



# Security Council

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## Nineteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

### I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1592 (2005) of 30 March 2005, by which the Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 1 October 2005, and resolution 1565 (2004) of 1 October 2004, by which the Council requested me to keep it informed regularly of developments in the Mission area. This report covers major developments since my previous report to the Council dated 2 August 2005 (S/2005/506).

### II. Political developments

2. During the reporting period, significant progress was made in the voter registration process for the elections, together with some progress in the integration of military units, and training of the Congolese national police. Increased cooperation among the Congolese parties represented in the Transitional Government enhanced policy coordination regarding the main challenges of the transitional process, including elections, military and police reform and the security threat posed by the continued presence of foreign armed groups in the eastern Democratic Republic of the Congo. There was also some improvement in overall relations between the Democratic Republic of the Congo and neighbouring States.

3. Among notable events, a number of additional appointments were made to the *petite territoriale* (local administration) by three presidential decrees issued in July and September. However, appointments to mayoral posts in several important cities, including Lubumbashi, Bukavu, Tshikapa and Likasi, have yet to be made due to lack of consensus within the Transitional Government. Further appointments to public enterprises were made in a presidential decree issued on 3 August. Concerns have been raised, however, that many of the nominees have little relevant experience in the management of public enterprises. Meanwhile, appointments from among the parties signatory to the Global and All-Inclusive Agreement to the civilian intelligence and immigration services need to be made so that the Transitional Government's capacity to control the border areas, particularly in Ituri and the Kivus, is strengthened.

4. Calls for a boycott of the electoral process by the Union pour le progrès et la démocratie sociale (UDPS), which claims that it has not been properly registered as a political party by the Ministry of Interior, continued to cause tensions in Katanga and the Kasais, where UDPS supporters have protested voter registration activities. Efforts to persuade UDPS leaders to join the electoral process have thus far been unsuccessful.

5. The Joint Commissions on Essential Legislation, Security Sector Reform and Elections have continued their work. At the request of the Transitional Government, on 25 August, my Special Representative transmitted to President Kabila, on behalf of the International Committee for Support to the Transition, a concept paper regarding the establishment of a fourth joint commission to address issues of good governance and economic management.

### **Legislative agenda**

6. On 25 July, the Joint Commission on Essential Legislation provided the draft electoral law to the Parliament, which transmitted it to the Transitional Government. The Joint Commission and the International Committee for Support to the Transition have encouraged the Government to expeditiously review, adopt and forward the draft law to the Parliament. The International Committee has also called for an extraordinary parliamentary session to review the draft; however, it appears that the session will not be held until October.

7. The adoption by Parliament of the electoral law would enable the Independent Electoral Commission to establish the electoral calendar and proceed with the organization of the elections. The Parliament also needs to adopt without delay other outstanding essential legislation, including on amnesty, the status of magistrates, financing of political parties and the organization of the judiciary, before the elections are held.

### **Electoral process**

8. Voter registration has been progressively extended to the provinces since it started in Kinshasa on 20 June. As at 17 September, more than 11 million voters had registered, including 2.9 million in Kinshasa, out of an estimated electorate of 20 to 25 million. Voter registration is scheduled to end on 25 September nationwide; however, registration time lines have been extended in several areas, such as Katanga and the Kasais, mainly due to logistical difficulties encountered by the Electoral Commission and the slow rate of voter registration.

9. The international community has provided crucial and massive support for the electoral process, including through addressing the budgetary shortfall. However, as at 6 September, pledges by donors for the electoral budget amounted to \$274 million, of which only \$165 million had been received. Meanwhile, the Transitional Government has disbursed \$13 million of the \$40 million it had pledged in direct support to the Electoral Commission in the 2005 and 2006 budgets.

## Regional relations

10. On 10 August, Vice-President Azarias Ruberwa met with President Yoweri Museveni of Uganda in Kampala on the issue of armed groups operating in the Democratic Republic of the Congo, as well as other issues of concern to the two countries. On 23 August, the Government of Uganda, in a much overdue and welcome step, declared *personae non gratae* six leaders of the Ituri armed groups associated with the Mouvement révolutionnaire congolais (MRC) and expelled them from Uganda. In the meantime, the Transitional Government of the Democratic Republic of the Congo is still considering issuing international arrest warrants for the leaders of the Ituri armed groups.

11. From 24 to 25 August, senior Congolese, Rwandan and Ugandan officials met in Kigali within the framework of the Tripartite Commission facilitated by the United States of America. Representatives of Burundi, the African Union Commission, the European Union Presidency and MONUC attended as observers. Participants expressed serious concern at the failure of the Forces démocratiques de libération du Rwanda (FDLR) to disarm and repatriate in accordance with the group's declaration issued in Rome on 31 March. Participants agreed that the Transitional Government should maintain contacts with FDLR to ensure the implementation of the declaration and that failure by FDLR to comply by 30 September would have serious consequences, including the imposition of sanctions. Furthermore, participants agreed to step up pressure to disarm militias operating in the eastern Democratic Republic of the Congo and to negotiate bilateral extradition treaties concerning the remnant militia leaders.

