Crisis reports

Democratic Republic of the Congo
The crisis and the response

- Limited progress in finding durable solutions for 1.8 million IDPs and 440,000 refugees displaced by protracted conflict.
- Humanitarian crisis continues due to slow progress on security reform, restoration of state authority in conflict areas and delivery of basic services.
- While in 2008 the Democratic Republic of the Congo (DRC) was the second largest recipient of humanitarian assistance, the 2009 CAP was only 66 percent covered and as of October 2010, the 2010 appeal is only 52 percent covered.
- Contributions to the pooled fund declined in 2009.
- Following a government request, the UN agreed in July 2010 to rename the UN Mission to the DRC (MONUC), clarify its stabilisation mandate and begin a process of reducing the number of peacekeepers.
- Launch of the Congolese government’s Stabilisation and Reconstruction Plan for Eastern Congo (STAREC) has sparked concerns at a potentially premature transition from humanitarian assistance to recovery and development. Some fear rushed repatriation of refugees and failure to resolve land disputes could retrigger ethnic conflicts.

Donor performance

- There is a disproportionate focus on conflict-affected eastern regions, rather than a needs-based approach to equally impoverished regions of DRC.
- Donor support for enhanced coordination mechanisms has improved ability to identify needs and expand assistance.
- Lack of media attention is diverting donor interest as new high-profile crises in Haiti and Pakistan capture headlines.

Key challenges and areas for improvement

- Donors should recognise the state’s currently limited capacity to guarantee security and provide greater funding for protection interventions and long-term support for conflict victims.
- Donors should fund more equitably across DRC; this could both promote national stability and improve the local image of donors.
- Donors need to offer more support to build government, civil society and local capacity.

Democratic Republic of the Congo at a glance

- HRI 2010 scores by pillar
  - Pillar 1: Responding to needs
  - Pillar 2: Prevention, risk reduction and recovery
  - Pillar 3: Working with humanitarian partners
  - Pillar 4: Protection and international law
  - Pillar 5: Learning and accountability
the role of the UN by revising the mandate of the UN Mission in the Democratic Republic of the Congo (MONUC), initiating a phased, but still indeterminate, withdrawal of UN peacekeepers.

However, the crisis is far from over. For several years, DRC has not resembled a classic humanitarian emergency but, rather, a series of localised and inter-acting humanitarian crises within a broader context of a crisis of state legitimacy and authority. Stability is returning in some areas but conflict and significant human rights violations continue mainly, but not exclusively, in the eastern provinces. Although some internally displaced persons (IDPs) have returned home there are still approximately 1.8 million – the vast majority in North and South Kivu (OCHA 2010). There are around 440,000 DRC refugees in neighbouring countries. Extreme poverty is endemic throughout a country which ranks 176th of 182 countries on the Human Development Index.

If this giant country, the size of Western Europe with nearly 70 million inhabitants, were to relapse into instability there would be wider destabilising effects as DRC borders on nine countries. Extreme poverty is endemic throughout a country which ranks 176th of 182 countries on the Human Development Index.

The arrest of Laurent Nkunda, leader of the Congrès National pour la Défense du Peuple (CNDP) in early 2009 and rapprochement between DRC and Rwanda led to the “integration” of CNDP forces within the Forces Armées de la République Démocratique du Congo (FARDC) – the DRC army. The policy of brassage – according military rank and other privileges to CNDP and other militia leaders in return for allegiance to the state – has swollen the FADRC ranks with ill-disciplined troops, loyal to warlord commanders, poorly paid, if at all, and prone to pillage, exploit and rape local populations. Further exacerbating instability, thousands of former combatants have not received reintegration benefits and could be tempted to join new illegal militias.

