



Security Council

Distr.: General
18 December 2013
English
Original: French

Letter dated 13 December 2013 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit herewith two declarations and one communiqué concluding the Kampala Dialogue between the Government of the Democratic Republic of the Congo and the 23 March Movement (M23) (see annex). The three documents were signed and made public on 12 December 2013, in Nairobi.

In its declaration, the former M23 confirms that it has renounced the armed struggle and has placed its fighters at the disposal of the Government of the Democratic Republic of the Congo for demobilization and reintegration. The former rebels agree that amnesty will be granted individually, on a case-by-case basis, to those who submit a written commitment to refrain from taking part in any insurgency movement, and that any violation of that commitment would render the amnesty null and void.

The Government of the Democratic Republic of the Congo, in its declaration, takes note of the commitment made by M23 and undertakes to grant amnesty only to rebels who are not guilty of war crimes or crimes against humanity.

The communiqué, signed by the Chairpersons of the International Conference on the Great Lakes Region and the Southern African Development Community, takes note of the declarations of the Government of the Democratic Republic of the Congo and M23 and brings the Kampala Dialogue to a close.

My Government would be grateful if the present letter and its annexes could be circulated as documents of the Security Council.

(Signed) **Ignace Gata Mavita**
Ambassador
Permanent Representative



Annex to the letter dated 13 December 2013 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Declaration of the Government of the Democratic Republic of the Congo at the conclusion of the Kampala Dialogue

The Government of the Democratic Republic of the Congo, hereafter called “the Government”;

Considering the Declaration of Heads of State and Government of the International Conference on the Great Lakes Region (ICGLR), signed at Kampala on 24 November 2012, requesting the Government of the Democratic Republic of the Congo to give M23 a hearing, to evaluate its grievances and to respond to those that proved legitimate;

Recalling the request of H.E. Joseph Kabila Kabange, President of the Democratic Republic of the Congo, and that of H.E. Ban Ki-moon, Secretary-General of the United Nations, to President Museveni of the Republic of Uganda and current Chairperson of ICGLR, to assist in finding a political solution to the conflict between the Government of the Democratic Republic of the Congo and M23; and that H.E. President Museveni has appointed the Honourable Dr. C.W.C.B. Kiyonga, Minister of Defence of the Republic of Uganda, to facilitate the talks;

Considering the conclusions of the review of the status of implementation of the Agreement of 23 March 2009 between the Government of the Democratic Republic of the Congo and the National Congress for the Defence of the People (CNDP);

Considering the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo, signed at Addis Ababa, Ethiopia, on 24 February 2013;

Considering United Nations Security Council resolution [2098 \(2013\)](#) on the Democratic Republic of the Congo, adopted on 28 March 2013;

Recalling the declaration made by M23 at Kampala, Uganda, on 5 November 2013, announcing that it renounced the rebellion and was preparing its former combatants for the process of disarmament, demobilization and social reintegration;

Considering its own declaration made at Kinshasa on 6 November 2013, in which it took note of the above-mentioned declaration by M23 and announced that it would take appropriate measures to facilitate and make irreversible the end of the M23 rebellion;

Recalling also the communiqué issued following the summit between H.E. Joseph Kabila Kabange and H.E. President Yoweri Museveni at Entebbe, Uganda, on 2 December 2013, calling for the speedy conclusion of the Kampala Dialogue so as to facilitate the peaceful return of M23 ex-combatants and the completion of the demobilization process;

In its efforts to ensure a lasting peace in the eastern part of the Democratic Republic of the Congo, in strict compliance with the sovereignty, territorial integrity and the Constitution of the country;

In conclusion of the talks held at Kampala with M23;

Declares as follows:

1. Amnesty

1.1 The Government undertakes to grant amnesty to M23 members for acts of war and insurgency, covering the period from 1 April 2012 to the present day. Pursuant to domestic and international law, this amnesty shall not cover war crimes, crimes of genocide and crimes against humanity, including sexual violence, recruitment of child soldiers and other massive violations of human rights.

1.2 In order to benefit from the amnesty, each member of M23 must personally agree in writing to permanently refrain from using arms or from participating in an insurgency movement to ensure the success of any demands whatsoever. Any violation of this commitment shall automatically render the amnesty thereby granted null and void, and shall disqualify the perpetrator from any subsequent amnesty.