12. Meanwhile, further progress was made towards the establishment of an "intelligence fusion cell" in the framework of the Tripartite mechanism. On 16 and 17 August, a United States delegation, accompanied by Rwandan, Ugandan and Congolese military officers, visited Kisangani to assess progress towards its establishment. The United States is taking the lead in the training of the Congolese, Rwandan, Ugandan and MONUC personnel who will comprise the cell. The cell will facilitate the exchange of intelligence among the Democratic Republic of the Congo, Rwanda and Uganda on matters related to the activities of armed groups, for the operational use of Armed Forces of the Democratic Republic of the Congo (FARDC) commanders in the eastern Democratic Republic of the Congo, and will be a confidence-building measure amongst the three countries.

13. Progress in this and other areas was again reviewed at the ministerial level meeting the Tripartite Commission convened on 16 September in the margins of the sixtieth session of the General Assembly. At the meeting, Burundi became a full participant of what is now to be called the Tripartite plus one Commission. The meeting also discussed ways and means of increasing pressure on the foreign armed groups and steps to be taken in that regard by the participating States, the African Union and the Security Council.

14. The core countries of the International Conference on the Great Lakes Region, held under United Nations and African Union auspices, have continued discussions on the priority projects and programmes to be adopted at the second summit on the Great Lakes, to be held on 16 and 17 December in Nairobi. Despite some improvement in regional relations and lessening of tensions, there has been no breakthrough in the establishment of diplomatic relations between the Democratic

Republic of the Congo and Rwanda. Furthermore, Uganda has yet to appoint an ambassador to the Democratic Republic of the Congo.

### **III. Implementation of the mandate of the Mission**

#### **Security situation**

##### **Ituri**

15. Throughout the reporting period, the security situation in Ituri remained tense as militia remnants continued to commit human rights violations against the local population in areas where MONUC or FARDC were not present. Voter registration, however, made good progress in the district, with more than 1.2 million voters from an estimated electorate of 1.6 million having registered by 14 September.

16. Joint FARDC and MONUC operations continued to play a very important role in improving the security situation in Ituri. Regular joint area domination and cordon-and-search operations have resulted in the apprehension of some militia elements and the seizure of illegal arms and ammunition, as well as limiting the operational room for manoeuvre of the militia groups. One such operation, undertaken on 28 August in the Boga area, 78 kilometres south of Bunia, to verify reports of continued militia activities, dispersed some militia elements into the surrounding area. Joint MONUC and FARDC operations along the southern shores of Lake Albert seem to have discouraged the illicit cross-border transport of weapons across the lake.

17. Despite the disarmament of 15,600 former combatants in Ituri, the National Commission for Demobilization and Reinsertion continues to face difficulties in discharging its responsibilities, in particular the payment of demobilization allowances to ex-combatants, which has led to increased discontent among them. The allowances need to be urgently and regularly paid. In the meantime, the United Nations Development Programme (UNDP) is implementing a short-term reinsertion programme targeting 5,200 ex-combatants and the communities where they are resettling. More than 120 microprojects worth an estimated \$3.5 million have commenced. These short-term, labour-intensive and income-generating activities have been hindered, however, by security conditions in certain parts of the Djugu and Irumu territories of the district, where the remnants of the Ituri militias are still active. The weak capacities of local implementing partners and lack of a banking system also constrain effective implementation. Despite increased UNDP activity, approximately 40 per cent of ex-combatants in the region have not yet received any direct reintegration support. The National Commission is reviewing proposals for medium-term reinsertion programmes, whose implementation should help improve the situation.

18. The declaration made on 23 August by the Government of Uganda, that six MRC leaders are *personae non gratae* on Ugandan territory, is an encouraging development. However, the remaining potential of MRC to undermine tangible progress in stabilizing Ituri remains of concern, particularly given the Transitional Government's incapacity so far to bring armed group leaders to justice and to prevent their movement into and from Uganda. Moreover, although several of the most influential Ituri armed group commanders remain in the custody of the

Transitional Government, it is important that formal legal action against them start without further delay, especially against those accused of war crimes and gross violations of human rights and international humanitarian law.

19. In order to facilitate efforts to extend State administration, MONUC and the International Committee for Support to the Transition organized a meeting on 21 August at which representatives of the Transitional Government from Ituri agreed to establish a special commission to address land disputes and to organize a follow-up meeting in Bunia with local community leaders.

### **The Kivus**

20. The situation in North and South Kivu remained tense during the reporting period, with local authorities and MONUC continuing to actively follow-up on the FDLR declaration of 31 March regarding the repatriation of the group to Rwanda. Meanwhile, voter registration started in the two provinces on 21 August and has generally proceeded smoothly.

21. In North Kivu on 26 August, tensions escalated near Rutshuru following repeated clashes between Mayi-Mayi elements and ex-Rassemblement congolais pour la démocratie-Goma (RCD-G) elements who have yet to participate in the *brassage* process. Delays in the integration process and the reluctance of some of the former RCD-G military units to undergo integration into the army have contributed to rising mistrust among different ethnic groups in North Kivu. Meanwhile, the voluntary disarmament and demobilization of a number of Mayi-Mayi elements and the incorporation of some of them, following training, into integrated FARDC forces may have helped reduce tensions in some areas of North Kivu. However, protracted delays in payments of salaries of FARDC personnel are causing discontent and increasing desertions and the risk of mutinies within the force.

22. On 25 August, a statement attributable to General Laurent Nkunda, one of the main perpetrators of the Bukavu crisis in May 2004, was published in Goma, in which he threatened to bring down the Transitional Government. In response, by a special decree issued on 2 September, the Council of Ministers stripped Mr. Nkunda of his rank, removed him from the army and decided to prosecute him. Authorities in North Kivu have since arrested several persons with alleged connections to Mr. Nkunda. Meanwhile, MONUC supported by the FARDC Eighth Military Region is considering ways to bring Nkunda, who remains at large, to justice.