Military gains as a result of joint FARDC/MONUC operations are hard to consolidate in a situation of ever-changing rebel configurations and shifting alliances. With the state unable to ensure security, some communities have resorted to establishing self-defence militias, thus further adding to the proliferation of armed groups. Most eastern Congolese, including civil society representatives, perceive the process of integrating CNDP fighters and the assisted return of Tutsi Congolese, who had fled to Rwanda, as political victories for Rwanda. These developments further exacerbate an already explosive socio-political situation in the eastern provinces.
Uncertainty around MONUC withdrawal

Established in 1999 with a Chapter VII mandate entitling it to use armed force, MONUC has been the largest and most expensive peacekeeping intervention in history. It has more than 20,000 personnel and an annual budget of US$1.3 billion. The contradiction inherent in its dual mandate of protecting civilians while also helping the FARDC to disarm rebel groups and restore state authority has been a fundamental challenge. MONUC has its critics but most observers agree “its presence has helped avoid implosion in eastern Congo.” (Berwouts 2010).

Immediate fears of a premature withdrawal have been allayed by the Security Council’s decision to maintain the mission until 30 June 2011. The change in MONUC’s mandate was accompanied by a name change in June 2010. The new UN Organization Stabilization Mission in the DRC (MONUSCO) has been “authorized to use all necessary means to carry out its mandate relating, among other things, to the protection of civilians, humanitarian personnel and human rights defenders under imminent threat of physical violence and to support the Congolese government in its stabilization and peace consolidation efforts,” (MONUSCO 2010). There are doubts, based on past experience, about the government’s commitment to this UN-formulated agenda, as well as the ability of the Special Representative of the Secretary-General (SRSG) and his team to mobilise resources to implement it, especially at a time of changing UN leadership with the departure in mid-2010 of the SRSG and the UN Force Commander.

There are many misgivings about a post-MONUSCO future. Many feel only the presence of UN peacekeepers contains additional violence and provides any element of protection for civilians (Refugees International 2010). There are fears that humanitarian space in the east would once again be closed off given the apparent reluctance of the Congolese government to reform DRC’s “weak and abusive security sector,” (Oxford Analytica 2010). There are doubts about the DRC’s capacity to implement recently-introduced mechanisms to effectively combat child soldiering (Roberts 2010). In the current political climate in DRC, MONUSCO would be well advised to greatly reduce its visibility in Kinshasa and most of the west and to redouble its efforts to control and to support, and not replace Congolese services and institutions.

Protection: the ultimate challenge

An April 2010 survey of the experience of those caught up in military operations in North and South Kivu indicated appalling protection failures. In three quarters of communities, respondents were against continuing military offensives against rebels, preferring political reconciliation. Almost all those interviewed had experienced looting and individual or gang rape at the hands of both rebels and the FARDC. Three quarters of women said insecurity had increased (Oxfam 2010). In September 2010, Human Rights Watch called on the government and the UN to do far more to protect IDPs, noting that many have been coerced into returning home against their will without adequate UN follow-up of their subsequent fate in highly insecure areas of return (Human Rights Watch 2010).

The UN’s 2010 Humanitarian Action Plan (HAP) has an ambitious protection strategy. It includes advocacy, prevention, early warning, assistance, rehabilitation, resettlement, demobilisation and legal redress. There is a welcome attention to the reinforcement of capacities and systems. Headed by the UN High Commissioner for Refugees (UNHCR), the protection cluster is composed of diverse actors with different mandates and modes and means of intervention. The protection cluster is responsible for the protection and prevention pillars of DRC’s national strategy to combat sexual violence. Despite the government’s “zero-tolerance” policy for the security forces, sexual violence persists. There have been an alarming number of cases now reported outside the zones of conflict. Congolese NGOs say that numerous cases of assassination, torture and harassment of human rights advocates are going unpunished (Chaco 2010).

International agencies with a protection mandate are often forced into uncomfortable alignment with MONUC/MONUSCO’s military and political aims, undermining their perceived neutrality and impartiality. It is impossible in the vastness of eastern Congo, with its shifting combat lines, to ensure the regular on-the-ground presence necessary for the adequate protection of civilians. Flights provided by the European Commission Humanitarian Aid Office (ECHO) and the UN Humanitarian Air Service (UNHAS) have facilitated humanitarian access to larger centres, but insecure and remote zones are mostly only accessible by using MONUC air transport. For many non-governmental organisations (NGOs), this compromises their neutrality and impartiality. Limited access makes it very difficult to conduct investigations, monitor and assess needs, and deliver assistance while rendering it virtually impossible to maintain a regular humanitarian field presence in locations where protection needs are greatest.
It is thus vital to develop local response capacities and to mainstream protection into all humanitarian interventions, especially considering that populations have suffered retaliation from rebel combatants simply because they have accepted assistance. In North Kivu, returning IDPs have often been targeted for attack by FARDC elements who accuse them of supporting the Forces Démocratiques de Libération du Rwanda (FDLR) – a Hutu militia containing many perpetrators of the 1994 genocide in Rwanda. Returning refugees are equally, if not more, vulnerable. The anticipated repatriation of refugees currently in Rwanda, Congo and DRC needs to be closely monitored and their rights protected.