2. Transitional security arrangements

2.1 The Government undertakes to comply with and implement the transitional security arrangements, which shall include the barracking, disarmament, demobilization and social reintegration of M23 ex-combatants, as outlined in annex A, the implementation of which shall be adapted to reflect the changed situation on the ground, including the fact that M23 ex-combatants fled to and were received in Uganda.

2.2 The barracking and disarmament shall be carried out with the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

2.3 The Government, with the support of the United Nations, shall provide the necessary logistical assistance throughout the period of implementation of the transitional security arrangements.

2.4 The disarmament, demobilization, social reintegration and granting of amnesty shall follow the order set out in annex B.

3. Release of prisoners

3.1 The Government undertakes to release those members of M23 who have been imprisoned for acts of war and insurgency and to hand them over to the International Committee of the Red Cross.

3.2 The International Committee of the Red Cross shall be responsible for reuniting them with their families.

4. Transformation of M23

The Government undertakes to respond favourably to any request by the members of M23 to form a political party, in keeping with the Constitution and the laws of the Democratic Republic of the Congo.

5. Demobilization and social reintegration

5.1 Subject to the amnesty granted in accordance with the relevant provision cited above, the demobilization and social reintegration of M23 ex-combatants shall

be effected by the appropriate Government bodies, with support from MONUSCO and other bilateral and multilateral partners.

- 5.2 To the extent possible, and subject to the imperatives of equity and democratic governance, the Government shall provide the means necessary for the social reintegration of demobilized ex-combatants.

6. Return and resettlement of refugees and internally displaced persons

- 6.1 The Government undertakes to work for the speedy implementation of the tripartite agreements on the repatriation of refugees signed with neighbouring States and the Office of the United Nations High Commissioner for Refugees and for the reintegration of internally displaced persons.

- 6.2 To that end, the Government will continue to work with MONUSCO in order to improve security in conflict areas, to protect the civilian population, and to resolve the problem of the negative forces.

- 6.3 For each of the areas to which refugees will return, the Government undertakes to:

- (i) Secure, rehabilitate and make them attractive;
- (ii) Speed up the deployment of community policing;
- (iii) Speed up the implementation of grass-roots development and social reintegration projects;
- (iv) Revitalize and expand the local reconciliation committees;
- (v) Introduce a detailed programme of action for the return of refugees and internally displaced persons under the tripartite agreements.

- 6.4 To encourage the return of refugees, the Government undertakes to include former M23 representatives in the national entity responsible for refugee matters.

7. Confiscated, extorted, stolen, looted and destroyed properties

- 7.1 The Government shall set up a commission to identify confiscated, extorted, stolen, looted and destroyed properties, to examine all these cases and to refer them to the competent jurisdictions, in order to restore the rights of the legitimate owners thereof.

- 7.2 The membership of the commission shall be representative and inclusive, taking due account of the main stakeholders, including representatives of the former M23.

8. National reconciliation and justice

- 8.1 The Government undertakes to set up a national reconciliation commission whose mandate shall be to:

- (i) Promote national reconciliation and peaceful resolution of conflicts;
- (ii) Combat ethnic discrimination and incitement to hatred, including by proposing appropriate legislation;
- (iii) Settle or resolve inter-ethnic conflicts, including land disputes;

- (iv) Offer civic education in order to promote peaceful coexistence and a better understanding of the rights and duties that come with citizenship, and to strengthen patriotism; and
 - (v) Address all other related issues.
- 8.2 The national reconciliation commission shall be composed of representative and upright citizens, including representatives of the former M23, selected in keeping with the principles of equity, inclusion and equality.
- 8.3 The national reconciliation commission shall be placed under the supreme authority of the President of the Republic and under the direct supervision of the Prime Minister.
- 8.4 In the light of the atrocities and other massive violations of human rights in the eastern part of the Democratic Republic of the Congo, and with a view to ending impunity, the Government shall ensure that any alleged perpetrator of war crimes, acts of genocide, crimes against humanity, sexual violence and recruitment of child soldiers is prosecuted.

