas of deployment, to monitor compliance with the provision of the Ceasefire Agreement on the supply of ammunition, weaponry and other war-related materiel to the field, including to all armed groups referred to in Annex A, Chapter 9.1;
- To facilitate humanitarian assistance and human rights monitoring, with particular attention to vulnerable groups including women, children and demobilized child soldiers, as MONUC deems within its capabilities and under acceptable security conditions, in close cooperation with other United Nations agencies, related organizations and non-governmental organizations;
- To cooperate closely with the Facilitator of the National Dialogue, provide support and technical assistance to him, and coordinate other United Nations agencies' activities to this effect;
- To deploy mine action experts to assess the scope of the mine and unexploded ordnance problems, coordinate the initiation of the mine action activities, develop a mine action plan, and carry out emergency mine action activities as required in support of its mandate.

Acting under chapter VII of the Charter of the United Nations, the Security Council also decided that MONUC may take the necessary action, in the areas of deployment of its infantry battalions and as it deems it within its capabilities, to protect United Nations and co-located JMC personnel, facilities, installations and equipment, ensure the security and freedom of movement of its personnel, and protect civilians under imminent threat of physical violence.

Appendix B

**A Timeline for the
Democratic Republic of Congo (DRC), Foreign Armies, and the
United Nation’s Organization Mission in the Congo (MONUC)**

1994	After the genocide in Rwanda in 1994, Hutu extremists/ <i>Interahamwe</i> and ex-Rwandan armed Forces (FAR) fled with the Hutu refugees to eastern DRC.
1995-1996	The ex-FAR and <i>Interahamwe</i> , with assistance from Mobutu Zairian forces, conduct sporadic attacks on Rwanda.
October 1996	RPA enters Rwandan refugee camps in Eastern Congo, with the help of Laurent Kabila’s Alliance des Forces pour la Liberation du Congo/Zaire (AFDL) and ethnic Congolese Tutsis (<i>Banyamulenge</i>) to disperse Hutu elements.
1997	Guerilla leader Laurent Kabila marches on Kinshasa with the help of neighbors Rwanda and Uganda forces (RPA and UPDF). Kabila declares himself head of state and changes the country’s name from Zaire to the Democratic Republic of the Congo, as it was prior to Mobutu, who flees and dies in exile.
1997	Kabila orders “foreign forces” to leave DRC. Secretly recruits ex-FAR/ <i>Interahamwe</i> (many dispersed into neighboring Republic of Congo).
June 1998	UN Humanitarian Coordinator in Kinshasa estimates 660,000 people displaced in the DRC.
1998	Rwandan, Ugandan and Burundian forces deploy in East and create the anti-Kabila RCD. Then they try and fail to take Kinshasa. Kabila invites troops from Angola, Namibia and Zimbabwe to protect him.
April 9, 1999	UNSC calls for immediate signing of a Ceasefire Agreement for DRC.
July 10, 1999	Signing of Ceasefire Agreement in Lusaka by the heads of State of DRC, Namibia, Rwanda, Uganda and Zimbabwe, plus Minister of Defense of Angola agree to cessation of hostilities between all belligerents in DRC. Witnessed by UN, Government of Zambia, AU and SADC. Both RCDs and MLC decline to sign, then ratify one month later.
August 6, 1999	UNSC welcomes ceasefire and authorizes deployment of UN personnel.
November 30, 1999	UNSC decides that personnel authorized under Resolutions 1258 and 1273 will constitute MONUC until March 1, 2000.
February 17, 2000	President Clinton addresses opening of US National Summit on Africa and announces “supporting the next phase of the UN’s peacekeeping operation in Congo.”
February 24, 2000	UNSC Resolution 1291 authorizing expansion of MONUC to 5537 personnel.
June 4-10, 2000	Fighting between Ugandan and Rwandan forces in Kisangani.
August 2000	Deployment of first MONUC forces in DRC.
January 16, 2001	Laurent Kabila shot dead. His son, Joseph, steps in as President of DRC.
February 20, 2001	UN estimates 140,000 displaced in Ituri.
February 22, 2001	UNSC Resolution 1341 demands foreign forces of Lusaka Ceasefire Agreement adopt a schedule for withdrawal
April 26, 2001	Six International Committee of the Red Cross workers killed in Ituri.
October 15, 2001	First meeting of Inter-Congolese Dialogue held in Addis Ababa. Suspended after three days.
February -April 2002	Inter-Congolese Dialogue, Sun City, South Africa, agreement reached, never implemented.
March 19, 2002	UNSC condemns resumption of fighting in Moliro by RCD-Goma and others.
May 14-20, 2002	Massacre of estimated 200 Congolese in Kisangani, within sight of 1100 MONUC troops.
June 14, 2002	UNSC extends MONUC mandate to June 30, 2003.
July 30, 2002	Memorandum of Understanding signed between the governments of Rwanda and DRC for the withdrawal of Rwandan troops from the DRC and the dismantling of ex-FAR and <i>Interahamwe</i> forces in the DRC.
September 6, 2002	Memorandum of Understanding signed between governments of Uganda and DRC for the withdrawal of Ugandan troops from the DRC.
October 5, 2002	Rwandan forces announce completed withdrawal from DRC.
December 4, 2002	UNSC approves MONUC for Phase III DDRRR to consist of up to 8700 personnel
December 17, 2002	All parties in DRC war sign Pretoria agreement for power-sharing transitional government.
February 2003	OCHA DRC estimates internally displaced population to exceed 2.7 million.
March 6, 2003	UPDF take over the town of Bunia from the UPC, after weeks of military build-up.
March 14, 2003	Rwandan government threatens to return to DRC if Ugandan forces do not withdraw.