23. Joint or parallel MONUC and FARDC operations, including area domination and cordon-and-search missions, as well as day and night patrols have resulted in an improved security situation in South Kivu. Some 1,000 troops, comprising two FARDC battalions, took part in one such operation from 6 to 9 September in the Kahuzi Beiga Park area, which is an area of FDLR concentration. There are reports that FDLR elements have dispersed in South Kivu and that their ability to move freely in population centres and to attack civilians has been restricted. The capacity of FDLR to carry out attacks should not be underestimated, however, particularly given the limited resources, poor military training and lack of discipline of the FARDC units in the area, and the occasional collaboration with FDLR commanders. Additional steps need to be taken by the Tripartite plus one Commission and the Security Council if FDLR does not meet the 30 September deadline established for its implementation of the 31 March Rome declaration.

**Katanga**

24. Law and order problems continue to contribute to the fragile security situation in some areas of Katanga where the Transitional Government has not established effective security mechanisms for the protection of civilians. Despite calls by UDPS for a boycott of voter registration, this process has continued in Katanga in a generally peaceful fashion.

25. In northern and central Katanga, most Mayi-Mayi commanders have so far refused to join the *brassage* process and lawlessness continues to prevail in 10 out of Katanga's 21 territories. Tensions remain high especially in north-eastern Katanga, where several clashes have occurred between FARDC units and Mayi-Mayi groups. On 10 and 11 August, FARDC exchanged fire with a Mayi-Mayi group near the Lunga gold mine, about 200 kilometres from Kalemie, and took control of the area. However, it was doubtful that FARDC contingents deployed in the province would be able to establish effective, sustained control over the whole of Katanga and significantly limit the Mayi-Mayi's ability to harass the local population and illegally exploit natural resources. The lack of State authority and tensions between ethnic groups pose a serious potential threat to the security of the electoral process.

26. In southern Katanga, there is concern that ethnic tensions may intensify during the electoral process. In some cities, there has been an increase in the number of armed youth groups whose anti-"non-indigenous" rhetoric and willingness to resort to violence is likely to create an atmosphere of fear during the elections and spark ethnic violence.

27. FARDC continues to be poorly equipped and sustained and MONUC believes that an enhanced military presence would be required to help secure the elections in several key areas of Katanga. At its current level, MONUC does not have the capacity to assist in providing electoral security in northern and central Katanga or to extract electoral and other United Nations personnel from those volatile areas, or from the area around Mbuji-Mayi. I would therefore recommend once again to the Security Council that due consideration be given to authorizing the deployment to MONUC of an additional brigade of 2,580 personnel comprising a headquarters, three battalions and enabling assets including one Level II hospital, one engineer company, one observation helicopter unit and one utility helicopter unit.

28. The brigade would focus its efforts primarily on addressing the Mayi-Mayi threat in the northern Nyunzu-Kabalo-Kongolo-Moba and central Pweto-Mitwaba-Manono axes. One battalion and headquarters enabling assets would be needed to secure the Kalemie airport; provide a secure environment for the electoral process; monitor the arms embargo at the airport and ports on Lake Tanganyika-Moba; deter movement of armed elements from South Kivu to Katanga; monitor the Mayi-Mayi in northern and central Katanga and encourage them to join the *brassage* or disarmament, demobilization and reintegration process; and provide an extraction capability for MONUC and other United Nations personnel located in northern Katanga and the Kasais.

29. A second battalion would deploy to the southern town of Kamina to protect the airfield; provide a secure environment for the electoral process within its area of operations; monitor and encourage the Mayi-Mayi in the south to take part in the *brassage* or disarmament, demobilization and reintegration process; and support and mentor FARDC, specifically in Kamina. A third battalion would deploy two

companies, one to protect United Nations installations at the Lubumbashi airport while maintaining a brigade reserve with the other company and the battalion headquarters in Lubumbashi. The reserve would also support formed police units deployed to the area.

### **Disarmament and repatriation of foreign armed groups**

30. Following the 16 July communiqué by the Transitional Government stating that it would take forcible action to disarm FDLR, consensus has been emerging within the Transitional Government on how to address the problem of foreign armed groups, and particularly FDLR. A meeting was held in Bukavu on 5 August between representatives of the Transitional Government, FDLR and MONUC to discuss modalities for encouraging the voluntary return of FDLR combatants to Rwanda, in accordance with the Rome declaration of 31 March.

31. Meanwhile, as described in paragraphs 20 to 23 above, the FARDC-MONUC joint operations in the Kivus continue to limit the ability of FDLR to manoeuvre in the more densely populated areas and to threaten civilians. This new resolve of the Transitional Government to take more robust military action deserves to be actively supported by the international community, particularly by enhancing the military capabilities of the Armed Forces of the Democratic Republic of the Congo.

32. The Transitional Government should also be encouraged to take more decisive steps in using its own assets to help consolidate State authority and establish effective security mechanisms in areas where FDLR are no longer present. This aspect is becoming increasingly urgent, as the growing split among some FDLR commanders and preconditions recently posed by the group may further affect the implementation of the Rome declaration. MONUC has continued its efforts to take advantage of any opportunities for the peaceful repatriation of FDLR combatants and their dependants. The Mission is discussing with some Rwandan combatant leaders and with the Transitional Government the technical modalities of repatriation, and has publicized the decision taken by the Government of Rwanda that it would not prosecute any returning combatant aged 14 or younger at the time of the 1994 genocide.

