



SECURITY COUNCIL REPORT UPDATE REPORT



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The Democratic Republic of the Congo

Expected Council Action

The Council is expected to convene a meeting later in the week to adopt a presidential statement on the recently renewed hostilities in eastern parts of the Democratic Republic of the Congo (DRC).

Key Recent Developments

While the general security situation in the DRC has been stable over the past months, since August some areas in eastern DRC, especially the region of North Kivu, has seen a resumption and increase in armed clashes between the Congolese national army and the forces of renegade general Laurent Nkunda, Congrès National pour la Défense du Peuple (CNDP). There has also been renewed tension between the DRC and Rwanda.

On 17 September the northern Uganda rebel Lord's Resistance Army (LRA) launched attacks on villages in the Orientale province of North eastern DRC, displacing thousands of people from their homes and kidnapping 90 school children in that area. Consequently, on 6 October, the Prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo, called for renewed efforts by all actors, including regional and international organisations, to support and work together with the DRC and Uganda to arrest LRA leader Joseph Kony and his top commanders. The prosecution had collected information indicating that at the end of 2007, Kony issued orders to abduct 1,000 persons to expand the ranks of the LRA during the lull provided by the then ongoing

peace talks with the Ugandan government. (The ICC had issued arrest warrants in 2005 against the five top LRA commanders, two of whom have since died, with Joseph Kony, Okot Odhiambo and Dominic Ongwen still remaining at large. LRA-affected regions encompass areas in Northern Uganda, Southern Sudan, Northern DRC and the Central African Republic.)

There were clashes between the DRC national army and Nkunda's forces in North Kivu, during the week of 29 September. The renegade general called for a rebellion against the Congolese government to liberate the country. Nkunda expanded his initial position that he had taken up arms solely to protect his Tutsi community from attacks by Rwandan Hutu rebels (i.e. the Forces démocratiques de liberation du Rwanda or FDLR/ex-Far Interahamwe), some of whom are accused of carrying out the 1994 Rwandan genocide. He now seems to be advocating a nationwide insurrection against the DRC government.

On 7 October forces loyal to Nkunda overran the Rumangabo national army base, resulting in the displacement of thousands of people and abandoning of weapons by retreating government troops.

The UN peacekeeping mission in the DRC (MONUC) indicated on 10 October that Nkunda's forces had been persuaded to withdraw from the base, but they apparently departed with captured arms and supplies. Also on 10 October Congolese President Joseph Kabila made a televised appeal for the population in the eastern part of the country to take up arms against Nkunda, in the wake of the renegade general's stated intentions to "liberate" the whole of the DRC.

On 3 October the Special Representative of the Secretary-General (SRSG) and head of the MONUC, Alan Doss, briefed the Council in private consultations on the renewal of hostilities in the eastern provinces of the DRC and the need to accelerate the separation of armed groups and their demobilisation. Doss is reported to have proposed a plan prepared by MONUC for the disengagement of armed parties in North Kivu and called

for temporary additional troops (i.e. two battalions) to mitigate the immediate security challenges. He also proposed an adjustment of the current troop configuration of the MONUC within the current mandate and troop ceiling in order to enhance the mission's efficiency. He urged strong support from the Council for his proposals. Council members were said to have requested a "technical briefing" from the Department of Peacekeeping Operations (DPKO) in order to have a better understanding of the proposals made by the SRSG. Speaking to press at the UN afterwards, Doss cited some progress in South Kivu, stating that while "the picture isn't all bleak ... nevertheless the situation in North Kivu is, above all, very, very preoccupying ... ethnic tensions have risen in North Kivu and that is very dangerous – no doubt about it." Referencing the issue of his request for additional troops and adjustment of troops for MONUC, he said "We're talking about a surge capacity, we're not talking about a permanent arrangement."

On 8 October DPKO provided a technical briefing to DRC experts and military advisors of Council members regarding SRSG Doss' recent proposals to the Council. Council members reportedly agreed on issuing a presidential statement supporting MONUC's efforts and to ask for a written comprehensive analysis and recommendations from the Secretariat regarding MONUC.

