



**IMPACT OF VIOLENCE ON
MEDICAL AND HUMANITARIAN SERVICES
IN NORTH KIVU, DRC**

Research
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Executive Summary

Decrypting the dynamics of continuing conflict in eastern Democratic Republic of Congo (DRC) is challenging at the best of times, more so given the profound political uncertainty that currently reigns at the national level. The consequent access, or lack thereof, to medical and humanitarian services for the population is both a function of the current crisis and the result of years of distortion. Longstanding factors to take into account include the multiple forms the conflict has taken, state neglect, and dependence on international actors.

North Kivu provides a revealing vantage from which to analyse both the current levels of violence and the impact on the population. As elsewhere in the country, a polarized political impasse has combined with an economic crisis that provides an outlet to a multitude of other frustrations. The province also hosts a large number of (non-state) armed groups, often with local grievances centred on land ownership or ethnicity, that have become embedded in the socio-economic landscape over the past two decades.

There might not be a tangible increase in overall violence in North Kivu compared to previous years, but this depends very much how it is calculated and which area is being examined. Tracking violence and the abuse suffered by civilians is less about marking significant changes than providing nuance. FARDC offensives with periodic MONUSCO support continued throughout the year, especially when politically expedient. And armed groups retaliated, and fought amongst themselves, with the civilian population regularly caught in the middle or targeted themselves.

Armed groups in particular continued to lose influence on the national level but nevertheless multiplied and fragmented. And putting aside the vagueness of distinguishing armed clashes from criminal violence, it is possible to quantify a clear increase in banditry and kidnapping, particularly along major transport axes and a corresponding decrease elsewhere. Meanwhile the risk of urban unrest remains real as both national and local grievances are aired.

Access to healthcare was a direct casualty both during the peaks of violence but also as a result of chronic insecurity. Forced closure of displaced camps and mid-year offensives by FARDC and MONUSCO in Rutshuru and Masisi against the FDLR (and allies), and the ADF in the *Grand Nord* led to an increase in displacement, partially offset but a decrease in violence elsewhere. And irrespective of the conflict, access to healthcare was regularly compromised for the entire population. When access did improve it was in part due to the heavy presence of aid organisations, a destabilizing factor in other respects.

While there was no direct targeting of aid organizations linked to confusion over MONUSCO's role there were several incidents of note, and vigilance is clearly still required. All the more so given the pro-government mandate, and perceived pro-government bias amongst the population and armed groups themselves. However, it was the obligatory negotiation with multiple armed actors, violent crime, and the consequences of a lack of state social structures that posed the greatest challenges in providing humanitarian support. Agencies attempting to do so must continue to operate under the same constraints, and incur the same risks, as those to which the population are subjected.

1 Introduction

Given the attention focused on DRC President Kabila's end of mandate, it is easy to lose sight of the multiple conflicts in the east of the country. However while political and economic forces stemming from the capital directly influence the dynamic of violence, much of the conflict is localized in the specific conditions and armed actors present. In this regards North Kivu is simply one of the provinces touched by the cycles of violence but a relevant case study nonetheless. In addition to remaining an epicentre of displacement and casualties, it also hosts a disproportionate number of international organizations attempting to alleviate the consequences of the violence.¹

The purpose of this paper is to analyse the medical and humanitarian situation for the population North Kivu as a result of the current state of the conflict. The broader political and economic situation will be discussed, along with the key armed actors currently active in the region, before updating recent developments in the conflict itself. The impact on access to healthcare, particularly in reference recent displacement, will then be reviewed with reference to the described elements.

In completing the analysis, several questions will be expanded upon. This includes current levels of violence and the main factors that continue to drive a context of endemic insecurity. Some of the less obvious consequences on healthcare will also be discussed within a context of broader structural failings and heavy presence of humanitarian organisations. And finally the security-related challenges facing those medical actors in the field will be reviewed, including but not limited to the role of MONUSCO (United Nations Organization Stabilization Mission in the Democratic Republic of Congo).

2 Scope/Methodology

Multiple interviews were conducted, either semi-structured or on an individual basis. These were largely done with patients in MSF medical structures, and MSF staff from the field and headquarters. Other stakeholders were interviewed (donors, UN, health authorities) and a limited number of external analysts / specialists were also consulted. Document review included a wide array of internal MSF material and external documents when relevant, all of which are specified in the footnotes. Masisi, Mweso and Rutshuru were visited along with Goma and Kinshasa in October 2016.

Relatively few limitations were encountered. Certainly a lengthier field visit would have been valuable, particularly given the unavailability of certain external interviewees that required a less than ideal follow-up via Skype/telephone.

And inherent limitation can be found in the complexity of the area. In describing the risk of vulgar generalizations in undertaking such analyses it has been said that "conflict in eastern Congo can be different, literally, every square kilometre."² Certainly a risk but given the confluence of violent actors and dramatic human consequences, it is an analysis worth undertaking.

¹ According to INSO, North Kivu is the area most touched by the conflict along with security incidents affecting NGOs. See "INSO RDC – Rapport Trimestiel T.3 2016", *International NGO Safety Organisation* (INSO), October 2016.

² "Going around in circles: The challenges of peacekeeping and stabilization in the Democratic Republic of the Congo", de Vries, Hugo, *Clingendael: Netherlands Institute of International Relations*, August 2015.

3 Context

3.1 Political and Economic Crisis

The broader context to the conflict in eastern DRC is that of a national political crisis combined with an economic downturn. The past decade had seen significant economic growth from natural resource extraction with mining and oil representing 95 percent of exports.³ However, 6.9 percent GDP growth in 2015 actually represents a slowdown due to falling commodity prices, particularly copper, cobalt and oil.⁴ The Central Bank of the DRC forecasts a further contraction of the economy to 2.9 percent GDP growth in 2017.⁵ Given the 8 to 10 million Congolese employed in artisanal or small-scale mining operations, primarily in the east of the country, the impact has been dramatic not only for the national economy but in the area where much of the armed violence occurs.⁶

More importantly, despite economic growth, national poverty rates have hardly moved, hovering at around 80 percent.⁷ The country has been characterized by “institutionalized corruption, structural violence, a lack of government services, and the hijacking of state positions for personal benefit at various levels.”⁸ Indeed as power is projected through patronage networks rather than a functioning administration “policy implementation and public service provision remains poor.”⁹

Unsurprisingly, this is evident in the health sector. The UN Human Development Index ranked DRC 176 out of 187 in 2015, with life expectancy of 48 years among the lowest in the world.¹⁰ Average health expenditure, at roughly 3 percent of GDP, is at half the average of Sub-Saharan Africa¹¹ while none of the Millennium Development Goals have been met.¹² Neglect and lack of investment in health care system have resulted in extremely basic infrastructure and poorly equipped medical staff “making it hard for people to access the most basic level of healthcare services.”¹³ Given the weak state capacity for the provision of healthcare, there is a corresponding dependency on private initiatives, notably medical aid organisations.

The national political situation is more visibly dramatic with the end of President Kabila’s mandate officially set to expire on 19 December 2016. The violence that erupted on 19 of

³ “Rapport ITIE-RDC 2014”, *Initiative pour la transparence des industries extractives*, December 2015.

⁴ “Copper Rich DRC Cuts Budget, Warns of Hyperinflation”, *MedAfrica*, 17 May 2016.

⁵ “RD Congo: La Banque centrale prévoit une croissance du PIB de 2,9% en 2017”, *Agence Ecofin*, 16 January 2017.

⁶ “A Criminal State: Understanding and Countering Institutionalized Corruption and Violence in the Democratic Republic of Congo”, *Enough*, October 2016.

⁷ “Democratic Republic of the Congo”, Country Report, *International Monetary Fund*, October 2015.

⁸ “A Criminal State: Understanding and Countering Institutionalized Corruption and Violence in the Democratic Republic of Congo”, *Enough*, October 2016.

⁹ “Stable Instability: Political Settlements and Armed Groups in the Congo”, Verweijen, Judith, Usalama Project, *Rift Valley Institute*, 2016.

¹⁰ “Human Development Reports Congo (Democratic Republic of the the)”, *United Nations Development Programme*, November 2016.

¹¹ “Democratic Republic of Congo: Selected Issues”, *International Monetary Fund*, October 2015.

¹² “Rapport OMD 2000-2015: Evaluation des progrès accomplis par la République Démocratique du Congo dans la réalisation des Objectifs du Millénaire pour le développement”, *United Nations Development Programme*, September 2015.

¹³ Internal MSF document: North Kivu Mission 2016.