Many of those interviewed by the Humanitarian Response Index (HRI) team expressed regrets that protection is not a donor priority. Only 12 percent of the sum sought in the 2010 HAP has been covered. This is despite the fact that it is a MONUSCO priority. The team was told that for a year the cluster did not have an NGO co-lead.

**Premature transition from humanitarian assistance to recovery and development?**

STAREC is designed to improve security and support restoration of state authority in former conflict zones, while facilitating the return of IDPs and refugees, and initiating socio-economic recovery and reconstruction. To be implemented primarily through the UN system, but with government approval, it has no clearly defined role for Congolese NGOs. STAREC faces the constraints of weak capacities in its five target provinces and potential politicisation. Many fear it is based on political, rather than humanitarian, needs. Congolese civil society warns that STAREC was initially designed to facilitate the return of Congolese refugees from Rwanda and thus addresses a Rwandese, rather than a Congolese, political problem. Donors have not heeded this critique. They focus disproportionately on STAREC components addressing sexual and gender-based violence (SGBV) but show little interest in supporting peace-building and reconciliation. There is a rush to implement STAREC repatriation programmes without building the necessary political support. The anticipated repatriation of refugees currently in Rwanda, Congo and DRC needs to be closely monitored and their rights protected.

Many NGOs assert that it is premature to talk about stabilised areas. While the humanitarian community agrees with the government and donors that agricultural recovery is of paramount importance, they point out that many, people have no safe place to cultivate and that little is being done to resolve conflicts over land, especially in areas where in the 1970s the regime of Joseph Mobutu gave land titles to supporters.

**Inadequate donor response**

In 2009, DRC was the second largest recipient of humanitarian assistance in the world. The 2009 HAP mobilised US$623 million, exceeding the US$565 million received in 2008, but was still only 66 percent of the revised HAP budget of US$946 million.

The 2010 HAP retains four strategic objectives from the 2009 HAP (civilian protection; reduction in mortality and morbidity; assisting IDPs returnees and host communities and restoring the means of subsistence) but eliminated the fifth, promotion of short-term community recovery. It thus focuses on “purely humanitarian”, leaving post-crisis and recovery principally to STAREC.

There is now evidence of donor fatigue. In June 2010, two major international NGOs (INGOs) announced cutbacks in programmes in eastern DRC due to lack of funds. As of mid-September 2010, the 2010 HAP was only 49 percent covered. Health was 20 percent funded, water and sanitation 18 percent. Lack of adequate and predictable protection is set to have grave consequences for programmes for children formerly associated with armed groups, which if interrupted are difficult to restart because clients disappear and specialised NGO staff move on. Many humanitarian actors expressed their regret to the HRI team that at the time of the mission the logistics cluster had received no support whatsoever from donors.

The United States (US) is the major responder to the 2010 HAP, providing 28 percent of total humanitarian assistance. The United Kingdom (UK) has provided 11.5 percent, the European Commission (EC) 11.5 percent, Sweden 6.6 percent and 4.5 percent has come from the Central European Commission (CEU). Continued dependence on three major emergency donors – the US, the EC and the UK – creates uncertainty. The “big three” have DR-C based staff with humanitarian expertise, decentralised authority and country knowledge that is influential in the Good Humanitarian Donorship (GHD) group and the other coordination fora. Some prominent donors, such as France, Spain, Denmark and Switzerland, are not pulling their weight. Lack of international media coverage, competing demands from STAREC and massive emergencies in Haiti and Pakistan are having an impact. The US has announced a cut of 40 percent in DRC funding for 2010. Many interviewees told the HRI team that it was now hard to find qualified French-speaking staff as they are all in Haiti.
DRC offers a stark example of the need for longer-term donor funding for protracted humanitarian crises, closer to development timeframes and modalities to ensure continuity of response. A good example of short-term funding is provided by ECHO. The sum it allocated for trucking water in South Kivu (eight million € over 13 years) could have rehabilitated sustainable water supply systems for all urban areas of the province.