On 9 October a draft presidential statement on the situation in the DRC was circulated by the French delegation to Council members. Elements contained in that initial text included:

- expressing of concern about the resurgence of violence in the eastern parts of the DRC and its humanitarian consequences;
- noting the additional capacities requested by Doss and asking for a comprehensive analysis of the situation from the Secretary-General and recommendations for the renewal of MONUC's mandate in the next report for the Council's consideration;

- condemning recent calls by Nkunda for a national insurrection and admonishing the CNDP to accept the disengagement plan prepared by MONUC and recommit itself to the GOMA (peace) process;
- urging both the governments of the DRC and Rwanda to enhance cooperation to implement the Nairobi Agreement;
- welcoming the intention of MONUC to reconfigure its forces to optimise their deployment within the current troop ceiling and mandate; and
- condemning the recent attacks by the LRA and recalling the ICC indictments against the LRA leadership.

In a letter to the president of the Security Council on 8 October the Ambassador of the DRC to the UN requested Council action to address “acts of aggression on the part of Rwanda” in relation to recent movements of Rwandan regular army troops into DRC territory to fight alongside Nkunda as well as a build up of Rwandan forces along the latter’s side of its border with the DRC. Rwanda denied the claims while MONUC said it could not confirm them (Rwanda is concerned that Hutu FDLR fighters could use the DRC as a staging ground to destabilise Rwanda again. In the 1990s Rwanda forces twice intervened across the DRC border to respond to this perceived threat). On 10 October DRC wrote another letter which reiterated its 8 October request to the Council and provided photographs of what it described as “irrefutable proof of Rwanda’s involvement in the recent clashes in North Kivu.”

On 10 October the Secretary-General issued a press statement expressing increased concern about developments in the DRC-Rwanda border areas and about how the fighting between the DRC national armed forces and the CNDP was causing more suffering of the civilian population and risked provoking wider conflict in the region. The statement:

- appealed to the DRC government and the CNDP to immediately observe an effective ceasefire and to cooperate with MONUC to achieve a separation of forces;

- called on all parties to implement the disengagement plan elaborated by MONUC and to respect their commitments under the Goma Peace Agreement;
- reiterated that MONUC would act within its mandate to protect civilians threatened by armed groups; and
- called on countries in the region to prevent the use of their territories and nationals to assist armed groups in the eastern DRC and urged the DRC and Rwandan governments to use diplomatic and other peaceful means to resolve their differences.

In another development, media reports on 10 and 11 October indicated that a new rebel coalition, the Front Populaire pour la Justice au Congo (FPJC) had threatened the town of Bunia in north-east DRC, by opening fire on the outskirts of the town causing local residents to halt everyday business. (Bunia is the capital of Ituri province and an important base for UN peacekeepers who are said to have reinforced their positions on the outskirts of the town). The FPJC had reportedly earlier overrun villages close to Bunia, killing a number of Congolese national army soldiers and displacing thousands of civilians. The FPJC rebels are reported to have indicated that their alliance was formed to force the implementation of the 2006 peace agreement that ended almost a decade of preceding war in that area.

On 13 October the UN spokesperson indicated that MONUC had freed 13 children from forced recruitment by illegal armed groups in North Kivu. The mission was said to have come under fire from Nkunda's forces during the operation, compelling the peacekeepers to return fire, wounding one rebel fighter in the process.

Key Issues

The key issue for the Council is the risk that the situation in the DRC could unravel. Restoring peace and security in the eastern parts of the DRC, as well as addressing Nkunda's violent recalcitrance, the resumption LRA attacks and renewed violence in the Ituri region are all serious threats. Closely related to this is the question of how to respond to Doss' request for additional capacities for MONUC. Another related issue

relates to the need to avoid development of new tension between the DRC and Rwanda and prevent a return to a regional conflict.

Options

Options for the Council include:

- adopting a presidential statement along the lines indicated in the draft statement that the Council is currently considering (a likely option);
- refraining from making any statement at this stage while continuing deliberations on how best to respond to the unfolding situation, which is less likely in view of the emerging consensus among Council members for a statement to be issued;
- deciding to expand MONUC in line with the SRSG Doss' request;
- exploring the idea of possible sanctions against those responsible for attacks on civilians; and
- deciding if it will meet again to consider recommendations from the Secretary-General on best approaches that the Council could adopt to contribute to salvaging the peace process.

Council Dynamics

In light of the recent security setbacks, Council members appear in agreement on the need for some immediate response. The lingering questions have been “how?” and “to what extent?” the Council would respond.