### **Security sector reform and disarmament, demobilization and reintegration**

33. In July, FARDC and security sector reform partners prepared a plan for the second and third phases of army integration. This plan should result in the formation of 12 additional integrated brigades, six in each phase, prior to the holding of the elections, which would bring the overall number of integrated brigades to 18. Nine of these brigades would be deployed to the eastern Democratic Republic of the Congo, three in Ituri, three in North Kivu and three in South Kivu, while another nine would be deployed elsewhere in the country. Meanwhile, the sixth and last brigade from the first phase of army integration is expected to be ready for deployment in late September.

34. During the reporting period, the fourth integrated brigade was deployed to Ituri and the fifth to North Kivu. Unfortunately, a cholera outbreak among soldiers of the

fourth brigade, irregular payments of salaries and lack of food and other support for these troops have raised concerns regarding the lack of oversight and control of the integration of these brigades by the Transitional Government and the international partners on security sector reform.

35. A nationwide census of the army being carried out by a South African team is expected to be completed by December. Preliminary results indicate that less than half of the 350,000 combatants initially declared by the Transitional Government could be identified. Meanwhile, the European Union, in cooperation with MONUC and FARDC, is working on an administrative reform plan for FARDC, including a salary structure and an assessment of training necessary for the various ranks.

36. FARDC and MONUC are also working closely on designing a strategy for supporting and sustaining the nine integrated brigades to be deployed to the eastern Democratic Republic of the Congo to conduct joint operations with MONUC. They would be stationed close to MONUC units to facilitate their training for joint operations. A short-term focus would be on border and natural resources control in Ituri, restriction of movement of elements of the Allied Democratic Forces/National Army for the Liberation of Uganda in North Kivu, control of the areas vacated by FDLR after MONUC-FARDC joint operations, and assistance to the national police in provision of security for the population in South Kivu. The medium-term focus would be on control of the mining areas and eliminating the threat of the Ituri armed groups and restriction of the FDLR presence in selected areas in view of the disarmament, demobilization, repatriation, reintegration and rehabilitation process.

37. The implementation of this plan requires that the integrated brigades be adequately equipped and sustained. Such sustained support would include food, medicine and fuel, clothing and individual equipment, communications equipment, vehicles and marine assets. It is proposed that the Transitional Government focus on providing weapons and ammunition, optical equipment, accommodation and medical equipment. Due to the lack of infrastructure in the country, a mechanism might need to be established to facilitate the administration and distribution of this support. The continuing efforts of the European Union, South Africa, Belgium and Angola to contribute towards the reform of the armed forces in the Democratic Republic of the Congo are vital and most welcome. However, increased, sustained support by donors for the critically important task of strengthening the capability of FARDC and ensuring its effective, long-term functioning is critical for ensuring security and durable stability in the country. Progress by FARDC in assuming effective responsibility for security nationwide would also constitute a key benchmark guiding the exit strategy for MONUC.

38. Meanwhile, the National Commission for Demobilization and Reinsertion has opened additional orientation centres for combatants, including in the vicinity of the six currently operational army integration sites, to lower the costs of transporting ex-combatants who have opted to integrate into the army. Although the World Bank is addressing the issue of transporting combatants from their original locations to the army integration centres, the transportation of integrated units from the centres to their deployment areas is continuing to delay the process.

## **Police reform**

39. During the reporting period, the MONUC police component made further progress in fulfilling its mandate to assist the national police force with its preparations to secure the electoral process. Meanwhile, following an assessment of the security challenges posed by current voter registration activities, the Transitional Government increased from 32,000 to 39,000 the number of trained police personnel required to secure the electoral process, including 18,500 officers and crowd-control and other specialized units. As at 16 September, MONUC-trained instructors from the national police had provided refresher courses for over 14,900 of the required police officers. The training of some 4,700 of them was funded by the International Cooperation Agency of the Government of Japan.

40. MONUC police officers are now co-located with the Inspector General of Police and 10 of the 11 provincial inspectors, to whom they provide technical advice on various aspects of policing. MONUC has also completed the training of some 674 crowd-control personnel in Bukavu, Matadi and Mbuji-Mayi and will be conducting similar training programmes in Mbandaka, Mbuji-Mayi, Kindu and Kinshasa in the coming weeks. The Mission's efforts are being complemented by bilateral support from Angola, France, the United Kingdom, South Africa and the European Union, whose experts are undertaking separate training programmes for crowd-control and counter-terrorism units.

41. Meanwhile, national police officers trained in electoral policing are being used in areas where voter registration is taking place, including for the transport and securing of electoral materials, protection of Independent Electoral Commission officials and voter registration sites and the maintenance of law and order. Some of these activities have, however, been disrupted by delays in the payment of daily allowances which the Transitional Government pledged to provide to the police personnel providing electoral security. The verification of national police personnel, which is under way in Kinshasa, should lead to the establishment of the payrolls needed to facilitate the regular payment of salaries.