9. Governance and socioeconomic reforms

In accordance with the Peace, Security and Cooperation Framework of 24 February 2013, the Government reaffirms its determination to continue the implementation of structural and institutional reforms, including reforms of the security sector, public administration, public finances, the justice system and management of natural resources, and decentralization; and to create the conditions for local governance in accordance with the Constitution and existing laws, in particular the provision allocating 40 per cent of national revenue to the provinces.

10. Implementation of the conclusions of the review of the Peace Agreement of 23 March 2009

The Government reaffirms its determination to complete the implementation of the commitments made under the Agreement of 23 March 2009 with the National Congress for the Defence of the People (CNDP), which, as stipulated in the conclusions of the review of that Agreement (see annex C), have not been unmet or have been partially met, remain relevant and have not been addressed specifically in this declaration, including the commitment to rehabilitate and develop the areas affected by the conflicts. In an effort to ensure efficiency, the Government undertakes to assign this task to an appropriate entity.

11. Implementation, monitoring and evaluation mechanism

- 11.1 Implementation of this declaration shall be monitored and evaluated by the national oversight mechanism established under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo, signed on 24 February 2013. To that end, the national oversight mechanism shall develop the monitoring criteria required to ensure the effective oversight of said implementation.
- 11.2 The Government shall designate a coordinator to monitor the implementation of this declaration with the national oversight mechanism.

11.3 The Executive Secretariat of ICGLR shall accompany the national oversight mechanism in this task for a period of six months, renewable once.

Done at Nairobi, Kenya, this 12th day of December 2013.

(Signed) Raymond **Tshibanda Ntungamulongo**
Minister for Foreign Affairs,
International Cooperation and the Francophonie
For the Government of the Democratic Republic of the Congo

Declaration on the commitments of the 23 March Movement at the conclusion of the Kampala Dialogue

12 December 2013

Nairobi, Kenya

The 23 March Movement (hereafter called “M23”):

Considering the Declaration of Heads of State and Government of the International Conference on the Great Lakes Region (ICGLR), signed at Kampala on 24 November 2012, requesting the Government of the Democratic Republic of the Congo (hereafter called “the Government”), to give M23 a hearing, to evaluate its grievances and to respond to those that proved legitimate;

Recalling the request of H.E. Joseph Kabila Kabange, President of the Democratic Republic of the Congo, and that of H.E. Ban Ki-moon, Secretary-General of the United Nations, to President Museveni of the Republic of Uganda and current Chairperson of ICGLR, to assist in finding a political solution to the conflict between the Government of the Democratic Republic of the Congo and M23; and that H.E. President Museveni has appointed the Honourable Dr. C. W. C. B. Kiyonga, Minister of Defence of the Republic of Uganda, to facilitate the talks;

Having concluded the Dialogue with M23 and the Government of the Democratic Republic of the Congo (hereafter called “the Government”), held in Kampala, Uganda, mediated by H.E. Yoweri K. Museveni, President of the Republic of Uganda, and facilitated by the Honourable Dr. C. W. C. B. Kiyonga, Minister of Defence of the Republic of Uganda, on instructions from President Museveni;

Considering the conclusions of the review of the status of implementation of the Agreement of 23 March 2009 between the Government of the Democratic Republic of the Congo and the National Congress for the Defence of the People (CNDP);

Recalling its declaration made at Kampala, Uganda, on 5 November 2013, through which it renounced the rebellion and instructed its former combatants to prepare for the process of disarmament, demobilization and social reintegration;

Taking into account the declaration made by the Government of Kinshasa, Democratic Republic of the Congo, on 6 November 2013, in which it took note of the fact that M23 was renouncing its rebellion and announced measures to facilitate and render irreversible the renunciation of the rebellion;

Recalling the communiqué issued following the joint ICGLR-SADC summit, held on 4 November 2013, in Pretoria, South Africa, which, inter alia, commended H.E. Yoweri K. Museveni, President of the Republic of Uganda and current Chairperson of ICGLR, for his efforts in facilitating the Kampala Dialogue, and noted that all the 11 issues under discussion in the Kampala Dialogue had been agreed upon;

Further recalling the communiqué issued following the summit between H.E. Joseph Kabila Kabange and H.E. President Yoweri Museveni at Entebbe, Uganda, on 2 December 2013, calling for the conclusion of the Kampala Dialogue so as to facilitate the peaceful return of M23 ex-combatants and the completion of the demobilization process;

Declares as follows:

1. **End of the rebellion**

M23 confirms that it is renouncing its rebellion.