At press time there seemed to be agreement on the need to issue a strong presidential statement calling for an end to all illegal activities by armed groups currently fuelling the escalation of tensions, as well as supporting MONUC's work. Also, Council members seem amenable to a reconfiguration of MONUC in line with the SRSG's request, especially since this requires no formal change to the mission's mandate or additional personnel.

Some members of the Council are, however, reported to be questioning the feasibility of obtaining requisite funding and additional troops to meet the request for additional capabilities made by Doss, especially against the backdrop of competing demands for similar boosts in other UN peacekeeping missions (e.g. in Darfur). However, a request for recommendations from the Secretary-General is supported reasonably widely, and it would facilitate the Council's further deliberations on the matter. (Council members had in the recent past been agreed on the need to continue MONUC as a robust operation and to institute cutbacks only gradually. The US has reportedly been wary of adding additional duties to MONUC's already extensive mandate and raised the need to contain costs.)

It remains to be seen whether differences among members on expanding the DRC sanctions target list will give way to some form of consensus for action in the light of seemingly unraveling of the Goma peace process. Members like Belgium, France, UK and US have in the past held the view that sanctions would promote better conduct from those responsible for attacks on civilians, while others like China, Indonesia and Russia have expressed concern about the timing and consequent ineffectiveness of such additions, arguing that action could undermine the peace process by alienating affected individuals and/or parties.

France is the lead country on the DRC.

UN Documents

Selected Security Council Resolutions

- S/RES/1820 (19 June 2008) indicated the Council's intention to consider the "appropriateness of targeted and graduated measures" against parties who committed acts of violence towards women and girls in situations of conflict.
- S/RES/1807 (31 March 2008) lifted the arms embargo for government forces and strengthened measures related to aviation and customs.
- S/RES/1804 (13 March 2008) demanded all members of Rwandan armed groups operating in eastern DRC lay down their arms, called upon DRC and Rwanda to implement commitments under the Nairobi communiqué, and asked states to cooperate with the International Criminal Tribunal for Rwanda.

<ul style="list-style-type: none"> • S/RES/1799 (15 February 2008) renewed the sanctions regime and the mandate of the Group of Experts until 31 March 2008. • S/RES/1794 (21 December 2007) renewed the mandate of MONUC until 31 December 2008. • S/RES/1698 (31 July 2006), 1649 (21 December 2005) and 1596 (18 April 2005) strengthened sanctions, including, in resolution 1698, provisions against actors recruiting and using children in armed conflict in the DRC. • S/RES/1533 (12 March 2004) established the Sanctions Committee and the Group of Experts.
Latest Presidential Statement
<ul style="list-style-type: none"> • S/PRST/2008/2 (30 January 2008) commended the government and other parties for organising the Goma conference on a ceasefire and disarmament of armed groups.
Latest Secretary-General's Report
<ul style="list-style-type: none"> • S/2008/433 (3 July 2008) was the latest (26th) report on the DRC.
Selected Sanctions Committee Document
<ul style="list-style-type: none"> • S/2008/43 (11 February 2008) was the latest report of the Group of Experts for the DRC.
Other
<ul style="list-style-type: none"> • SC/9312 (28 April 2008) was the press release on the DRC Sanctions Committee delisting of Kisoni Kambale from its consolidated assets freeze and travel ban list. • S/AC.51/2008/4 (14 January 2008) was the letter from the President of the Council to the Chair of the DRC Sanctions Committee following up on the recommendations of the Working Group on Children and Armed Conflict.

Other Relevant Facts

Chairman of the DRC Sanctions Committee
Ambassador R.M. Marty M. Natalegawa (Indonesia)
Group of Experts
<ul style="list-style-type: none"> • Sergio Finardi (Italy, aviation expert) • Jason Stearns (USA, regional expert and Coordinator of the Group) • Moucta Kokouma Diallo (Guinea, customs expert) • Peter Danssaert (Belgium, arms expert) • Dinesh Mahtani (UK, finance expert)
Special Representative of the Secretary-General and Head of Mission
Alan Doss (UK)
MONUC Force Commander
Lieutenant General Vicente Diaz de Villegas (Spain)
Size, Composition and Cost of Mission
<ul style="list-style-type: none"> • Strength as of 30 August: is 16,668 troops, 670 military observers, 1,051

- police, 937 international civilian personnel and 2,120 local civilian staff.
- Approved budget (1 July 2008-30 June 2009): \$1,242.73 million

Duration

30 November 1999 to present; mandate expires on 31 December 2008