42. Meanwhile, only limited progress has been made by donors in providing the resources pledged in support of security for the electoral process to the UNDP-managed basket fund. As of 6 September, only \$7.6 million had been received out of \$48.4 million pledged by donors. UNDP has continued to use the available funding to purchase non-lethal and communications equipment for the national police. Meanwhile, the Transitional Government has disbursed \$1.6 million of the \$4 million it has pledged.

## **Humanitarian situation**

43. On the humanitarian front, the special action plan for the Democratic Republic of the Congo is being developed, with a preliminary budget of \$800 million. The major objectives of the plan are to save lives, reduce vulnerability and facilitate the transition, with reintegration as a cross-cutting issue. The national plan is based on provincial action plans developed by humanitarian and development personnel throughout the country with the support of the Office for the Coordination of Humanitarian Affairs and United Nations agencies. The Democratic Republic of the Congo is also a pilot country for the Good Humanitarian Donorship initiative, and in

accordance with the principles of the initiative, donors are encouraged to channel funds for humanitarian assistance and transitional activities exclusively through the humanitarian action plan. It is of great concern that as at 6 September, only \$92 million, or 48 per cent of the \$193 million requested through the 2005 Consolidated Appeal, had been provided, while the country is facing a dire humanitarian situation.

44. The Office of the United Nations High Commissioner for Refugees (UNHCR) is assisting some 388,000 Congolese refugees located in all nine countries bordering the Democratic Republic of the Congo. Of these, 152,000 are in the United Republic of Tanzania, 40,000 in Rwanda and 30,000 in Burundi. The voter registration process, as well as reduced food rations in refugee camps in the United Republic of Tanzania and the end of the school year have contributed to a recent increase in refugee returns. Continuing insecurity in the Kivus, however, has led UNHCR to caution against premature returns. In August, UNHCR met with representatives of the Democratic Republic of the Congo and the United Republic of Tanzania to discuss the matter; the two Governments intend to begin supporting voluntary returns in September. MONUC is supporting the preparation of areas of return and is providing logistical support to UNHCR.

45. The humanitarian community is also supporting the return of internally displaced persons in Ituri. During August, non-governmental organizations assisted the return of more than 3,000 families to areas in the Djugu territory and in July and August of more than 1,000 families to Ituri from the Beni-Erengeti axis. A further 2,000 are expected to return over the next few months.

46. MONUC is also addressing widespread malnutrition in Congolese prisons, although the humanitarian community is reluctant to undertake institutional feeding. MONUC has organized or supported initiatives in this regard in Mbuji-Mayi, Lubumbashi, Kisangani and Bunia. MONUC quick impact project funds are being used to rehabilitate prisons where conditions are particularly poor, including in Lubumbashi, Kindu, Kinshasa and Kisangani.

## **Human rights**

47. During the reporting period, MONUC investigated a number of attacks by armed groups on villages in South Kivu. In late July, a multidisciplinary team found that at least 50 civilians, mostly women and children, had been killed and some 3,000 displaced in an attack on 9 July by an armed group on the village of Kabingu in Bunyakiri territory. In North Kivu, MONUC teams continue to monitor the volatile security situation in the Rutshuru and Masisi territories. Frequent clashes between FARDC troops and armed groups operating in the area have resulted in numerous civilian casualties. In Katanga, Mayi-Mayi groups remain a key source of instability in the province, and MONUC has investigated several cases of killing, rapes and abductions of civilians that they have perpetrated.

48. The high prevalence of sexual violence against women and girls remains a major concern in several provinces. FARDC soldiers and police personnel are the main perpetrators of these acts. MONUC has been working closely with its local partners to raise awareness of the issue of sexual violence and is continuing to impress upon judicial authorities the need to arrest and prosecute perpetrators. The

Mission is using quick impact project funds to support non-governmental organizations that are assisting victims.

49. Many challenges remain in combating impunity, particularly in view of the limited capacity of civilian and military judicial authorities to carry out independent and thorough investigations and to provide protection to victims and witnesses. After the murder of a human rights activist in Bukavu in July, a military commander intervened in the investigation and ordered the release of the suspects, which highlighted the lack of judicial independence.

### **Child protection**

50. During the reporting period, discussions were held between national authorities and MONUC and other child protection partners on the establishment of specialized police units to address child protection issues, alternatives to imprisonment for juvenile suspects and the reform of the 1950 juvenile delinquency law.

51. As a result of the *brassage* process, MONUC and child protection partners have monitored an increase in children leaving the armed groups. Between January and the end of August, more than 2,000 children passed through transit centres in North Kivu, including Beni, and some 800 through centres in South Kivu. The development of sustainable reintegration programmes including education, skills training and community-based projects for children released from armed groups remains a major challenge, particularly given the limited capacity to meet outstanding needs. In some areas, there is credible evidence of harassment and threats of re-recruitment of children released from armed groups, and lack of security continues to hamper reintegration.

52. Alleged rapes of minors, including very young girls, continue to be a very worrisome issue. MONUC has participated regularly in regional commissions on sexual violence as a means of strengthening support for child victims of rape. While a few cases of rape of minors have reached the courts, most are either not followed up or are settled out of court, as was the case of a 17-year-old allegedly raped by a FARDC soldier in mid-August in South Kivu and other cases reported in northern Katanga.

### **Rule of law**

53. During the reporting period, MONUC supported the Office of the Auditor General in Kinshasa in developing a training package for military and civilian magistrates on ethics in the administration of justice. A mobile pilot programme is to begin in September in Kisangani. MONUC is also supporting the development of a similar programme led by the Ministry of the Interior, targeting the role of civil authorities in the administration of justice.

