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Kinshasa, 22 September 2009

Dear Mr. Charny,

My colleagues and I have carefully reviewed Refugees International (RI) Field Report on the situation in the Kivus, published on 15 September.

We agree with several aspects of the report. We welcome the recommendations for quick and flexible humanitarian funding, and that funding to combat sexual violence should adhere to the Comprehensive Strategy elaborated by the United Nations with the Government and other partners. We would welcome increased staffing and resources for Joint Protection Teams (JPTs) and the programme for voluntary disarmament and demobilization, repatriation, rehabilitation and reintegration (DDRRR), but increases in the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) staffing and resources are unlikely given the enormous pressure on peacekeeping resources globally. We therefore continue to seek ways of making the most effective use of the resources we have.

We share the view that continued suffering of the civilian population is unacceptable. This is the point of departure for all of MONUC's actions in the Kivus and Orientale provinces and, as you know, the core of our mandate.

Attacks by the Democratic Forces for the Liberation of Rwanda (FDLR) have, of course, caused insecurity and new displacements, particularly in hard-to-reach areas as the FDLR become more desperate and seek to retain control over economic assets such as mining sites. Military operations against the group have also resulted in population displacements but some of these movements, as RI points out, are taking place as populations leave areas where they have been warned of impending military operations. This displacement creates humanitarian needs in the near term, but serves as a protective measure until people can return home safely. The rapid integration of the National Congress for the Defence of the People (CNDP) and other armed groups into the Armed Forces of the Democratic Republic of Congo (FARDC) — a necessity for ultimately ending the rebellion and chaos of the last few years — has

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also created discipline problems and other difficulties. The deployment of these newly-integrated combatants into areas with a historically high level of inter-ethnic tensions has resulted in suffering and anxieties among civilians in some areas.

MONUC's involvement in Kimia II operations against the FDLR is aimed precisely at addressing these and other causes of insecurity. We are supporting FARDC operations to prevent attacks by the FDLR, to pressure the armed group to leave zones they control, and to prevent them from returning. The ultimate objective of the operation, which is in line with repeated calls by the Security Council and the international community, is to eliminate the FDLR threat. DDRRR operations are being coordinated with FARDC action in order to encourage and facilitate the disarmament and repatriation of FDLR combatants and their dependents. DDRRR enjoys full political and administrative support in MONUC, although staffing constraints and the lack of air assets hamper mobility to some degree. As you know, member States have not come forward with 15 of the 18 additional helicopters authorized by the Security Council for MONUC last November.

With inputs from JPTs and military and civilian staff deployed across the Kivus, MONUC is systematically gathering, monitoring and analyzing the incidence of violence and its causes. This information is helping to determine areas where we "must, should and could" provide protection through deployment of JPTs and military bases. Our analysis also allows us to bring to the attention of the FARDC command and Government officials, those FARDC units and commanders against whom disciplinary action needs to be taken. Although there is still a long way to go, the performance of military justice has shown significant signs of improvement, with a rise in the number of prosecutions of FARDC personnel accused of rapes and other serious crimes against civilians. MONUC is beefing up its assistance in this area through the work of Joint Investigative Teams to establish facts in cases of human rights abuses, and through Joint Prosecution Cells to help bring to trial those accused of wrongdoing.

Where we differ most with RI is in your call for an end to military operations in favour of "non-military solutions." The populations affected by continued conflict in the Kivus are deeply weary of repeated displacement and an environment of insecurity. However, it is significant that even while expressing their concerns over the continued suffering of the civilian population, Congolese public opinion leaders such as traditional chiefs in the Kivus increasingly express support for military operations as a means of dislodging the FDLR. The current military operations reflect political commitments by the Democratic Republic of Congo (DRC) and a common understanding on the part of the two countries most immediately concerned, the DRC and Rwanda.

We do agree that military action needs to be accompanied by a range of diplomatic, political and economic initiatives. Additional political and legal pressure on the FDLR and its expatriate leadership and associates is necessary, and we are exploring ways of using international criminal law as a means of cutting the FDLR off from sources of external support. Governments that have the capacity to weaken support for the FDLR need to be encouraged to take appropriate action under their own laws.