September was significant in that the Independent National Electoral Commission (CENI) was supposed to have launched a formal (and constitutionally required) electoral process. Indeed the entire electoral process, or lack thereof, has become a flashpoint for broader frustration “merging political crisis and economic downturn.”¹⁴

The subsequent 18 October agreement that delayed elections until April 2018 has not lessened the risk of further urban unrest. Boycotted by the main opposition parties, led by Étienne Tshisekedi’s UDPS (Union for Democracy and Social Progress), an observer noted that the “battle lines have been drawn and things are clearer.”¹⁵ Contributing to the volatility, “politicised youth and civil society organizations have increasingly joined the political debate.”¹⁶ With a “relatively well-educated and ambitious generation but no jobs, no economic opportunity, high unemployment, a ready-made opposition has been mobilized.”¹⁷ Tentative agreement at the end of the 2016 with a broader base of opposition groups has, in theory, greater potential in resolving the acute political crisis although does not address the broader structural problems.¹⁸

The lines of confrontation are not limited to electoral politics as the Kabila government has become increasingly intolerant of internal dissent and criticism from abroad. This was evident as late as 2014 when the President made clear that “external solutions” were not valid for national concerns.¹⁹ The government employs a “sovereignty and non-interference discourse” nourished by “an increasing degree of paranoia” that includes insinuations of an “internationally-supported campaign to undermine it”²⁰

3.2 Periodically Useful Armed Actors

The easiest target is the significant UN presence. While the FARDC numbers some 130,000 troops, three quarters of whom are operational but can hardly be considered a reliable force, MONUSCO is an obvious scapegoat.²¹ The world’s largest peacekeeping mission includes some 22,500 uniformed personnel and a total budget of over 1.4 billion USD per year.²² Lacking military credibility, particularly since the humiliation over the fall of Goma in November 2012, MONUSCO relations with the Congolese government have fluctuated to the point of hostility.²³

Longstanding tensions in MONUSCO’s position are not difficult to isolate; required to back a government and political system that is “effectively part of the problem”. This includes

¹⁴ “Boulevard of Broken Dreams: The ‘Street’ and Politics in DR Congo”, Africa Briefing N°123, *International Crisis Group*, 13 October 2016.

¹⁵ Interview, MONUSCO, 27 October 2016.

¹⁶ “Boulevard of Broken Dreams: The ‘Street’ and Politics in DR Congo”, Africa Briefing N°123, *International Crisis Group*, 13 October 2016.

¹⁷ Interview, MONUSCO, 27 October 2016.

¹⁸ “DRC parties reach deal denying third term for President Kabila”, *The Guardian*, 31 December 2016.

¹⁹ “Going around in circles: The challenges of peacekeeping and stabilization in the Democratic Republic of the Congo”, de Vries, Hugo, *Clingendael: Netherlands Institute of International Relations*, August 2015.

²⁰ “Boulevard of Broken Dreams: The ‘Street’ and Politics in DR Congo”, Africa Briefing N°123, *International Crisis Group*, 13 October 2016. It is worth noting that human rights organisations and related researchers find it increasingly difficult to secure visas/authorization to conduct for travel to DRC.

²¹ “A Criminal State: Understanding and Countering Institutionalized Corruption and Violence in the Democratic Republic of Congo”, *Enough*, October 2016.

²² “Facts and Figures”, *United Nations Organization Stabilization Mission in the DR Congo*, 30 November 2016.

²³ “Réflexions sur 17 ans de présence de l’ONU en République démocratique du Congo”, Lagrange, Marc-André et Thierry Vircoulon, *Notes de l’Ifri*, April 2016.

providing support to “poorly executed military operations, support fraudulent elections, help roll out a predatory state system, and push for reforms with the very people whose interests are directly opposed to changes in the status quo.”²⁴

This has essentially placed MONUSCO in an “impossible position” while contributed directly to “frosty relations with Kabila government”.²⁵ Given current government repression and attempts to remain in power this can hardly be expected to improve significantly. Either more confrontations will follow as tensions mount between the regime and opposition (and MONUSCO does nothing in face of violence) or “preventive repression” continues and likewise nothing is done but “condemnation with press releases”.²⁶

As one observer noted, “member states (notably US, UK and France) push MONUSCO to go after armed groups but MONUSCO risks being put in a position of policing operations in urban centres due to ‘civilian protection’ mandate, a tricky proposition especially as “most hardware is in the east due to armed group priority”.²⁷ Unsurprisingly then, MONUSCO remains focused on these armed groups, and government does not support redeployment “to cities outside the Kivus”.²⁸

As concerns those operations in the east, a conditionality clause exists allowing MONUSCO to support FARDC (Armed Forces of the Democratic Republic of Congo) only in certain circumstances so as to avoid being associated with attacks on civilians. Perceived as partial and a form of interference by the government the clause itself is understandable.²⁹ Reporting up to March 2016 by UNJHRO noted that state agents (primarily FARDC along with PNC) were responsible for over half of recorded human rights violations, continuing with trends reported in previous years.³⁰

However tensions are not new and if MONUSCO military operations have stagnated since the aggressive targeting of M23, not successfully neutralizing other armed groups includes many caveats. Meanwhile, periodic government calls for MONUSCO to scale-down or withdraw should be interpreted primarily through the political lens of domestic rhetoric. MONUSCO logistic support for the FARDC remains important and the FIB “provides a reassuring security tripwire in the East at the sensitive border with Rwanda”.³¹

A demonstration of the pragmatism of this unhappy marriage can be seen in the renewed military cooperation since June of this year, particularly with the priorities of FDLR and ADF.³² This followed instructions by FARDC leadership to “cooperate with MONUSCO in

²⁴ “Going around in circles: The challenges of peacekeeping and stabilization in the Democratic Republic of the Congo”, de Vries, Hugo, *Clingendael: Netherlands Institute of International Relations*, August 2015.

²⁵ Interview, MONUSCO, 27 October 2016.

²⁶ “Réflexions sur 17 ans de présence de l’ONU en République démocratique du Congo”, Lagrange, Marc-André et Thierry Vircoulon, *Notes de l’Ifri*, April 2016.

²⁷ Interview, MONUSCO, 27 October 2016.

²⁸ “Boulevard of Broken Dreams: The ‘Street’ and Politics in DR Congo”, Africa Briefing N°123, *International Crisis Group*, 13 October 2016.

²⁹ “Réflexions sur 17 ans de présence de l’ONU en République démocratique du Congo”, Lagrange, Marc-André et Thierry Vircoulon, *Notes de l’Ifri*, April 2016.

³⁰ “Accountability for Human Rights Violations and Abuses in the DRC: Achievements, Challenges and Way forward 1 January 2014 – 31 March 2016”, *United Nations Human Rights Office of the High Commissioner*, October 2016.

³¹ “Boulevard of Broken Dreams: The ‘Street’ and Politics in DR Congo”, Africa Briefing N°123, *International Crisis Group*, 13 October 2016.

³² “INSO RDC – Rapport Trimestriel T.3 2016”, *International NGO Safety Organisation (INSO)*, October 2016.

order to work towards neutralizing all armed groups by December 2016”.³³ A cynic might note that this essentially involves targeting groups “not allied with the Congolese government but not the militias it collaborates with”, all the while maintaining a modicum of goodwill with major donor countries.³⁴ But it can likewise be argued that these operations are coherent with regards to President Kabila’s state priority of targeting “foreign armed groups” while ignoring other groups that are politically less expedient.

Irrespective of motivation, sadly the interests of both government and at least some of its critics are well-served in keeping the east of the country unstable, whether it is an “excuse to stay in power or a demonstration of government ineptitude.”³⁵ Regarding the armed groups themselves, several concurrent trends can be highlighted all of which have directly influenced the current dynamics of violence. This includes a clear fragmentation of existing groups along with the continued emergence of new actors largely drawn on an ethnic basis. Simultaneously they are smaller, generally control less territory, and are playing a less significant role at the national level.