The 2010 HAP covers the entire country, but two thirds of the budget allocation is for the crisis-affected provinces of Orientale, Equateur and the Kivus. This disproportionate assistance to the east is the result, as the HRI team was told, of the sad reality that “humanitarian aid goes where there is a camera”. This eastern bias creates widespread resentment in other provinces which receive only limited government and donor development funding to tackle serious structural problems of acute poverty, chronic malnutrition and lack of services.

When Kabila became the first democratically-elected president in 2006, the international community celebrated the election as a milestone, but in recent years the president’s office has curtailed the powers of the parliament and judiciary. Civil liberties are regularly threatened, and key institutional reforms - decentralisation and the security sector - have made no significant progress. Despite this authoritarian trend, the international community has remained mostly silent (International Crisis Group 2010).

Cooperation and cluster assessment
The contribution of all nine clusters is critical in view of the complexities of coordinating the almost 300 partners of the 2010 HAP and the almost 130 funding sources. An interviewee told the HRI team that while “DRC is considered a model of humanitarian reform, the focus is put on the process and not on the outcomes”. Some NGOs report that the cluster system is, in effect, a lobbying forum, rather than a needs-based coordination mechanism. The HRI team was also informed that the quality of a cluster still remains far too dependent on its leader, a comment echoed by humanitarians in many other crisis contexts. Views expressed to the team broadly reflect those in an evaluation commissioned by the Inter-Agency Standing Committee (IASC). This pointed to achievements but noted that coordination remains overly Kinshasa-focused and roles and responsibilities between national, provincial and sub-provincial coordination groups and fora are unclear. Sharing of good practices is limited. The Pooled Fund (PF) is negatively impacting cluster efficiency and creating time-consuming meetings. The evaluators found little added value in having dedicated cluster coordinators and noted that the concept of provider of last resort remains very weak. There are systematic frictions among UN agencies (Binder et al. 2010).

Humanitarian reform process in DRC
DRC has served as a humanitarian reform pilot with innovations such as pooled funding, the cluster approach, inclusive coordination mechanisms, the first country level Good Humanitarian Donorship (GHD) group and a HAP with objectives and action thresholds in place of the traditional common appeal document. In 2009, the humanitarian coordination architecture was further enhanced by the creation of a Humanitarian Country Team (HCT), comprising key UN, bilateral and INGO actors, and eventually the government and representatives of Congolese NGOs. This has provided a much appreciated and innovative forum for reflection and resolution of strategic response issues.

Supported by Belgium, Canada, Denmark, Ireland, Luxembourg, the Netherlands, Norway, Spain, Sweden and the UK, the PF was established as a pilot in 2006. It is a funding mechanism made possible by the 2005 humanitarian reform. The UN Office for the Coordination of Humanitarian Affairs (OCHA) collaborates with the UN Development Programme (UNDP) to manage the fund. In 2009, donors contributed US$139.1 million. By far the largest contributor was the UK's Department for International Development (DFID) which provided US$77.4 million. Only projects listed in the HAP are eligible for PF contributions. The PF has become the first source of funding for humanitarian programmes in DRC, used by UN agencies and international and national NGOs. In 2009, 81 percent of allocations were provided to nine UN agencies and the International Organisation for Migration. UNDP was the largest recipient, the agency transferring funds to 178 NGO-run projects, which together accounted for 45 percent of all disbursements in 2009 (UNDP 2010). Given the success of the PF, other countries are reportedly considering replicating this model (OCHA 2010).