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RI also claims that operations have shown few signs of success and that the operations have been undertaken “at enormous cost to the civilian population.” Human suffering is incalculable and every life interrupted or lost through conflict is a tragedy, but it is important to maintain a sense of perspective: Nine months of operations against the FDLR, first by the DRC and Rwandan armed forces in Umoja Wetu, and then in Kimia II by the FARDC with MONUC support, constitute the first concerted effort to address more than a decade of inaction that has imposed an untold cost on that same population. The FDLR has been forced to cede control over significant swathes of territory and large numbers of people. As a direct result of military pressure since January this year, 13,314 FDLR combatants and dependents have presented themselves for DDRRR or for repatriation through the Office of the United Nations High Commissioner for Refugees (UNHCR).

There is also evidence that the command and operational capacity of the FDLR have been significantly disrupted and that the group is splintering. As RI notes, internally displaced persons (IDPs) in some areas have cautiously begun to return home. In North Kivu the Kibati camps, which at their peak sheltered some 75,000 IDPs, have closed and this week most of the remaining 65,000 people in the six camps around Goma have begun to return to their homes in Masisi and Rutshuru. Success may still not be assured but I believe nonetheless that progress has been made.

Our relations with our humanitarian colleagues are strong, despite different mandates and levels of responsibility. We appreciate RI’s acknowledgement that “MONUC has taken a number of steps to improve its ability to protect civilians which should be supported.” RI also notes MONUC’s continued coordination with the humanitarian community, notably in the establishment of mobile operating bases, and that the JPTs are gathering valuable information of potential use to humanitarian organizations. Taking these comments into account, I don’t believe that it is accurate to say that MONUC’s relations with humanitarian actors are “visibly damaged” or suffer from “weakened collaboration,” despite understandable differences and occasional strains.

RI points out that – at the request of the non-governmental organizations (NGOs) – MONUC “no longer has a formal leadership role” in the protection cluster. MONUC’s involvement in the cluster’s work remains undiminished, however. The Mission continues to participate fully. MONUC civilians responsible for developing protection plans and MONUC military representatives share information with the cluster regularly. Deployments of peacekeepers in temporary and mobile operating bases are guided by the cluster’s “protection matrices.” The overall United Nations Protection Strategy is a product of close collaboration between MONUC and the cluster, with UNHCR in the chair. We would welcome a new NGO facilitator in the cluster, but this is not an issue that MONUC can resolve.

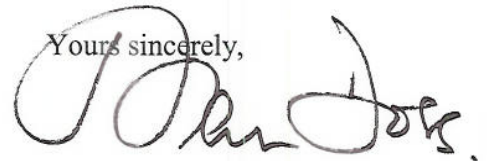
The fight against the FDLR is not over, but we need to begin now focusing on community reconciliation and reconstruction in communities as security is established. The RI report makes no mention of either the Government’s plan for the Stabilisation and Reconstruction Plan for zones emerging from conflict (STAREC), or the United Nations Security and Stabilisation Support Strategy, which supports it (UNSSSS), but these integrated initiatives aim at achieving the degree of stability needed to break the cycle of violence in the Kivus.

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Your field report rightly raises issues relating to IDP returns as well as problems of access, the need for less rigid categorization of assistance and for greater attention to projects like road-building. I would suggest that these issues are emerging precisely because the situation in the Kivus has begun to approach an important turning point where efforts will need to be refocused from humanitarian assistance to stabilization and reconstruction. Where military operations have succeeded in pushing out the FDLR, it is critically important to deploy an effective State presence, including civilian police, and to begin creating the conditions for people to return home and build normal lives. These are among the immediate objectives of the UNSSSS and match Government priorities. MONUC and UN agencies have begun rehabilitating key roads, police stations and administrative buildings, and constructing new army garrisons. The Army desperately needs fundamental reform, but an immediate essential step is the construction of barracks and armories to improve command and control, and separate armed soldiers from the community. Such efforts require a shift in mentality on the part of the international community, as well as in operations and funding, from one of short-term crisis response to longer-term, sustained effort at economic and social revival.

I would like to take this opportunity to express my appreciation for RI's continued engagement in the DRC. I sincerely hope that we can continue working together to help the people of the DRC beyond the stage of conflict and humanitarian crisis to one of security and development.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alan Doss', written in a cursive style.

Alan Doss

Special Representative of the Secretary-General