



REFUGEES 
INTERNATIONAL

March 23, 2005

H.E. Mr. Ronaldo Mota Sardenberg
Permanent Representative of Brazil to the United Nations
747 Third Avenue 9th Floor
New York N.Y. 10017

Your Excellency:

We are writing in regard to the ongoing crisis in the Democratic Republic of Congo (DRC), which, according to the UN Emergency Relief Coordinator, is the world's most neglected emergency. In anticipation of your review of MONUC's mandate, please find attached to this letter a list of recommendations for your consideration.

Based on our collective expertise on the humanitarian, peacekeeping and civilian protection situation in the DRC, we, the undersigned organizations, believe that the Security Council can play a decisive role in curbing unnecessary civilian deaths and improving the lives of people in need of humanitarian relief.

It has been explicitly documented in IRC's four mortality surveys that the horrific death toll in the DRC fundamentally derives from a chronic lack of security, which in turn delays and obstructs essential medical and humanitarian assistance. Thus, we welcome the March 2005 UN Secretary-General's report to the Security Council on MONUC and believe that many of the recommendations contained in the report provide an accurate map of action for the Security Council to follow.

We particularly welcome the report's emphasis on the need for a thorough security sector reform in the DRC and support the Secretary-General's pledge that MONUC, operating under Chapter VII, will take action against foreign armed groups so as to ensure the security of civilians and UN personnel and stop human rights violations (para. 77).

We also believe that while MONUC has experienced considerable successes in disarming militia groups and encouraging the return of IDPs, the mission in its current form is nonetheless inadequately equipped, both in material resources and personnel, to fulfill its mandate.

At a time when Secretary-General Kofi Annan is calling on member states, through his report on UN reform, to improve security and human rights worldwide, the situation in the DRC represents an opportune moment for the Security Council to act with a renewed commitment toward its overall purposes. While we urge the Council to act as a catalyst for improving the situation in the DRC, for this effort to succeed it must be accompanied by the sustained and cooperative commitments of the transitional government, the multitude of United Nations agencies, civil society, and member states.

Taking into consideration the above paragraphs, we strongly urge the Security Council to work towards advancing the recommendations of the MONUC report. We have also listed additional recommendations that we think could be of particular importance to ending the violence and ameliorating the suffering in the DRC.

Sincerely,

Mr. Denis Caillaux
Secretary General
CARE International

Dr. George Rupp
President
International Rescue Committee

Mr. Kenneth Bacon
President
Refugees International

Recommendations

We urge the Security Council to:

- Renew the mandate of MONUC for one year, until 31 March 2006 (para. 81);
- Provide the outstanding 7,200 additional peacekeeping troops requested by the Secretary-General in his 16 August 2004 report (para. 82);
- Expand MONUC's mandate and resources to permit it to control all of the DRC's borders so to impose the arms embargo and bring an end to the illicit exploitation of natural resources;
- Recognize and urge the continuation of measures taken to prevent sexual exploitation of civilians by MONUC staff, as well as any other acts that are inconsistent with international humanitarian law and human rights law. Such measures have included the investigation of allegations of abuse, the revision of the MONUC Code of Conduct, and improving support to the victims (para. 84); Additionally, those who are found guilty of sexual abuse and exploitation should be returned to their country of origin for prosecution;
- Replicate the measures MONUC has taken to prevent sexual abuse and exploitation in other UN peacekeeping missions (para. 84);
- Support MONUC's efforts to:
 - Strengthen its actions under its mandate to reduce acts of aggression against the civilian population, including widespread sexual violence (para. 80);
 - Provide logistical, operational and security support to the electoral process (para. 33);
 - Continue the decentralization process which delegates operational command to the divisional headquarters and thus utilizes MONUC's current resources with increased efficiency (see para. 35); and
 - Work with UN Agencies to develop common security arrangements and expand the humanitarian space in the DRC (para. 80); and
- Welcome the transitional government's efforts to bring to justice those responsible for the recent deadly attacks on UN peacekeepers.

We urge the Security Council to request that Member States:

- Pressure foreign governments, forces and militias to cease violent and destabilizing actions in the Congo;
- Scale up financial and logistic support for the peace process in the DRC;
- Help advance the security sector reform by assisting in the training and equipping of FARDC troops, and in the creation of an integrated and professional army and police force, which are key to MONUC's exit strategy (para. 76);
- Provide the necessary support to MONUC to enhance its technical information gathering capabilities and continue the decentralization of its military and support structures so that it can be more effective in its role (para. 79); and
- Increase donor contributions to the World Bank-approved \$285 million electoral budget for the five polls that are meant to take place this year. So far a mere \$165 million have been pledged, of which \$10 million have been disbursed (see para. 32).

We also recommend that the Security Council call on the DRC's Transitional Government to:

- Take recognition of the fact that the transitional government is first and foremost responsible for ending the violence within its borders in a way that is consistent with its international legal obligations, in particular under international humanitarian law and human rights law;
- Prosecute those responsible for such acts as murder, rape, pillaging and other violations of international humanitarian law and human rights law;

- Set up robust protection for victims and witnesses in cases related to murder, rape, pillaging and other violations of international humanitarian law and human rights law;
- Ensure that the remaining *génocidaires* suspects residing in the DRC are brought to justice through the ICTR (see para. 38);
- Continue to investigate and bring to justice those responsible for the recent deadly attacks on UN peacekeepers;
- Establish a transparent customs regime and revenue collection system to put an end to the fighting over the control of parallel tax and customs structures (para. 11, 72);
- Step up efforts to control the flow of arms into the region and the transport of illegal mineral wealth out of the region (para. 72). To this end, the government should review the various investigations on the illegal exportation of natural resources with the view of investigating possible perpetrators of illegal activities;
- Make greater efforts in the nascent justice sector reform that is currently underway (para. 74);
- Accelerate security sector reform and the establishment of the rule of law. Particular attention should be paid to address the current delays and lack of transparency in the DDR program and the lack of payment for police and soldiers, which create a potentially volatile situation (para. 73, 74). In this, the government should cooperate more with donors who are supporting police sector reform efforts;
- Make a firm commitment to hold elections this year and make progress in the necessary preparations, namely with police re-training, the adoption of the draft constitution and electoral law, and the commencement of voter registration (para. 74); and
- Ensure that the future constitution and electoral laws provide for an inclusive political process, with a clear balance of powers, an independent judiciary, a representative legislature and accountability.

In addition, with special consideration to the recent statement by an OCHA official that there is mass return of refugees from Uganda to the DRC occurring, we call on the Security Council to take action aimed towards the following:

- Mobilize sufficient resources through OCHA, in collaboration with the competent governmental authority and humanitarian agencies, to assist internally displaced persons and refugees who wish to return to their areas of origin in dignity and safety;
- Request that the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons visits the DRC to review the IDP situation and make recommendations, as well as consider the need of new mechanisms, that are necessary for protecting against gender-based violence, other human rights abuses, and the general protection concerns of IDPs and refugees.

Finally, we recommend:

- The planning and implementation of programs to encourage, expedite, and support all aspects of the Congo's DDRRR process, while taking into consideration the special needs of women and children;
- Ensure that the practice of recruiting and arming children ceases, in accordance with Security Council resolutions 1460 and 1539;
- Ensure that "integrated missions" be structured to guarantee that humanitarians can assist civilian populations with a maximum of neutrality, impartiality and independence from political and peacekeeping actions.