FARDC recruitment stems in part from a policy of “co-opting armed groups into the military, then either failing to pay them or start with the understanding that they will take care of themselves.”³⁶ This provides access to “ranks and positions in the national armed forces” and in turn encourages further fragmentation of existing groups, the emergence of new groups, and a “perpetuation of violence.”³⁷ Splits are further encouraged by the recent trend to incorporate only individuals into FARDC rather than entire rebel units, leaving the rest of the group to reorganize itself.³⁸

It is worth noting that from large military opposition at beginning of the Second Congo War in 1998, there are now at least 70 armed groups primarily located in the east. This partly explains the proliferation of Mai Mai (self-defence) groups, where not only a measure of protection is sought, but the possibility to participate and profit from inclusion in the regime.³⁹ Nor are historic opponents of the regime excluded. The recent split of FDLR into an old guard *génocidaires* associated with the hostile re-invasion of Rwanda and the *Conseil National pour le Renouveau de la Démocratie* (CNRD) advocating a negotiated return.⁴⁰

Meanwhile rising authoritarian tendencies of the government, and resulting diminished need for inclusive political settlement, has reduced the political influence of armed groups (with the exception of those considered foreign such as FDLR and ADF). When ex-fighters participated directly in a power-sharing agreement “manipulating armed groups remained a valued

³³ “Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of Congo”, *United Nations Security Council*, S/2016/833, 3 October 2016.

³⁴ “A Criminal State: Understanding and Countering Institutionalized Corruption and Violence in the Democratic Republic of Congo”, *Enough*, October 2016.

³⁵ Interview, MONUSCO, 27 October 2016.

³⁶ “A Criminal State: Understanding and Countering Institutionalized Corruption and Violence in the Democratic Republic of Congo”, *Enough*, October 2016.

³⁷ “Stable Instability: Political Settlements and Armed Groups in the Congo”, Verweijen, Judith, Usalama Project, *Rift Valley Institute*, 2016.

³⁸ In addition to being less common now, integration is also weakened (and in turn fragmentation further encouraged) by the fact that high-ranking rebel leaders often lose their position and consequently return to the bush forming another armed group and retaining their rank. Correspondence with the author, MSF, 12 and 13 January 2017.

³⁹ “A Criminal State: Understanding and Countering Institutionalized Corruption and Violence in the Democratic Republic of Congo”, *Enough*, October 2016.

⁴⁰ “INSO RDC – Rapport Trimestiel T.3 2016”, *International NGO Safety Organisation* (INSO), October 2016.

political currency.”⁴¹ And the objective of many was to be integrated into the FARDC, “the greater their capacity to annoy, the more important would be their post.” Perception of a decent post was not based on salary but rather “access and control of resources.”⁴²

This is much less the case today on the national scale, although neither does this mean armed groups are fading into irrelevance. All groups have links however tangential to the political class and those same ties, particularly as concerns “provincial politics and the areas in which these groups operate it has remained unchanged or has even been reinforced.”⁴³ In this sense they are still valued for their potential to disrupt and assert political power indirectly. And whether based on ethnic or land access prerogatives, or defending different strategic and military agendas, the ultimate result continues to be periodic displacement of the affected population and associated humanitarian needs.

4 Conflict in North Kivu

4.1 Overview

Although political repression has “increased markedly in 2015-2016, with a particular focus on youth movements and the new opposition”, recent events in the capital have received the most attention.⁴⁴ Specifically this concerns the anti-Kabila demonstrations on 19 September this year during which 32 demonstrators were killed according to authorities.⁴⁵ MONUSCO investigations estimated 49 deaths and 127 injured, along with a further 299 demonstrators, journalists and human rights workers arrested throughout the country.⁴⁶ There were at least 40 deaths nation-wide following the official end of the president’s mandate on 19 December.⁴⁷

Beyond the spark of delayed elections, grievances have national implications. Broadly these centre on “living conditions and political freedom”, but also include unemployment, corruption, along with access to state services such as education and healthcare. Meanwhile “rising inflation, a consequence of economic crisis, further worsens precarious living conditions.”⁴⁸

In the case of the violence in Kinshasa, the Congolese National Police (PNC) was largely responsible. However the FARDC and Republican Guard were also deployed during the unrest and further contributed to the “risk of violent popular anger in urban centres and of a heavy-handed security response.” More importantly, this provided ample demonstration of the government’s dependence on “largely dysfunctional security forces in which issues of command and control increase the risk for excessive use of force.”⁴⁹ Such analysis,

⁴¹ “Stable Instability: Political Settlements and Armed Groups in the Congo”, Verweijen, Judith, Usalama Project, *Rift Valley Institute*, 2016.

⁴² Interview, International Donor, 14 November 2016.

⁴³ “Stable Instability: Political Settlements and Armed Groups in the Congo”, Verweijen, Judith, Usalama Project, *Rift Valley Institute*, 2016.

⁴⁴ “Boulevard of Broken Dreams: The ‘Street’ and Politics in DR Congo”, Africa Briefing N°123, *International Crisis Group*, 13 October 2016.

⁴⁵ “RD Congo: Kinshasa, Belle et Rebelle”, *Jeune Afrique*, 1 December 2016.

⁴⁶ “Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of Congo”, *United Nations Security Council*, S/2016/833, 3 October 2016.

⁴⁷ “DRC parties reach deal denying third term for President Kabila”, *The Guardian*, 31 December 2016.

⁴⁸ “Boulevard of Broken Dreams: The ‘Street’ and Politics in DR Congo”, Africa Briefing N°123, *International Crisis Group*, 13 October 2016.

⁴⁹ *Ibid.*

particularly regarding the FARDC is hardly a new development as concerns the multiple conflicts in the east of the country, notably in North Kivu.

Compared to the same period in 2015, the overall frequency of FARDC operations in North Kivu increased by 17% in first 9 months of 2016, representing a quarter of violent incidents recorded over the year. Armed groups, irrespective of their political aims, were similarly responsible for a quarter of violent incidents recorded during the same period.⁵⁰ Beni aside, attacks by these groups were relatively rare in the province's urban centres. Goma for example suffers much more from the threat of criminality. The "accidental" explosion of a grenade on 8 November that killed a child and injured 31 MONUSCO soldiers would seem an exception.⁵¹

In terms of targeting armed group activity, the main areas of operations for the FARDC in the last half of 2016 included Rutshuru, Masisi and Beni. For Rutshuru and Masisi this has primarily focused on FDLR and various allies of convenience.⁵² Described by one observer as "Kabila doing the dirty work of the Rwandans vis-à-vis the FDLR"⁵³, these operations were "not especially well-planned or coordinated, and rather characterized as sporadic, irregular and improvised." Nevertheless, the renewed but limited support from MONUSCO after July 2016 consolidated prior territorial losses of the FDLR, particularly in Walikale and South Lubero since late 2015.⁵⁴

The loss of FDLR territory was also the result of armed groups opposed to the FDLR and their support network. In Masisi for example the use of proxy forces by the FARDC to attack other armed groups is well known – leading to less control of consequences, including violations against civilians – while alliances themselves remain fickle.⁵⁵ A typical example of the reigning confusion is the *Alliance Patriotique pour un Congo Libre et Souverain* (APCLS). Not currently aligned with the government, of whom they are suspicious because the army is "infiltrated by Tutsis", they are potential allies of convenience despite having historically maintained discreet relations with the FDLR.⁵⁶

The noted divisions in the FDLR also recontributed to this process, particularly as it was "followed by numerous alliances and splits amongst armed groups, especially *Nyatura* groups". Meanwhile, small groups that "were fairly quiet and stable became increasingly active and mobile."⁵⁷ However the broader background to the violence continues to be inter-communal tension, contributing in part to the growth of Mai Mai groups opposing FDLR, along with "fighting among various groups along ethnic lines".⁵⁸

An acute example of these tensions, along with the dangerous role that well-intentioned outsiders can play, occurred in Buleusa where FARDC and MONUSCO had undertaken

⁵⁰ "INSO RDC – Rapport Trimestriel T.3 2016", *International NGO Safety Organisation* (INSO), October 2016.

⁵¹ "RDC: l'explosion accidentelle d'une grenade tue une fillette et blesse 31 Casques bleus à Goma", *Jeune Afrique*, 8 November 2016.

⁵² "INSO RDC – Rapport Trimestriel T.3 2016", *International NGO Safety Organisation* (INSO), October 2016.

⁵³ Interview, MSF Project Coordinator, 18 October 2016.

⁵⁴ "INSO RDC – Rapport Trimestriel T.3 2016", *International NGO Safety Organisation* (INSO), October 2016.

⁵⁵ Internal MSF document, Analyse FARDC, August 2016. Examples of FARDC proxies include NDC-Guidon (Pinga and South Lubero) and the M26 of Gen Kasongo (northern Masisi).

⁵⁶ Internal MSF document, Analyse APCLS Masisi, September 2016.

⁵⁷ Internal MSF document, Project Report, Mweso, 2016.