2. **Amnesty**

2.1 M23 agrees that, to benefit from the amnesty, each member of M23 must personally agree in writing to permanently refrain from using arms or from participating in an insurgency movement to ensure the success of any demands whatsoever;

2.2 Any violation of this agreement shall automatically render the amnesty thereby granted null and void, and shall deprive the perpetrator of the right to any subsequent amnesty.

3. **Transitional security arrangements**

3.1 M23 agrees to comply with and implement the transitional security arrangements, the details of which will be outlined in the proposed annex A and adapted to reflect the changed situation on the ground, including the fact that M23 ex-combatants fled to and were received in Uganda.

3.2 The disarmament, demobilization, social reintegration and granting of amnesty shall follow the order set out in annex B.

4. **Release of prisoners**

4.1 Upon the signing of this declaration, M23 agrees to produce the list of its members who have been imprisoned for acts of war and insurgency.

4.2 The Government agrees to release the said prisoners and to hand them over to the International Committee of the Red Cross.

4.3 The International Committee of the Red Cross shall be responsible for reuniting them with their families.

5. **Transformation of M23**

The members of M23 reserve the right to change the movement's name and to transform it into a political party, in keeping with the Constitution and the laws of the Democratic Republic of the Congo.

6. **Return and resettlement of refugees and internally displaced persons**

To encourage the return of refugees, M23 representatives will be included in the national entity responsible for refugee matters.

7. **Confiscated, extorted, stolen, looted and destroyed properties**

M23 representatives shall be included in the commission that the Government will set up to identify confiscated, extorted, stolen, looted and destroyed properties, to examine all these cases and to refer them to the competent jurisdictions, in order to restore the rights of the legitimate owners thereof.

8. National reconciliation and justice

- 8.1 In keeping with the principle of inclusion, M23 representatives will be included in the national reconciliation commission that will be set up by the Government.
- 8.2 M23 agrees that, given the atrocities and other massive violations of human rights in the eastern part of the Democratic Republic of the Congo, and with a view to ending impunity, any alleged perpetrator of war crimes, acts of genocide, crimes against humanity, sexual violence and recruitment of child soldiers shall be prosecuted.

9. Implementation, monitoring and evaluation mechanism

M23 shall designate a coordinator to monitor the implementation of its commitments with the national oversight mechanism established under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo, signed in Addis Ababa, Ethiopia, on 24 February 2013.

Declared at Nairobi, Kenya, this 12th day of December 2013.

(Signed) Bertrand **Bisimwa**
President of M23 Movement
For and on behalf of M23

Joint ICGLR-SADC final communiqué on the Kampala Dialogue

1. Following the request by H.E. Joseph Kabila Kabange, President of the Democratic Republic of the Congo, and by H.E. Ban Ki-moon, Secretary-General of the United Nations to H. E. Yoweri K. Museveni, President of the Republic of Uganda and Chairperson of the International Conference on the Great Lakes Region; and the decision of the International Conference on the Great Lakes Region Extraordinary Summit on 8 August 2012 concerning the security situation in eastern Democratic Republic of the Congo; and the Declaration of the Heads of State and Government of the International Conference on the Great Lakes Region, signed at Kampala on 24 November 2012, requesting the Government of the Democratic Republic of the Congo to give M23 a hearing, to evaluate its grievances and to respond to those which proved legitimate, President Yoweri K. Museveni took on the task of mediating between the Government of the Democratic Republic of the Congo and M23.
2. Formal dialogue started on 9 December 2012 and ended on 3 November 2013. The facilitation of the dialogue was carried out on behalf of President Museveni by Uganda's Minister of Defence, Dr. Crispus W. C. B. Kiyonga, with the support of the ICGLR secretariat and technical assistance from Mrs. Sahle-Work Zewde, Director General of the United Nations Office at Nairobi, and from the United Nations in New York.
3. On 5 November 2013 at Kampala, Uganda, M23 issued a declaration that it had renounced rebellion and had requested its combatants to prepare for the process of disarmament, demobilization and social reintegration. On 6 November 2013, the Government of the Democratic Republic of the Congo issued its own declaration taking note of the renunciation of rebellion by M23 and announced that it was going to take measures to facilitate and render irreversible the renunciation of the rebellion by M23.
4. Today the Government of the Democratic Republic of the Congo and M23 have respectively signed declarations reflecting the consensus reached during the Kampala Dialogue on steps necessary to end the armed activities of M23 and on measures necessary for the realization of long-term stability, reconciliation and development in eastern Democratic Republic of the Congo. The two declarations taken together articulate the 11 points that were negotiated and agreed upon by the parties. In summary the 11 points are:
 - (i) Amnesty to members of M23 only for acts of war and insurgency;
 - (ii) Transitional security arrangements leading to disarmament and demobilization;
 - (iii) Release of M23 members under detention by the Government of the Democratic Republic of the Congo for acts of war and rebellion;
 - (iv) Decision by M23 to end rebellion and transform itself into a legitimate political party;
 - (v) Demobilization of the former M23 combatants;
 - (vi) Return of refugees and internally displaced persons to their homes;