### **Public information**

54. During the reporting period, Radio Okapi launched additional programming on its short wave frequency devoted to voter education regarding the electoral process.

On 12 September, the station began a new schedule of elections-related broadcasts, including interviews with representatives of political parties, civic education topics and programmes highlighting candidates' platforms.

55. In partnership with UNDP and *Projet d'appui au processus électoral en République démocratique du Congo*, MONUC has produced several video clips on the electoral process in the five national languages. They are being widely broadcast locally by 30 national television stations.

### **Integrated mission concept**

56. Steps are being taken to strengthen the role of the United Nations country team, including the recruitment of a new Chief of the Resident Coordinator's Office and the identification of additional staff. The existing coordination structure, which includes more than 15 joint sectoral groups comprising representatives from the Government, donors, United Nations agencies, MONUC and non-governmental organizations and which is supported by the country team, is being reviewed to ensure the most effective use of donor resources. The country team is also developing regional transition plans for each province to build confidence in the peace process by outlining the immediate actions envisaged by the international community at the regional level following the holding of elections. The plans will focus on programmes to improve economic conditions in vulnerable communities.

57. UNDP, together with the Ministry for Foreign Affairs, supported a nine-day training course for 15 new chiefs of diplomatic missions, focusing on diplomatic protocol, international relations, international security and development cooperation. Furthermore, UNDP, together with the Transitional Government organized a seminar on transparency, ethics and good governance for the 550 new appointees to public enterprises. The topics include public sector management, legal principles, anti-corruption regulations and institutional relations between the enterprises and relevant ministries.

## **IV. Disciplinary matters**

58. Pursuant to General Assembly resolution 59/287, MONUC is preparing the transfer by 30 September of all remaining investigations and allegations relating to sexual exploitation and abuse and its investigative capacity from its Office for Addressing Sexual Exploitation and Abuse to the Office of Internal Oversight Services. The two offices are working closely together to ensure a smooth transfer. By December, the Office for Addressing Sexual Exploitation and Abuse will be replaced by the Conduct and Discipline Unit dealing with sexual exploitation and abuse and other forms of misconduct.

59. From 25 December 2004 to 1 September 2005, the Office for Addressing Sexual Exploitation and Abuse concluded and submitted to the Department of Peacekeeping Operations more than 100 investigations. As a result of the investigations, 10 staff members were charged, 6 of whom have been suspended without pay and 2 suspended with pay pending final disciplinary decisions. Three United Nations volunteers were summarily dismissed and two reprimanded. The Department of Peacekeeping Operations has authorized the repatriation of 25

military personnel on disciplinary grounds, including contingent commanders. A 120-person formed police unit was also withdrawn by the contributing country in September owing to charges of sexual exploitation against several of its members.

60. Under the overall guidance of the Mission's headquarters, the heads of the regional offices of MONUC are responsible for developing and implementing regional action plans for the prevention of sexual exploitation and abuse in their respective areas. Accordingly, each head of office has been requested to regularly complete a regional action plan checklist and provide it to the Office for Addressing Sexual Exploitation and Abuse. MONUC has also developed a training programme on sexual exploitation and abuse which is being expanded to include all personnel in line with the Department's global training policy. Similarly, the Force Commander and Police Commissioner have been tasked to develop and implement similar regional actions plans. Brigade, sector and contingent commanders have been requested to regularly complete a regional action plan checklist and provide it to the Office for Addressing Sexual Exploitation and Abuse.

61. The inter-agency focal point network on sexual exploitation and abuse, chaired by MONUC, is following a joint approach to combating sexual exploitation and abuse. Common standards and procedures are being developed in six key areas: the code of conduct; training materials and strategies; standardization of procedures for the referral of complaints within an agency; community outreach; standardization of procedures for implementing partners of United Nations agencies and MONUC in compliance with the Secretary-General's bulletin (ST/SGB/2003/13) on special measures for protection from sexual exploitation and sexual abuse; and the transmission of complaints received by one agency about an incident involving a staff member of another agency. Furthermore, a training programme for the Heads of Agencies and focal points is also planned.

62. MONUC recently established a Sexual Violence Working Group, chaired by the Office for Addressing Sexual Exploitation and Abuse, which is developing a range of training and advocacy packages for the Congolese military, police and judiciary, as well as a review of relevant existing legislation. The group is also consolidating all activities and information on sexual violence by MONUC sections and coordinates with the national and regional inter-agency forums.

63. As part of the Mission's approach to assisting victims of sexual exploitation and abuse, the first of several quick action projects in this area has been implemented. A system is to be created under which victims of sexual exploitation and abuse would be referred on a case-by-case basis to a non-governmental organization that would provide necessary support. MONUC has also established a database to facilitate the provision of assistance for individual victims.

## **V. Administrative aspects**

64. Since late June, assistance to the electoral process, and in particular the logistical support for the distribution and retrieval of the materials and personnel associated with the voter registration process, has been the primary focus of MONUC. Supporting the compressed time lines for voter registration has added to the Mission's already formidable logistical challenges associated with the difficult terrain and size of the country and its very limited infrastructure. Although MONUC has diverted a considerable part of its logistics effort to support voter registration, the Mission's

inadequate transportation resources, compared to the magnitude of the electoral task, have contributed to delays in the timely establishment of the registration centres.