⁵⁸ "Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of Congo", *United Nations Security Council*, S/2016/833, 3 October 2016.

operations to reduce tensions between displaced Hutus and the local populations. With each community enjoying the protection of diverse armed groups, the surrounding area in both northern Walikal and southern Lubero had seen an escalation in tension since late 2015.⁵⁹

After the withdrawal of humanitarian actors following the kidnapping of 3 INGO staff in May 2016, MONUSCO was requested by provincial authorities to “distribute immediate food rations and address the most urgent needs of IDP populations in Buleusa.”⁶⁰ A MONUSCO convoy was subsequently attacked on 16 June by the local Kobo and Nande population, enraged at the distribution, with the FIB returning fire eventually killing 3 individuals and wounding 11 others. Officially the attackers were referred to as Mai Mai militia.⁶¹

More recently the UN has again voiced fears of increased violence in North Kivu, particularly Rushuru, Walikale and Lubero. This was prompted by the killing of 30 Hutu IDPs at the end of November this year in a spontaneous camp near Luhanga in the south of Lubero. The violence has been placed in the same broader context of intercommunal tension in Buleusa, and linked to the forced displacement of some 100,000 people since September 2015. This has provoked tensions between Nande and Kobo on one side, who consider themselves indigenous to the area, and Hutus who are again seen as invaders, and particularly associated with the FDLR.⁶²

In entirely different circumstances, Beni has likewise been a focus of both attacks and anger directed at MONUSCO along with the FARDC. Beni is the only area in North Kivu where armed group activity, in this case by the ADF, broadly categorized as “military operations” has exceeded that of “criminal activity”. The failure of national and international armed forces to reduce attacks, or to have actively colluded in the case of the FARDC, has provoked widespread anger.⁶³ The resulting popular protests in Beni have been significant, along with retaliation by FARDC against civilians “perceived to be collaborating with the assailants.”⁶⁴

It is extremely difficult if not impossible to distinguish between types of violence where actions perpetrated by armed actors shift from ostensible political motivations to the purely financial. Meaning armed robberies and kidnappings can take place in order to finance an armed campaign with a political objective, and inversely armed clashes over territory take place in order to extract resources as an economic objective in and of itself. Since those responsible for both political and criminal violence are largely the same, the intent of the violence becomes nebulous.

Nevertheless, INSO has attempted to track incidents that can be described as criminal, noting that over half of all violent incidents in North Kivu recorded in the first 9 months of 2016 can be characterized in this way; armed robberies being most common but also including

⁵⁹ “INSO RDC – Rapport Trimestriel T.3 2016”, *International NGO Safety Organisation (INSO)*, October 2016.

⁶⁰ Terms of Reference Buleusa LL, *OCHA*, undated.

⁶¹ Internal MSF document, MONUSCO monitoring, undated.

⁶² “RDC: l’ONU redoute de nouvelles violences intercommunautaires dans le Nord-Kivu”, *Jeune Afrique*, 30 November 2016.

⁶³ “RDC : HRW critique l’incapacité de Kinshasa et de l’ONU à empêcher les massacres en série dans l’est”, *Jeune Afrique*, 7 October 2016.

⁶⁴ “Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of Congo”, *United Nations Security Council*, S/2016/833, 3 October 2016.

kidnappings.⁶⁵ However this is almost identical to the same period in 2015 despite a common perception that criminal activity in the province has increased.⁶⁶

The picture of course must be nuanced, as some areas such as Walikale and Goma itself have seen a relative reduction in criminal violence, while armed robbery is still prevalent in Masisi and Rutshuru. This includes the main axes of travel where the civilian population and humanitarian workers are equally exposed, with armed robbery certainly being the most common security incident reported by aid organizations.⁶⁷

To further complicate the picture, it has also been reported that those same areas where armed robbery were previously common, such as northern zone of Masisi territory, there has been a discernible shift to kidnappings since the beginning of the year.⁶⁸ As with the province-wide data on criminal violence, overall kidnapping numbers in 2016 remain similar to those recorded the previous year, representing 6 percent of total criminal activity. Again transport axes with proximity to comparatively wealthy urban centres, especially those found in Lubero, Masisi, and Beni, being the areas of greatest risk.⁶⁹ However the type and objectives of the violence perpetrated is often a question of semantics given the cumulative impact on health and security of the population.

4.2 Impact: Health and Displacement

Much as the distinction between politically and economically motivated violence can be difficult to discern, the same can likewise be said for status of those affected where access to healthcare services are concerned. Land as both a source of power and identity is certainly a motor for violent conflict but it is likewise necessary to take into account other multiple overlapping elements, all of which create blockages.⁷⁰ These include aspects of ethnicity, particularly indigenous versus Rwandophone; implications for natural resource exploitation through the physical control of territory; and the heavy presence of armed groups along with opportunistic alliances among them.⁷¹ Put more succinctly, in terms of the impact of violence, while “groups and alliances may change, for the population it is the same.”⁷²

Of course ongoing fighting between state forces and armed groups, or amongst the latter, will have a visibly dramatic impact on accessing health structures. Beyond preventing movement of civilian populations, the “neutrality of the structures” can also be compromised when armed actors carry intrusions or loot the premises.⁷³

Problems linked to access are similarly amplified by banditry and kidnapping and are particularly “difficult to mitigate” given the prevalence of the crimes.⁷⁴ The trend is reflected in the nature of sexual violence in the past year. While rapes might “always accompany

⁶⁵ “INSO RDC – Rapport Trimestiel T.3 2016”, *International NGO Safety Organisation* (INSO), October 2016.

⁶⁶ A common position taken from almost all interviews conducted by the author in October and November 2016.

⁶⁷ “INSO RDC – Rapport Trimestiel T.3 2016”, *International NGO Safety Organisation* (INSO), October 2016.

⁶⁸ Internal MSF document, Project Report, Mweso, 2016.

⁶⁹ “INSO RDC – Rapport Trimestiel T.3 2016”, *International NGO Safety Organisation* (INSO), October 2016.

⁷⁰ “Pas juste une question de terres: litiges et conflits fonciers dans l’est du Congo”, *Rift Valley Institute*, PSRP Briefing 14, October 2016.

⁷¹ Internal MSF document, Projet Masisi ARO, 16 September 2016.

⁷² Interview, MSF Deputy HoM, 23 October 2016.

⁷³ Internal MSF document: North Kivu Mission 2016.

⁷⁴ Internal MSF document, Project Report, Mweso, 2016.

conflict, particularly when someone has a weapon in hand and state presence is limited”⁷⁵, sexual violence on the part of armed individuals represents a relatively small percentage of aggressors.⁷⁶ This is rather a reflection of the broader environment of insecurity in the region, as a SGBV coordinator surmised, “it’s not too complicated, people take advantage of an acceptable level of chaos to do the unacceptable.”⁷⁷

Beyond the sharp edge of direct violence, the main problems accessing healthcare are similar for the entire population, security foremost but also geographical access, lack of essential drugs and material, and limited number of actors in some areas.⁷⁸ From such a vantage the distinction between local population and displaced is over superficial and misleading. People move “fluidly and repeatedly through categories of ‘displaced’, ‘resident’, and ‘returned’ further making nonsense of idea that “vulnerability and needs for assistance could be determined according to status.”⁷⁹

Nevertheless there are particular vulnerabilities linked to forced displacement - whether caused by military operations, insecurity, land conflicts or ethnic tensions – along with the stress added to “host communities’ social fabric, available resources and perceived safety.”⁸⁰ Malaria is common when a population is exposed in a high-prevalence area, other infectious diseases are exacerbated by poor vaccination coverage, and malnutrition particularly in camps both for newly displaced and those who have fled for extended periods. And as already noted sexual violence, in addition to diarrhoea and respiratory infections from difficult living conditions, are common to all communities rather than just the conflict-affected.⁸¹

Of the 837,000 IDPs in North Kivu, officially Rutshuru saw the most significant increase in the third trimester of 2016 where newly displaced in the province increased by 20 percent, in part linked to the offensives previously described.⁸² Irrespective of the reliability of these numbers they also mask a further problem of forced closure of the camps. Even as returning home, security permitting, is the “preferred option of those who had to flee their homes”, health vulnerabilities are inevitably compounded when undertaken with coercion.⁸³

This was in evidence in March 2016 with the forced closure of 7 camps in the north of Masisi territory that led 45,000 displaced to seek shelter with host families. Taking place in the broader context of FARDC offensives under *Operation Sokola 2* against the APRDC and the FDLR, there were reports of “gang rapes, pillages, torture, murder, forced displacement”, with an “absence of distinction between combatant and non-combatant.”⁸⁴ With regular assistance and camp management no longer provided, discussions focused on status rather than needs.⁸⁵

⁷⁵ Interview, MSF Assistant Medical Coordinator, 22 October 2016.