The concept is widely appreciated in principle, as it helps ensure independence and neutrality, separating humanitarian aid from foreign policy and political considerations, as well as improved transparency in the allocation of humanitarian funds. NGOs are pleased that the proportion of total PF disbursements reaching NGOs has increased. However, in practice, the HRI team learned that NGOs are demanding operational improvements, including streamlining procedures and reporting, increasing the amount and period covered by grants, faster processing of requests and disbursements, better communication of directives and increased transparency regarding eligibility and funding decisions. Contributions to the fund declined in 2009 and the 2010 replenishment is seriously behind schedule.
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NGOs report considerable variations in practice among donors (and sometimes by the same donor) in areas such as procedural requirements, accessibility, flexibility, levels of support, costs, funding duration, preferred zones and sectors, field supervision and evaluation. One representative of an aid organisation reflected a common perception: “This is a complex crisis with rapid changes in the context and needs. There should be flexibility to allow programmes to adapt to these changes”.

There is now considerable tension arising from diverging interpretations of legislation and multiple demands on NGOs to comply with labour law, taxation and import duties. INGOs report increased vulnerability to arbitrary exercises of power by poorly-paid local officials. The HRI team was told of many instances of corruption and pilfering of aid by civilian and military personnel. An INGO which fired corrupt staff reported receiving death threats and complained that they received no support from their donors or the UN.

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Humanitarian’s observations and concerns

The HRI team learnt that there is a considerable distance between the global articulation of the GHD Principles and the local reality. There are wide variations among donors in regard to institutional incentives to engage and level of awareness of the GHD initiative. Many are primarily focused on development assistance. The HRI 2010 shows an overall improvement in the response since last year and a slight decline in support for protection and international law. Prevention, risk reduction and recovery has improved significantly since last year, but still lags behind and requires close attention from both humanitarian and development donors. Among other areas requiring stronger donor support are strengthening capacities for prevention, preparedness, mitigation and response (Principle 8), and the involvement of, and accountability to, beneficiaries (Principle 7).

UN agencies as cluster leaders exercise considerable influence over response strategies and resource allocations. The HRI team was informed that the United Nations Children’s Fund (UNICEF) had declared itself ineligible for PF grants for the water, sanitation and hygiene (WASH) cluster that it leads in order to avoid appearances of conflict of interest. While this is laudable, it is, nevertheless, thought that as UN agencies receive the major part of the HAP resources, CERF and PF allocations: the system is too “UN-centric”. Some NGOs complain of slowness and rigidity when accessing funding from the UN, and others assert that their cluster leadership role biases funding decisions in favour of UN agencies.

“In DRC the focus is put on the process and not on the outcomes.”

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There has been an accompanying increase in violent incidents involving NGO personnel. UNHCR told the HRI team of 116 attacks on humanitarian personnel in 2010. There are serious doubts about state capacity to investigate and protect humanitarian staff. Numerous NGOs report insufficient support from donors and UN agencies and believe they can do more to advocate for humanitarian worker’s security.

When the authorities in North Kivu Province attempted to impose aid coordination mechanisms, NGOs judged them to be too restrictive and insufficiently attentive to humanitarian principles of independence, neutrality and impartiality. GHD donors and OCHA raised the issue with the authorities, and eventually the government developed a new statute for NGOs in collaboration with the Humanitarian Coordinator (HC), OCHA, UNDP, key NGOs and representatives of the provinces. This process revealed the extent to which some government officials have serious doubts about the quality, cost effectiveness, impact and even the ethics of NGO interventions.

The NGOs and Humanitarian Reform Project – a consortium of six major INGOs and the International Council of Voluntary Agencies (ICVA) – is working in DRC and four other countries to improve humanitarian coordination and promote NGO cluster co-leadership, participation of national NGOs and learning and accountability to beneficiaries (Humanitarian Reform Project 2010). However, much remains to be done. The HRI team was told that “DFID and ECHO are very proactive for improving coordination, whereas donors in general promote coordination within the organisations they finance and not globally. There is a need to put more pressure on UN agencies to improve coordination”.

Building bridges to national development processes

Many humanitarian actors interviewed by the HRI team regretted that they were not included in the high-profile government-convened and World Bank/UNDP facilitated National Forum on Aid Effectiveness in June 2009. The forum adopted an agenda committing the government to develop a national plan to strengthen government capacities. It is equally important to ensure support to build capacity of Congolese NGOs and civil society. The poor humanitarian response to needs in Equateur province in early 2010 highlighted the need to reinforce capacity in provinces outside the conflict areas (where NGO presence is limited) that should include preparedness, early warning, rapid assessment and a clear structure and capacity for coordinated response.