Appendix C

Terms and Acronyms

AFDL	Alliance of Democratic Forces for the Liberation of Congo/Zaire (Led by Laurent Kabila)
AU	African Union (formerly Organization of African Unity).
DDRRR	Disarmament, Demobilization, Repatriation, Reintegration, and Resettlement
DPKO	The United Nations Department of Peacekeeping Operations, located in New York.
DRC	Democratic Republic of Congo
FAR	Rwanda Armed Forces, old army under President Habyarimana. The FAR and Interahamwe orchestrated the genocide in Rwanda in 1994. In DRC from 1994-present. (Now referred to as the ex-FAR.)
FAC	Congolese Armed Forces. Presently DRC-Kinshasa government military.
FAZ	Zairian Armed Forces. Mobutu's military forces.
FDLR	Forces for the Democratization and Liberation of Rwanda. (ex-FAR and Interahamwe renamed themselves while in exile in the DRC)
Interahamwe	Rwandan Hutu militia group that committed the 1994 genocide in Rwanda.
JMC	Joint Military Commission. Made up of representatives of each signatory to the Lusaka Ceasefire Agreement.
Mayi Mayi	Traditional militias in the Eastern DRC, active in the 1970s and today.
MLC	Movement for the Liberation of the Congo. Based in Equateur Province, initially Ugandan-backed. Led by Jean-Pierre Bemba.
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
"Negative Forces"	Term used in Lusaka Ceasefire Agreement to describe armed groups, other than foreign government signatories, operating in the DRC.
RCD	Congolese Rally for Democracy. Initial group backed by Uganda and led by Ernest Wamba dia Wamba, (now RCD-K/ML.)
RCD-Goma	Congolese Rally for Democracy based in Goma (Rwandan-backed)
RCD-K/ML	Congolese Rally for Democracy -Kisangani/Movement of Liberation. Based in Beni, North Kivu, started in Bunia. Led by Mbusa Nyamwisi. (Ugandan-backed)
RCD-N	Congolese Rally for Democracy -National. Led by Roger Lumbala.
RDF	Rwandan Defense Force (former name: RPA) The army of Rwanda.
RPA	Rwanda Patriotic Army. The army of Rwanda, now called the RDF.
RPF	Rwandan Patriotic Front, became the RPA then the RDF.
SADC	South African Development Community
UNSC	United Nations Security Council
UPC	Union of Congolese Patriots. Formerly in Bunia, led by Thomas Lubanga, mono-ethnic (Hema) force (Ugandan-backed)
UPDF	Ugandan People's Defence Forces. The army of Uganda.

Summary of Recommendations:

- **The United Nations Security Council approve an unambiguous mandate for MONUC that clearly provides for the protection of at-risk civilian populations.**
- **The United Nations donor nations support that mandate with sufficient combat forces that are trained, equipped, and configured to enforce it.**
- **MONUC’s deployment to Ituri is long overdue. MONUC must ensure that the deployed force has an unambiguous mandate to ensure stability in the absence of the Ugandan forces, and is large enough, and well enough trained and equipped to enforce that mandate.**
- **DPKO determine if Humanitarian Assistance and Human Rights should be included in the MONUC mandate. If it determines that these functions are mandated, then these functions should be staffed, funded and equipped to accomplish the mission. If not, this part of the mandate should be eliminated in order to stop false expectations and frustration within MONUC and the NGO and Congolese populations.**
- **MONUC continue effort to establish a productive and cooperative relationship with NGOs. In addition to more reliable transportation, MONUC can encourage community assistance projects, liaison meetings between NGOs and dedicated French-speaking MONUC officials, “hearts and minds” activities that allow MONUC to interact with communities in a positive manner, and expand NGO Resource Centers to other regions in the DRC (on an “as available” basis) that would allow NGOs without internet connections to use MONUC internet capabilities.**
- **MONUC decentralize authority for approval of use of aircraft assets as it has done with the QIP initiatives.**
- **MONUC Headquarters in Kinshasa make the QIP process and results more transparent to requestors and the NGO community, and continue to expedite the processing of QIP initiatives.**
- **MONUC ensure security in Ituri as Ugandan forces are withdrawn in order to protect the population and to allow the Ituri Pacification Commission to complete its work.**
- **DPKO and MONUC pursue long-term solutions to the MILOBS and other MONUC language problems. For example, the screening and interviewing processes of DDRRR will require skills in a variety of languages. If donor nations cannot meet the demands, interpreters should be hired and provided necessary safeguards.**
- **MONUC monitor the quality and quantity of MILOB reporting and verify accuracy of reports. Teams or individuals that turn in false reports, or excessive “NTR” reports should be identified and eliminated from missions.**
- **MONUC deploy both task forces under the Phase III mandate simultaneously and as quickly as possible to the eastern DRC.**
- **MONUC must ensure sufficient interpreters are deployed before the DDRRR process begins.**
- **MONUC coordinate, and if needed, initiate Memorandums of Understanding with NGOs and UN agencies for required support in the demobilization centers and repatriation countries.**

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Refugees International 

1705 N Street, NW

Washington, DC 20036

phone: 202/828-0110 fax: 202/828-0819 email: ri@refintl.org

For more information on humanitarian issues and *RI*'s work, please visit our website at:
www.refugeesinternational.org