⁷⁶ 19 percent in the Masisi for example, Internal MSF document, Projet Masisi ARO, 16 September 2016.

⁷⁷ Interview, MSF SGBV Coordinator, 18 October 2016.

⁷⁸ Internal MSF document, Projet Masisi ARO, 16 September 2016.

⁷⁹ Internal MSF document, Project Report, Mweso, 2016.

⁸⁰ Ibid.

⁸¹ Internal MSF document: North Kivu Mission 2016.

⁸² “Internally displaced people and returnees”, *OCHA*, 30 September 2016.

⁸³ Internal MSF document, Project Report, Mweso, 2016.

⁸⁴ Internal MSF document: Evaluation Report: Camp Closure and Health Care Situation April 18-21 2016.

⁸⁵ Internal MSF document, Project Report, Mweso, 2016. A further 40,000 to 65,000 displaced remain in 15 camps around Masisi itself, Internal MSF document, Projet Masisi ARO, 16 September 2016.

As recently as the summer of this year, several additional phases of displacement occurred northwest of Mweso following localized offensives in and around Kikuku areas controlled by FDLR and allies. An estimated 50,000 people fled, with an additional 50,000 escaping Nyanzale later in August, northern Rutshuru and southern Lubero being the main destinations.⁸⁶

Responding to humanitarian needs in contexts of mass displacement is seemingly straightforward in terms of rationales. Nevertheless the presence of international aid agencies carries its own negative consequences. MSF teams have noted that both temporary and permanent population movements in which their health services are offered has a “potential impact on conflict dynamics”. This includes taxation on patients and staff that potentially contribute to the conflict, risk of patients being exposed to violence when accessing MSF structures, decrease in services provided by the Ministry of Health or other actors, along with a “false sense of security.”⁸⁷ The latter is not limited to humanitarian organizations such as MSF but also MONUSCO where “protection is not great but it cannot be denied that camps are built around their bases.”⁸⁸

And if the described movements are relatively recent, they are simply the latest in multiple waves of displacement. The example of Rutshuru is significant in this regard. After 10 years of humanitarian activity, hospitalizations have gone from 5,000 per year to 30,000 in 2015. Patients come from far but the hospital also adapts to the return or installation of new populations in the region.⁸⁹ The increase in Rutshuru IDPs reflects the socio-economic landscape at large because if someone is “displaced with means they’ll go to Goma, if they don’t have the means then they’ll end up in places like Rutshuru.”⁹⁰

Continuing with the theme of health impact, and humanitarian capacity to respond, DRC has been described as “one of the very few remaining conflicts where there are almost no barriers to access of humanitarian aid.”⁹¹ With the exception of areas in the *Grand Nord* where the ADF is present and does not allow access, this essentially remains the case today. Constraints are rather self-imposed and linked to analyses of the security context. The choice to go or not to go is always made in a situation of uncertainty. “Physical access, security situation but also safety principles are the factors taken into account by the decision makers” in determining the viability of access.⁹²

In this regard, according to the UN, insecurity remains the “major obstacle to humanitarian access” with incidents against aid workers having “increased by 16 percent since 2015.”⁹³ Although the North Kivu context in which humanitarian actors navigate is certainly one of endemic insecurity, such numbers also need to be nuanced. Another view considers the number of incidents affecting aid organizations as comparable to those seen in 2015. An increase in criminal or economically motivated violence have increased but also compensated by a reduction in incidents implicating official and non-state armed actors. Subtleties can

⁸⁶ Internal MSF document, Assessment on Nyanzale and Kikuku population movement, 22 August 2016.

⁸⁷ Internal MSF document, Project Report, Mweso, 2016.

⁸⁸ Interview, MSF Assistant Project Coordinator, 24 October 2016.

⁸⁹ Internal MSF document, Atelier Exit, 22 March 2016.

⁹⁰ Interview, MSF Deputy Medical Coordinator, 27 October 2016.

⁹¹ Internal MSF document: FIB and IDP’s in DRC: A few points to consider, Hofman, Michiel, December 2013.

⁹² Correspondence with the author, MSF, 12 January 2017.

⁹³ “Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of Congo”, *United Nations Security Council*, S/2016/833, 3 October 2016.

likewise be found regionally with an increase in operations in parts of Rutshuru and comparative stability in Masisi despite the number of incidents recorded.⁹⁴

If new dynamics are to be highlighted, these relate to an increase in violence linked to ethnic tension along with violent demonstrations in Beni related to frustration with security forces and MONUSCO's perceived inadequacy.⁹⁵ And while MONUSCO's role in the recent offensives might complicate access, particularly for UN agencies and humanitarian organizations that depend on armed escorts, the "volume and quality of the humanitarian response" depends as much on overcoming logistic constraints and access to funding as the fluctuating security challenges.⁹⁶

Much the same as banditry and armed actions can limit access for the population to health structures; humanitarian assistance succumbs to the same risks and constraints. During the M23 crisis in 2012 and 2013, the "risk-adverse" stance of many aid agencies was highlighted, particularly on the issue of negotiations with armed actors.⁹⁷ The multiplication of armed groups and the current security climate have hardly improved matters.

5 Analysis

5.1 Dynamic of Continued Violence

In examining the broader dynamic of continued violence in eastern DRC, and North Kivu, several obvious trends can be highlighted. The clear loss of territory by armed groups has not translated in greater state control but rather a "higher concentration of the remaining armed actors in some areas" along with a "fragmentation of groups under pressure"⁹⁸. This includes a greater presence far from main roads and towns all the while "maintaining a mobility that allows them to target these areas if needed."⁹⁹ Yet this is based on a short-term analysis of recent events, and when the period in question is extended over years it becomes more difficult to detect significant changes.¹⁰⁰ Nevertheless as concerns the situation at the time of writing, key points to highlight include the impact of the presidential end of mandate, along with the multiplication and economic viability of diverse armed groups.

Even in the context of localized violence in specific areas of North Kivu the national electoral question weighs heavily and cannot be ignored. The political impasse over the end of President Kabila's second term in office on 19 December remains a critical point where multiple grievances continue to be aired. Historically, urban unrest in DRC "often results in riot and looting and can manifest ugly xenophobic attitudes" as regularly demonstrated by anti-Rwandan sentiment in both cities and rural areas. Opposition protests often include

⁹⁴ The relatively low number of incidents reported in Beni is arguably linked to the limited presence of humanitarian actors. For annual comparison of reported incidents, see "INSO RDC – Rapport Trimestiel T.3 2016", International NGO Safety Organisation (INSO), October 2016.

⁹⁵ "INSO RDC – Rapport Trimestiel T.3 2016", International NGO Safety Organisation (INSO), October 2016.

⁹⁶ Internal MSF documents: North Kivu Mission and Project Report, Mweso 2016.

⁹⁷ "Where is Everyone? Responding to Emergencies in the Most Difficult Places", *Médecins sans Frontières*, July 2014.

⁹⁸ Correspondence with the author, MSF, 18 November 2016.

⁹⁹ Correspondence with the author, MSF, 12 January 2017.

¹⁰⁰ Interview, International Donor, 14 November 2016.

accusations that Kabila is Rwandan.¹⁰¹ Kabila himself speaks very clearly about “foreign armed groups and international spoilers.”¹⁰²

Those groups are active in North Kivu and increases in their activity are “linked to the national political situation.”¹⁰³ And if basic government strategy towards armed groups can be summarized as integration, military operations, and DDR, none have been particularly successful, and have often been counterproductive.¹⁰⁴ While local militias might justify their violence by the “need to defend ourselves against the Rwandans because they’ve invaded our land” the extension to government forces is a simple step because “the FARDC are controlled by Rwanda, so the same enemy.” The broader objective of “regime change in Kinshasa because we must defend the population” leaves little room for compromise.¹⁰⁵

The political dimension of armed mobilization enjoys a “relatively high level of popular support”, particularly where state security provision remains weak. However despite the grandiose claims above, most groups are unviable nationally given that political demands are very often local or “discriminatory in nature.”¹⁰⁶ Indeed they are unlikely to have political influence beyond narrow demands, particularly as membership in all provinces is necessary to register as a political party.¹⁰⁷

The influence of armed groups is significantly higher locally, where violence is used to “re-establish access to resources”, particularly after the disruption of existing economic channels through loss of territory.¹⁰⁸ It is also on the point of economic gain that the distinctions between regular forces, armed groups and criminal activity are particularly blurred. North Kivu mines have “especially been known for its high level of armed group interference”¹⁰⁹ and “groups will take advantage of instability to benefit from mineral access.”¹¹⁰

Also of note is the informal revenue accrued by army officers and political figures through artisanal mining.¹¹¹ When the government “declares an area militarily operational, it provides room for officers to engage in illegal economic activities.”¹¹² This includes the periodic sale of weapons and other support to both FDLR and ADF by individual officers, along with collaboration with multiple armed groups in mineral extraction.¹¹³ In this regard, those

¹⁰¹ “Boulevard of Broken Dreams: The ‘Street’ and Politics in DR Congo”, Africa Briefing N°123, *International Crisis Group*, 13 October 2016.