Reinforcing capacities implies improving accountability, transparency and the good stewardship of resources by all parties, including humanitarian actors themselves. It is especially challenging to ensure transparency and combat corruption in locations where there are no banks, no competitive suppliers, weak supervision and poorly paid or unpaid local officials. Enforcing standards and imposing sanctions can unleash strong social pressures, passive resistance and even threats of physical violence. Although this is a sensitive issue, humanitarian actors should seek to formulate a common strategy, including complaint mechanisms, whistle blowing and sharing names of those guilty of unethical practices.

Some of these changes are occurring but at varying speeds, given resource constraints and high staff turnover rates. Among promising developments, the UK is providing technical support to reinforce monitoring and evaluation for the HAP. This should promote a wider recognition of evaluation as a means to improve performance and learning, rather than an imposed donor requirement. For some NGOs, evaluation is not sufficiently funded, especially when a UN agency is donor, and there is limited commitment to the use of evaluation results.

Lessons learnt and recommendations for the future

It is important to demand acceleration of donor contributions for 2010, to replenish the PF and to continue to improve donor coordination and alignment of humanitarian and development instruments. It is not simply a question of additional funding, but ensuring that the right kind of funding is provided. It is particularly important to resource civil society and the government to build local capacity and to encourage locally-owned interventions which involve cost-sharing and community contribution.

The HRI team also urges attention to these areas:

1 Post-MONUC future: Given the high levels of uncertainty over the future of international engagement in DRC – and the risk that further refugee repatriation will trigger conflict – the HC should lead a contingency planning exercise around MONUSCO withdrawal issues.

2 Equitable humanitarian funding: In the interest of national stability and donor image, the “eastern bias” needs to be rectified. There are grave emergency needs in many parts of DRC. The PF could become a way to reorientate aid across all areas in need.

3 GHD Principles: The global GHD group should undertake a study on the challenge of putting the principles into practice. They should consider taking the health sector as a pilot case to explore the issues and strategies for a less bumpy transition to recovery.

4 Protection: The protection cluster needs to flexibly combine funding with sources such as STAREC and poverty programmes to consolidate and further develop capacities to provide long-term support for victims of conflict, such as survivors of sexual violence and former child combatants. Donors must support the cluster to strengthen data quality and needs assessment, and continue to press for penalties for perpetrators. It is also important to recognise the dangers of excluding men from programmes.
5 **Security sector reform:** It is hard to envisage post-MONUSCO stability unless credible security forces are put in place. There is an imperative need for security sector reform, improved monitoring and investigation of incidents and regional collaboration to combat groups operating in remote border areas. Donors and MONUSCO should use all channels to promote a coherent sector strategy with common coordination and monitoring mechanisms and agreed benchmarks. This seems to be emerging for the police and judiciary but not yet for the defence forces.

6 **Building Congolese capacity:** It is critically important to rebuild state institutions and national capacities so that policies and programmes can be effectively implemented both for the conflict-affected populations in the east and the impoverished majority in the rest of the country. Donors should support the UN to develop a plan for including national capacity building in HAP-funded interventions. The UN should strengthen provincial early warning and rapid assessment and response capacity in non-conflict affected provinces, strengthen government involvement in the humanitarian response, and improve the authorities’ understanding and application of humanitarian principles. INGOs and UN agencies should promote local expertise through partnerships with NGOs and community actors and consider locating technical staff in national and provincial institutions.

7 **Improving information flow and coordination:** There is a need for cluster leadership to improve “downward” accountability to beneficiaries. It is necessary to ensure: a) improved information sharing between humanitarian actors and their government partners about evolving needs and programmatic responses, as well as the principles of humanitarian assistance and their operational implications; b) enhanced government participation in the humanitarian coordination mechanisms and c) joint monitoring of NGO performance against agreed quality standards.

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**References:**


Information based on field interviews with key humanitarian agencies in the Democratic Republic of the Congo (Bukavu, Goma and Kinshasa) from 28 March to 10 April 2010, and 267 questionnaires on donor performance (including 166 OECDDAC donors).

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