65. Staff shortages continue to constrain the Mission's capacity to support the multiple demands of the electoral process and robust military operations in the eastern Democratic Republic of the Congo, in addition to carrying out its other mandated activities. As noted in my previous report (S/2005/506), MONUC has a very high rate of attrition and difficulties in recruiting qualified staff. Cooperation between the military and administrative components, including the assignment of military personnel to augment their civilian colleagues, has helped; however, the logistical components are currently stretched to their limit. MONUC is reviewing means of accelerating the recruitment of international staff for essential management and technical roles, and in the forthcoming 2006/07 budget period will seek approval for a further increase in national staff positions in the Mission.

66. Cooperation between MONUC and the United Nations Operation in Burundi (ONUB) and the United Nations Mission in Sudan (UNMIS) has continued to increase, including in the areas of air transport, troop deployments and rotation and storage of vehicles and equipment. The three Missions are also looking at further expanding cooperation in chartering high-capacity passenger aircraft for troop rotations; establishing a jointly staffed regional procurement office; and enhancing the MONUC facility at Entebbe, Uganda, which already services MONUC, ONUB and UNMIS, to provide troop transit accommodation and a primary point of entry for consignments for all three Missions, among other functions.

## **VI. Financial aspects**

67. As I indicated in my previous report to the Security Council (S/2005/506, para. 80), the General Assembly, by its resolution 59/285 B, authorized me to enter into commitments in an amount not exceeding \$383,187,800 for the maintenance of MONUC for the period from 1 July to 31 October 2005. My proposed budget for MONUC for the full 12-month period from 1 July 2005 to 30 June 2006, including requirements for the support of elections and the additional civilian police personnel authorized by the Council in its resolution 1621 (2005) is currently under preparation and will be submitted to the General Assembly for review and action shortly.

68. I shall inform the Council of the financial implications arising from the proposed deployment to the Democratic Republic of the Congo of the Katanga brigade in an addendum to the present report.

69. As at 31 August, unpaid assessed contributions to the MONUC special account amounted to \$358.1 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to \$2,187.3 million.

70. Since its establishment in October 1999, the trust fund to support the peace process in the Democratic Republic of the Congo has received voluntary contributions amounting to \$1.4 million, with expenditure to date of \$1 million. With the appointment of the Ituri district administration by the Transitional Government, the trust fund to support the Ituri Pacification Commission established in July 2003 accomplished its purpose. Following consultations with the donors, I have authorized the use of the remaining balance of contributions to the trust fund in the amount of some \$67,700 to support the Ituri district administration.

## VII. Observations and recommendations

71. Despite delays, largely caused by logistical problems, encouraging progress has been made so far in the voter registration process, which is an important step towards the holding of democratic elections in the Democratic Republic of the Congo. It is vital that the necessary legislation, including the electoral law, be adopted by the Transitional Government and Parliament with a minimum of delay so that the elections can be organized no later than June 2006. In this connection, the commendable support provided by the international partners to the electoral process needs to be sustained. I urge donors to accelerate the disbursement of their generous pledges for financing the organization of the elections. Meanwhile, MONUC is expanding its extensive role nationwide in providing logistical and other support to the Independent Electoral Commission, which will be crucial for the successful holding of the polls.

72. In the meantime, considerable progress has been made in training of the Congolese National police who will provide security for the elections. Furthermore, I am grateful to the Security Council for the authorization for additional formed police units, which will be deployed in the coming weeks and will increase the Mission's capacity to assist in providing security during the electoral period. However, as also indicated in my previous report on MONUC (S/2005/506), an enhancement of the Mission's military capacity will be required to address the threats posed by armed groups in Katanga and contribute to establishing the necessary security conditions for elections in that volatile province. In this regard, I hope that the Council will give due consideration to my recommendation for an increase of 2,580 in the force strength of MONUC, to carry out the tasks outlined in paragraphs 27 to 29 above.

73. Good governance, including, in particular, the proper management of natural resources and State funds, including those provided for the elections, and ensuring the regular payment of salaries to military personnel, police and civil servants, is vital to ensure that the transitional process is credible and enjoys widespread public support. In this connection, the Transitional Government needs to demonstrate a commitment to working closely with its international partners to establish a mechanism to ensure the sound, transparent and accountable management of public finances and to effectively address corruption.

74. While well-trained and equipped police and military presences are vital to achieving security, law and order cannot be achieved without effective judicial and corrections institutions to underpin law enforcement activity. In many areas of the country, however, there is neither detention capacity nor any functioning courts, obliging law enforcement authorities to release allegedly dangerous perpetrators or request that MONUC contingents confine suspects for reasons of security and protection of civilians. The Transitional Government needs to take urgent action to increase judicial capacity and to ensure humane conditions of detention. In this regard, I call upon the Congolese authorities to allocate adequate financial resources for strengthening the justice sector in the 2006 State budget and I appeal to donors to increase their support to this vital area.

75. In the remaining months of the transition, the extension of State administration throughout the country and the improved delivery of basic services to the population should be accorded priority by the Transitional Government. In this connection, the

Government and its international partners should focus on developing and implementing a plan to integrate Ituri more fully into the rest of the Democratic Republic of the Congo, particularly with regard to financial, administrative and security aspects. The transitional authorities should also take the necessary measures to establish control over the exploitation of Ituri's natural resources, to promote reconstruction and development and to provide a tangible peace dividend for the people. In this regard, the development of security mechanisms to protect civilians and to facilitate the monitoring of cross-border movements of combatants in the east of the country and violations of the arms embargo should be priority tasks.