¹⁰² Interview, MONUSCO, 27 October 2016.

¹⁰³ Interview, MSF Assistant Project Coordinator, 19 October 2016.

¹⁰⁴ “Stable Instability: Political Settlements and Armed Groups in the Congo”, Verweijen, Judith, Usalama Project, *Rift Valley Institute*, 2016.

¹⁰⁵ Interview, Patient, Masisi, 19 October 2016.

¹⁰⁶ “Stable Instability: Political Settlements and Armed Groups in the Congo”, Verweijen, Judith, Usalama Project, *Rift Valley Institute*, 2016.

¹⁰⁷ In the 2017 national elections there were 417 registered parties. See “Stable Instability: Political Settlements and Armed Groups in the Congo”, Verweijen, Judith, Usalama Project, *Rift Valley Institute*, 2016.

¹⁰⁸ Correspondence with the author, MSF, 18 November 2016.

¹⁰⁹ Field research by IPIS in 2013-2014 estimated that armed groups were present 80 percent of mines. See “Analysis of the interactive map of artisanal mining areas in eastern DR Congo”, *International Peace Information Service (IPIS)*, 2015 update.

¹¹⁰ Interview, MSF Assistant Project Coordinator, 19 October 2016.

¹¹¹ “Final Report of the Group of Experts on the Democratic Republic of Congo”, *United Nations Security Council*, S/2010/596, 29 November 2010.

¹¹² “A Criminal State: Understanding and Countering Institutionalized Corruption and Violence in the Democratic Republic of Congo”, *Enough*, October 2016.

¹¹³ “Final report of the Group of Experts on the DRC submitted in accordance with paragraph 5 of Security Council resolution 2198 (2015)”, S/2016/466, 23 May 2016.

working in the described artisanal mining sector are particularly vulnerable be it through a physical FARDC presence, estimated at one out of three mines in Eastern Congo, or through the presence of non-state armed groups.¹¹⁴

Essentially there is “no willingness to resolve the mess” given the political and economic interests in “maintaining instability”.¹¹⁵ Opportunists can thus take advantage of the chaos, interrupted by an “acceptable level of violence” and periodic offensives against those groups out of favour.¹¹⁶ As been described succinctly, the “less rules you have, the easier it is to exploit.”¹¹⁷

Returning to the original question over current conflict dynamic, violence then has not necessarily increased. While armed groups have lost territory since the end of the M23 crisis FARDC and other state security forces “do not have yet the capacity to establish durable control.”¹¹⁸ Officially government forces have filled the vacuum but in reality control relatively little. And with little formal control, “criminality, banditry and kidnapping” has found a seemingly permanent place in the broader landscape of armed violence in the east of the country.¹¹⁹

5.2 Endemic Insecurity

Identifying motivations for violence is tricky given that the “line between banditry and armed groups is absolutely blurred, as are the links between armed groups and FARDC.”¹²⁰ In dealing with this definite “grey area”, it is difficult to know “where criminal activity starts and politically motivated violence ends.”¹²¹

In this sense it can be reasonably argued that the “distinction between greed and grievance is not very relevant for North Kivu armed groups”. Numerous incentives exist for members to participate in criminal activity, much as criminal networks require “a certain level of organization and probably cooperation with armed groups in the area in which they operate.” Nor is this to discount isolated incidents “done by people who happen to have a gun.”¹²² As one victim noted, in practice it is “often impossible” to distinguish between armed groups and banditry, “anybody with a weapon can claim a cause, even simple jealousy can result in violence.”¹²³

Some have argued that banditry is a poor word to use and has limited meaning in the context of North Kivu anyway. It affords “some kind of respect to armed groups”, simply because they have a semblance of a political manifesto while in reality “all are predatory and represent larger failings of the state.”¹²⁴ Yet despite groups’ “regular engagement in banditry, such as ambushes and robberies, and in illegal economic activities, including smuggling and illegal

¹¹⁴ This is particularly present in the gold sector, see “A Criminal State: Understanding and Countering Institutionalized Corruption and Violence in the Democratic Republic of Congo”, *Enough*, October 2016.

¹¹⁵ Interview, MSF Deputy HoM, 23 October 2016.

¹¹⁶ Interview, MSF Assistant Project Coordinator, 24 October 2016.

¹¹⁷ Interview, MSF Head of Mission, 9 November 2016.

¹¹⁸ Correspondence with the author, MSF, 18 November 2016.

¹¹⁹ Interview, MONUSCO, 27 October 2016.

¹²⁰ Interview, International Donor, 14 November 2016.

¹²¹ Interview, OCHA, 14 November 2016.

¹²² Correspondence with the author, MSF, 18 November 2016.

¹²³ Interview, Patient, Rutshuru, 25 October 2016.

¹²⁴ Interview, MONUSCO, 27 October 2016.

forms of exploiting natural resources”, those manifestos are real. As already described, the refrain of “foreign threats” is oft repeated to justify actions, particularly the influence of Rwanda.¹²⁵

Putting aside distinctions on the spectrum of violence, those most directly affected have noted deterioration that goes beyond politics. Economic misery “encourages the next generation to seek out the work of others.”¹²⁶ Or as an individual in a position of relative security noted, he had been in the province “since before the genocide, during the fall of Mobutu, and for the many conflicts since”. Banditry had always existed but the “shape is changing”, now “what kind of a country do I live in where I can’t step outside?”¹²⁷

Kidnappings likewise demonstrate the fluidity between armed opposition, defence and crime. Although hardly a recent phenomenon, Human Rights Watch has highlighted the grey area between actions carried out by armed groups or former armed groups, and those with ostensibly purely criminal intent. Of note are the areas most prone to kidnappings include those previously controlled by the M23, essentially where a described security vacuum emerged after their defeat. Unsuccessful DDR programs also play a role as former fighters leave camps and return to armed groups or criminal activity, as does the loss of lucrative positions within the army as the integration of former fighters slows.¹²⁸

In attempting to understand the motivations and frequency of economically motivated violence, a depressing reminder comes from a victim who survived both armed robbery and abduction. Asked if his experience was unusual for the area, he noted that you “cannot ask a question like that is this country, there are too many stories, too many examples.”¹²⁹

5.3 The Health Sector amid Structural Failings and the Conflict Paradox

Violence either between armed groups or in the context of wider offensives will clearly limit access to health structures as individuals will understandably choose not to move, flee to areas without medical support, or where medical staff themselves have left. However the chronic insecurity described, irrespective of the cause, has equally nefarious consequences in the long-term. Financial barriers emerge as multiple areas of control must be traversed for even the most basic referral path, while basic supplies are unable to be delivered.¹³⁰

Yet while all the elements describe influence health care access, the violence-related challenges to accessing healthcare mask an additional constraint, that of the structures themselves. Respondents have repeatedly described the “main problem as the structures”, a situation where access is challenged less by the very obvious barriers of armed conflict than the ability of the health system to respond.¹³¹ The incertitude of humanitarian aid aside, it is

¹²⁵ See Verweijen’s review of *cahier de charges* from various groups. “Stable Instability: Political Settlements and Armed Groups in the Congo”, Verweijen, Judith, Usalama Project, *Rift Valley Institute*, 2016.

¹²⁶ Interview, Patient, Rutshuru, 25 October 2016.

¹²⁷ Ibid.

¹²⁸ Force for the Defense of the Interests of Congolese People (FDIPC), a group that collaborated with the FARDC against the M23 in 2012 and 2013 has been specifically implicated through the arrest and trial of high profile members, but with little impact on the kidnappings. See “DR Congo: Kidnappings Skyrocket in East”, *Human Rights Watch*, 16 December 2015.

¹²⁹ Interview, Patient, Mweso, 22 October 2016.

¹³⁰ Correspondence with the author, MSF, 18 November 2016.