- (vii) Formation of a commission to handle confiscated, extorted, stolen, looted and destroyed properties, including land;
- (viii) National reconciliation and justice;
- (ix) Social, security and economic reforms;
- (x) Implementation of the conclusions of the review of the implementation of the 23 March 2009 Agreement; and
- (xi) Implementation, monitoring and evaluation mechanism for the agreed positions.

The declaration by the Government of the Democratic Republic of the Congo and the declaration by M23 are attached to this communiqué as annexes 1 and 2 respectively, and articulate the 11 points (attached as annex 3).

5. It should be recalled that at the end of the Joint ICGLR-SADC summit on 4 November 2013 in Pretoria, South Africa, the Heads of State and Government of ICGLR and SADC countries, in their joint communiqué, noted that all the 11 issues under discussion in the Kampala Dialogue had been agreed upon and an agreement was to be signed.
6. On 2 December 2013, following a summit between H.E. President Joseph Kabila Kabange and H.E. President Yoweri K. Museveni at Entebbe, Uganda, a communiqué was issued calling for the conclusion of the Kampala Dialogue in order to facilitate the peaceful return of M23 ex-combatants and the completion of the demobilization process.
7. Accordingly, we the Chairpersons of ICGLR and SADC, acting on behalf of our respective subregions, hereby witness the declarations respectively signed by M23 and the Government of the Democratic Republic of the Congo.
8. We welcome the conclusion of the Kampala Dialogue and commend the parties for this achievement. We encourage them to fulfil their commitments.
9. We thank the team of special envoys led by Ms. Mary Robinson, Special Envoy of the United Nations Secretary-General for the Great Lakes Region, which included:
 - (a) Mr. Boubacar Diarra, Special Representative of the Chairperson of the African Union Commission for the Great Lakes Region;
 - (b) Mr. Russell Feingold, Special Envoy of the United States to the Great Lakes Region;
 - (c) Mr. Koen Vervaeke, Senior Coordinator of the European Union for the Great Lakes Region; and
 - (d) Mr. Martin Kobler, Special Representative of the Secretary-General and Head of the United Nations Mission in the Democratic Republic of the Congo (MONUSCO), for their diplomatic engagement, which invaluable supported the facilitation of the Kampala Dialogue.
10. We commend Crispus Kiyonga, Minister of Defence of the Republic of Uganda, for his tireless efforts in facilitating the talks until their logical conclusion.

11. We also commend the executive secretariats of ICGLR and SADC for their support to the process and call upon them to remain engaged to support implementation of the commitments.
12. Finally, we call upon the international partners, particularly the United Nations and the African Union, to work together and provide support and resources to the Government of the Democratic Republic of the Congo for the implementation of the commitments made at the Kampala Dialogue and its follow-up process, as appropriate.

Done at Nairobi, Kenya, 12 December 2013

(Signed) H.E. Yoweri K. **Museveni**
President of the Republic of Uganda
and Chairperson of ICGLR

(Signed) H.E. Dr. Joyce **Banda**
President of the Republic of Malawi
and Chairperson of SADC