76. Despite the immense suffering of the people of the Democratic Republic of the Congo, too little attention has been paid by the international community to the continuing humanitarian catastrophe in the country. The work being undertaken to launch a 2006 humanitarian action plan seeking to address basic needs of the Congolese people is highly commendable, and I would urge donors to support this important, comprehensive initiative, as well as to provide additional resources in response to the 2005 Consolidated Appeal.

77. During the past three years, MONUC has sought to disarm and demobilize foreign armed groups on the territory of the Democratic Republic of the Congo and to facilitate their voluntary return to their countries of origin. Almost 12,000 combatants and their dependants have been repatriated. During that period, MONUC and the International Committee for Support to the Transition have urged the Transitional Government to take measures to forcibly disarm the remaining foreign armed groups and facilitate their repatriation. The general consensus within the Transitional Government on carrying out a process of forcible disarmament is encouraging. However, FARDC still needs to build sufficient capacity to take effective action against FDLR and additional international financial and logistical support will be crucial in achieving this. Meanwhile, clear public commitments from the Governments of Rwanda and Uganda on security guarantees and incentives for returnees who have not been responsible for gross human rights violations will be vital in encouraging progress in the disarmament and repatriation process.

78. Some progress has been made in the reform of the armed forces of the Democratic Republic of the Congo, including the integration and deployment of five brigades, and it is vital that the Transitional Government assume full responsibility in this important area. In this regard, I would call for increased support by international partners for the security sector reform, including through addressing the main requirements for supporting and sustaining the FARDC brigades, as outlined in paragraphs 36 and 37 above.

79. Further concerted efforts need to be made to stop the continued gross human rights violations by armed groups and FARDC against civilians in Ituri, the Kivus, and central and northern Katanga, which are seriously undermining efforts to stabilize these areas and affecting the organization of elections. Under the Mission's mandate for the protection of civilians, MONUC, as well as United Nations humanitarian and human rights personnel, intend to carry out protection activities, particularly where State institutions are insufficient. I therefore commend the ongoing efforts to bring all components of the Mission, together with other partners, under a common framework for the protection of the civilian population. In this regard, deterrent operations by the MONUC military component will complement the monitoring, advocacy, assistance and support activities performed by

humanitarian and human rights actors, and close coordination is essential in optimizing joint efforts.

80. The constitutional referendum is scheduled to be held before the expiration of the first extension of the transition on 31 December. Parliament is likely to have voted, by that time, for the second and final six-month extension of the transition, to allow the Independent Electoral Commission to organize the elections. In this context, I would recommend that the mandate of MONUC be extended for one year, until 1 October 2006, which would include the period up until the elections and the immediate post-transitional period following the installation of the new Government.

81. In conclusion, I would like to thank my Special Representative, William Lacy Swing, and the men and women of MONUC, the United Nations system and international partners for their untiring efforts, often under conditions of personal risk, to bring peace to the Democratic Republic of the Congo.

## Annex

## United Nations Organization Mission in the Democratic Republic of the Congo: military and civilian police strength

(as at 21 September 2005)

Country	Military component				Police officers
	Military observers	Staff officers	Troops	Total	
Algeria	8			8	
Argentina					2
Bangladesh	15	10	1 118	1 143	
Belgium		8		8	
Benin	18			18	12
Bolivia	4		218	222	
Bosnia and Herzegovina	5			5	
Burkina Faso	12			12	24
Cameroon	3	1		4	9
Canada		8		8	
Central African Republic					8
Chad					6
China	10	2	218	230	
Côte d'Ivoire					7
Czech Republic	3			3	
Denmark	1	1		2	
Egypt	8	15		23	12
France	1	5	3	9	12
Ghana	21	5	460	486	
Guatemala	4	2	103	109	
Guinea	2			2	43
India	38	12	3 498	3 548	
Indonesia	9	4	175	188	
Jordan	19	6		25	5
Kenya	30	4	5	39	
Madagascar					3
Malawi	28		111	139	
Malaysia	5	12		17	
Mali	26			26	14
Mozambique	1			1	
Mongolia	2			2	
Morocco	1	3	800	804	
Nepal	19	1	1 118	1 138	
Niger	18	1		19	32

<i>Country</i>	<i>Military component</i>				<i>Police officers</i>
	<i>Military observers</i>	<i>Staff officers</i>	<i>Troops</i>	<i>Total</i>	
Nigeria	27	1		28	123
Pakistan	26	17	3 752	3 795	
Paraguay	17			17	
Peru	5			5	
Poland	3			3	
Portugal					5
Romania	22			22	1
Russian Federation	23			23	4
Senegal	7	12	454	473	19
Serbia and Montenegro			6	6	
South Africa	3	15	1 390	1 408	
Spain	2			2	
Sri Lanka	2			2	
Sweden	5			5	7
Switzerland		2		2	
Tunisia	23	3	465	491	
Turkey					20
Ukraine	23	3		26	
United Kingdom		7		7	
Uruguay	27	20	1 523	1 570	
Zambia	18	4		22	
<b>Total</b>	<b>544</b>	<b>184</b>	<b>15 417</b>	<b>16 145</b>	<b>368</b>