¹³¹ Interview, MSF Project Coordinator, 18 October 2016.

difficult to see much improvement in the foreseeable future given the lack of interest in improving infrastructure or ensuring the necessary stability to do so.¹³²

The structural weakness of the health sector in North Kivu cannot of course be examined in isolation but rather needs to be seen in the context of the country. In this sense, North Kivu is far less affected by funding shortfalls than other provinces “because of the conflict-related humanitarian needs”.¹³³ “Poverty in many parts of the western Congo is worse than in the east” but as conflict-related interventions are prioritized by most humanitarian organizations and UN agencies, there is a corresponding heavier presence.¹³⁴

The unintended consequences of this presence to the health sector have already been discussed. In addition to providing a “crucial pillar” to the local economy through job creation and tax revenue, the authorities are absolved of investing in public services.¹³⁵ And with a health care system so weak, security issues are at times “almost secondary”, or even the opposite, “insecurity facilitates access to healthcare due to the humanitarian presence.”¹³⁶ Unlike large conflicts, the sporadic nature of the violence in eastern DRC “bizarrely increases access to healthcare”.¹³⁷ Villages with poorly supported structures are displaced to areas like Mweso which are well-supported with a modicum of security, a common answer among the displaced themselves.¹³⁸

This is not to turn towards crude oversimplifications. Despite the inevitable destabilization of the local health system, whether through free care or unsustainable quality, travel to hospitals such as the Mweso example risks exposing patients to further violence or complications if a trip is delayed.¹³⁹ And most programs run by humanitarian organizations “do not consider the (local) population as potential beneficiaries” even as those populations hardly have better access to care if they cannot pay for treatment. There is likewise the question of livelihood. Better access to humanitarian assistance becomes less relevant when “you don’t have any means of subsistence”.¹⁴⁰

5.4 MONUSCO and Cultures of Separation

Given the long history of UN presence in DRC, critiques over lack of impartiality and effectiveness dates back decades. The Security Council response has been to scale-up the mandate, turning the country into a “laboratory for more assertive approaches to peacekeeping and operational mechanisms and guidance developed by MONUC/MONUSCO.”¹⁴¹ A parallel debate within the aid community over the blurring of humanitarian and military prerogatives has also taken shape, notably since the July 2013 with the addition of the FIB to MONUSCO’s arsenal. And despite the significant contextual changes over the past 3 years,

¹³² Interview, MONUSCO, 27 October 2016.

¹³³ Correspondence with the author, MSF, 18 November 2016.

¹³⁴ “Stable Instability: Political Settlements and Armed Groups in the Congo”, Verweijen, Judith, Usalama Project, *Rift Valley Institute*, 2016.

¹³⁵ Ibid

¹³⁶ Interview, International Donor, 14 November 2016.

¹³⁷ Interview, MSF Assistant Medical Coordinator, 22 October 2016.

¹³⁸ Group Interview, IDP camp, Masisi, 20 October 2016.

¹³⁹ Interview, MSF SGBV Coordinator, 23 October 2016.

¹⁴⁰ Correspondence with the author, MSF, 23 November 2016.

¹⁴¹ From “Notes de Lecture”: Rhoads, Emily Paddon, *Taking Sides in Peacekeeping: Impartiality and the Future of the United Nations*, Oxford: Oxford University Press, 2016.

concern that the mandate of MONUSCO has the potential to encourage accidental or intentional attacks on aid workers remains relevant today.¹⁴²

Some within the UN lament that while a “culture of separation has vanished” no specific incidents of “direct repercussions” to international aid agencies have occurred.¹⁴³ Congolese themselves have also remarked that distinguishing aid work from MONUSCO activities is not especially difficult amongst the adult population.¹⁴⁴ Nevertheless multiple examples attest to the need for continued vigilance, which is seemingly the case across the aid spectrum. For example MONUSCO’s Kinshasa office suggests a joint evaluation with “partners” of humanitarian needs in Beni, OCHA notes that humanitarian actors will organize themselves independently.¹⁴⁵

It can reasonably be argued that the public position taken by MSF in 2013, despite internal discord, actually had the desired impact by repeating concerns over the risks to humanitarian space. Essentially MSF is far from the only actor expressing the need for vigilance, and certainly no longer are they alone in its public positioning, even if the means chosen are quite different. A joint letter from 16 international nongovernmental organizations in mid-2015 addressed to the Special Representative of the Secretary-General is a case in point. Concerned about erroneous MONUSCO public pronouncements that clearly incorporated humanitarian assistance by NGOs as part of the broader stabilization strategy, it was pointed out that this could be used by armed groups to limit access and “increase the risk of aid workers being targeted.”¹⁴⁶

Similarly there is little evidence that *hearts and minds* initiatives such as “Quick Impact Projects” have been confused with humanitarian activities. While more strategic endeavours such as the catchy “Islands of Stability” have shifted from an end in and of itself to a “methodology, deploying staff to the field for short-term support of the deployment of police, administration and justice” (referred to by one observer as “a kind of geographical lottery”).¹⁴⁷ Even now subtle changes in language can be detected. It’s no longer islands of stability but rather “zones of relative stability”, perhaps an accurate indicator of success.¹⁴⁸ A more cynical view has MONUSCO as irrelevant, be it in “humanitarian or military actions.”¹⁴⁹

Returning to the FIB, it can actually be argued that it represents less of a break with the past than has been presented. It is a more robust addition to earlier incarnations of MONUSCO but still maintains a supporting role. “Just another brigade in the MONUSCO set-up” according to one observer, “although less visible since the defeat of M23.”¹⁵⁰ Certainly the mandate for “unilateral military operations” is unrealistic in practice, partly because it would be extremely

¹⁴² See Oped “Nous ne sommes pas les soldats en blouse blanche”, *Médecins sans Frontières*, July 2013.

¹⁴³ Interview, OCHA, 14 November 2016.

¹⁴⁴ Group Interviews, North Kivu, 19, 20, 22 and 25 October 2016.

¹⁴⁵ Internal MSF document, MONUSCO monitoring, undated.

¹⁴⁶ Letter addressed to Special Representative of the Secretary-General, 11 May 2015.

¹⁴⁷ “Going around in circles: The challenges of peacekeeping and stabilization in the Democratic Republic of the Congo”, de Vries, Hugo, *Clingendael: Netherlands Institute of International Relations*, August 2015.

¹⁴⁸ Interview, International Donor, 14 November 2016.

¹⁴⁹ Interview, MSF Assistant Project Coordinator, 24 October 2016.

¹⁵⁰ Interview, OCHA, 15 November 2016.

awkward with Kinshasa, and it would not provide any guarantee of FARDC holding a cleared area regardless.¹⁵¹

Current levels of support are also debatable. Renewed cooperation between FARDC and MONUSCO since the summer offensives should not entirely cancel out the earlier political message that the former “is to work independently rather than in joint operations”, nor the utility of having an easily accessible “scapegoat”.¹⁵² Indeed it is readily apparent that the government simultaneously tries to use UN for its own strategic ends while blaming it for failures, reinforcing the challenges of fulfilling a mandate of protecting civilians in a state that is “not interested in taking on that responsibility”.¹⁵³

The inability of the government to address continued insecurity in the eastern Congo is a “permanent source of tension” that has “sparked political mobilization in the cities in North Kivu.”¹⁵⁴ The more closely MONUSCO is perceived as aligned with such indifference, and in maintaining a degree of instability that reinforces the Kinshasa regime, the greater the risk for all humanitarian actors that can likewise be seen as part of the problem.¹⁵⁵ The earlier example described in Beni is prescient. Violent demonstrations over the lack of effectiveness of both FARDC and MONUSCO poses a danger to any humanitarian organization rightly or wrongly associated with the latter.¹⁵⁶ Indeed the lack of effectiveness can at times be understood include international aid agencies.¹⁵⁷

Given the difficult position in which MONUSCO finds itself, an earlier risk could likewise re-emerge. Having “invested too much for too long and terrified of leaving as a failure”, a stepping up in “humanitarian aid can help compensate”¹⁵⁸ This has so far failed to materialize despite the limited advances in the military aspect of the mandate. Alternatively some of those within the UN are more concerned with the “stabilization” aspect given the lack of long-term support. In other words MONUSCO could “take up the void of missing development actors” and development aid would go directly from “humanitarian to MONUSCO”¹⁵⁹ More worryingly for the population, in a context where humanitarian assistance eventually decreases, “the provision of more sustainable development response does not (and in many cases could not) take place”, coping strategies will simply “further expose them to violence.”¹⁶⁰

For now a repetition of events described in Buleusa where a MONUSCO-led food distribution led to a violent response with several deaths would seem most likely. Meaning MONUSCO intervening at the request of the authorities after humanitarian organizations have either not

¹⁵¹ “Going around in circles: The challenges of peacekeeping and stabilization in the Democratic Republic of the Congo”, de Vries, Hugo, *Clingendael: Netherlands Institute of International Relations*, August 2015.

¹⁵² Interview, MONUSCO, 27 October 2016.

¹⁵³ From “Notes de Lecture”: Rhoads, Emily Paddon, *Taking Sides in Peacekeeping: Impartiality and the Future of the United Nations*, Oxford: Oxford University Press, 2016.

¹⁵⁴ “Boulevard of Broken Dreams: The ‘Street’ and Politics in DR Congo”, Africa Briefing N°123, *International Crisis Group*, 13 October 2016.

¹⁵⁵ “A Criminal State: Understanding and Countering Institutionalized Corruption and Violence in the Democratic Republic of Congo”, *Enough*, October 2016.

¹⁵⁶ “INSO RDC – Rapport Trimestiel T.3 2016”, *International NGO Safety Organisation (INSO)*, October 2016.

¹⁵⁷ See for example letters and leaflets distributed on *journées mortes* in Beni, with very harsh rhetoric towards not only MONUSCO but “international humanitarians”, requiring them to suspend movements, while noting “we want peace, not your assistance.” Correspondence with the author, MSF, 13 January 2017.

¹⁵⁸ Interview, International Donor, 14 November 2016.

¹⁵⁹ Interview, *OCHA*, 15 November 2016.

¹⁶⁰ Internal MSF document, Project Report, Mweso, 2016.

been contacted, or have refused for understandable reasons. The degree to which aid actors involve themselves directly in this process, and “violate humanitarian principles in the course of their action”, presents a real risk both to the needs of the population, and the possibility of maintaining impartial and independent support.¹⁶¹ If humanitarian actors are concerned about blurring the lines, some have contributed directly to this; exactly the reason why continued caution is required.¹⁶²

5.6 Beyond the Mixing of Mandates

For all the publications and reflection produced on the danger of confusing military and humanitarian action, from the perspective of practical day-to-day operations “UN integration is often a passing thought due to other priorities.”¹⁶³ This is not to negate the previous argument of remaining vigilant and continuing to speak out when obvious abuses occur. Rather it is to point out that the integrated mission is not a major problem in and of itself, at least when compared to the “unpredictability of the conflict, including disputes over land and ethnicity, actions by armed groups and FARDC, and with the basic challenges of geographic access.”¹⁶⁴ Primary security concerns include open “fighting, banditry and kidnapping, and the general volatility of the security situation, particularly the risks for urban unrest.”¹⁶⁵ And in recounting the main obstacles to humanitarian work, “our limited knowledge of a complex and rapidly changing context” cannot be ignored.¹⁶⁶

Even in accepting that “we work in a context of endemic insecurity” the risk of being in the wrong place at the wrong time is not always possible to mitigate even with regular contacts with the belligerents.¹⁶⁷ The described military operations in Rutshuru and Masisi are obvious points of departure but this could likewise include operations within armed groups themselves.¹⁶⁸ Challenges with armed groups are further complicated by chains of command. While leadership is often accessible, frequent contact with lower level fighters with little or no knowledge of humanitarian principles or humanitarian organizations can be particularly difficult.¹⁶⁹

The fragmentation of armed groups presents its own problems in this regard. The split of the FDLR has been “a major factor of destabilization but one that has been repeated elsewhere.”¹⁷⁰ It is a truism that security is trickier to manage “with groups we do not know.”¹⁷¹ This is compounded by failed DDR and the associated temptation for fighters and former fighters to join the ranks of active criminal groups participating in armed robberies and/or kidnappings, including of humanitarians.¹⁷²

¹⁶¹ Correspondence with the author, MSF, 18 November 2016.

¹⁶² Interview, OCHA, 14 November 2016.

¹⁶³ Interview, MSF Deputy HoM, 23 October 2016.

¹⁶⁴ Interview, MSF Project Coordinator, 18 October 2016.

¹⁶⁵ Interview, OCHA, 14 November 2016.

¹⁶⁶ Interview, MSF Assistant Project Coordinator, 24 October 2016.

¹⁶⁷ Interview, MSF Project Coordinator, 18 October 2016.

¹⁶⁸ “INSO RDC – Rapport Trimestiel T.3 2016”, International NGO Safety Organisation (INSO), October 2016.

¹⁶⁹ Internal MSF document, Concept Note Intersection GA, undated.

¹⁷⁰ Interview, MSF Deputy HoM, 23 October 2016.

¹⁷¹ Interview, MSF Project Coordinator, 18 October 2016.

¹⁷² “INSO RDC – Rapport Trimestiel T.3 2016”, International NGO Safety Organisation (INSO), October 2016.

However it should be noted again that humanitarians are no more vulnerable than the civilian population as concerns armed robbery or kidnapping and thus subject to the same risks.¹⁷³ And if aid workers are rarely targeted other than for being “comparatively rich”, neither does this negate the need to adjust in the face of a changing context. The options are limited, “adapt, accept, or get out”, a choice few Congolese have.¹⁷⁴

6 Outcomes

Summary Conclusions

- Violence continues to impact access to health care but other factors like chronic underinvestment, lack of infrastructure, and economic downturn have a greater impact;
- Both the fragmentation and increase in armed groups continues to present serious obstacles to delivering humanitarian aid, as does the unpredictability and fluid nature of political and criminal violence;
- Violence in North Kivu puts the province high on the list for international assistance, instability securing more international funding for humanitarian aid;
- Aid agencies restrict their own access, justified on security grounds but equally determined by their own funding and capacity to operate outside more accessible zones;
- The blurring of military and humanitarian lines remains problematic but should not be overestimated in the current context.

At the time of writing a political deal between the government and a broad array of opposition parties was seemingly back on, although yet to be signed by either the President or Tshisekedi. If indeed Kabila stays on until elections, the impact of the expected transitional period on the described armed conflicts remain to be seen. Further urban unrest is entirely possible as is further isolation of the government, along with a reduced capacity to dispense patronage to key allies in the east.¹⁷⁵

However as discussed, and irrespective of national instability, many localized conflicts in North Kivu maintain their own momentum and have consistently proven difficult to resolve. Even as armed groups have less influence nationally, they continue to increase in number as they simultaneously splinter. And as importantly, voicing political and economic frustrations not only leads to violent protests, but can also help sustain the same chronic instability. This includes what has manifested itself in criminal or economically-motivated violence, even as the distinction with that committed by groups with political objectives is often blurred.

The impact on accessing health services can be seen on several levels. The structural limits of the health system itself denies access to the population. Meanwhile displacement as a result of FARDC offensives, with periodic MONUSCO support, continued during the summer offensives. Fighting between armed groups themselves also restricted access, either directly through displacement or in rendering a structure inaccessible due to high levels of violence. And endemic insecurity likewise remained a continuing challenge for the population, and a

¹⁷³ Ibid.

¹⁷⁴ Interview, MSF Deputy HoM, 23 October 2016.

¹⁷⁵ See “DRC parties reach deal denying third term for President Kabila”, *The Guardian*, 31 December 2016; and “There will be trouble”, *The Economist*, 24 December 2016.

phenomenon that humanitarian organizations must also confront given their large presence in the east.

Regarding the latter, the melding of military and humanitarian objectives is not the most significant security concern faced by those attempting respond to the human consequences of the conflicts in North Kivu. There is certainly a blurring of positions but there is nevertheless a broad consensus on the related risks, including by aid organizations and humanitarian branches of the UN itself. However the national political impasse plays out, MONUSCO will continue to find itself in the tricky position of managing a protection mandate that requires supporting an unsavoury regime in a period of prolonged and violent instability, all the while serving as the government scapegoat in its anti-foreigner rhetoric.

Too close an association with any belligerent, UN or otherwise will continue to challenge humanitarian organizations But no more so than negotiations with multiple armed actors in a context of violent crime and potential urban unrest. The challenges in accessing health services are unlikely to improve in such circumstances.

ACRONYMS

ADF	Allied Democratic Forces
APCLS	Alliance of Patriots for a Free and Sovereign Congo
CENI	Independent National Electoral Commission
CNRD	National Council for Democratic Renewal
DDR	Disarmament, Demobilization, and Reintegration
FARDC	Armed Forces of the Democratic Republic of Congo
FDLR	Democratic Forces for the Liberation of Rwanda
FIB	Force Intervention Brigade
M23	March 23 Movement
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of Congo
PNC	Congolese National Police
UDPS	Union for Democracy and Social Progress
UNJHRO	UN Joint Human Rights Office in the DRC