



SECURITY COUNCIL REPORT

UPDATE REPORT



15 December 2005 No.3

DEMOCRATIC REPUBLIC OF CONGO: GREAT LAKES

Recent Developments

A Council mission visited the Democratic Republic of the Congo (DRC) in early November. The mission had two goals:

- reinforce the transitional process in the DRC, especially the constitutional referendum on December 18, and maintain the momentum towards the elections in June 2006; and
- assess the future options for the Council including the levers available such as sanctions and the need for compliance with the arms embargo in helping to secure the disarmament, reintegration and repatriation of fighters in the country.

The mission also visited Burundi, Rwanda, Uganda and Tanzania, in part because of the regional dimensions of the situation in the DRC.

A key conclusion from all these discussions was that the Council needs to take a firmer line against the remaining armed groups in the eastern provinces of the DRC who continue to resist disarmament requirements.

In keeping with that conclusion, and with encouragement from Uganda, Rwanda and Burundi, Council members have been developing a draft resolution which will tighten sanctions against those armed groups. However, surprisingly, the resolution has been delayed.

In Burundi, Council members conducted discussions on the Burundian peace process and were somewhat surprised at the government's apparent desire to see the UN Operation in Burundi (ONUB) wound up quickly. Council members remain concerned with the dangers posed by an early withdrawal to the stability in Burundi and the difficulty for the UN to deliver on those parts of the ONUB mandate, which Burundi is anxious should continue, if ONUB were to leave. A conclusion was that further talks with Bujumbura were needed, and that, in this context, a technical rollover of the renewal of ONUB's mandate until 15 January 2006 was necessary so that agreement could be reached on a desirable schedule for ONUB's drawdown.

In a separate initiative, an African Union (AU) military mission visited the eastern Congolese North Kivu province. The mission was tasked with assessing the possibility of deployment of AU troops to support the Congolese armed forces with forcibly disarming militias in the region, particularly the *Forces démocratiques de libération du Rwanda* (FDLR). Currently, the United Nations Organisation Mission in the Congo (MONUC) is only mandated to assist with voluntary disarmament programmes.

This development is important in the context of informal discussions underway between Council members on ways to strengthen the ability of the two UN forces in the region (MONUC and ONUB) to work more effectively together. That idea, together with the concept of a UN partnership with possible future AU deployments and the emerging proposal for some form of “regional ready response” capacity, seem to be mutually reinforcing trends of discussion relevant to the whole Great Lakes region.

An international conference on the Great Lakes region, initially scheduled for December, has been postponed with no new date set yet. However in that context the idea is emerging of a major focus in the Council in January on the regional dimensions of the Great Lakes situation.

An open meeting, with participation at Ministerial level, as well as an Arria meeting are expected. The Council and the region would be able to take stock and there are hopes that this would provide a good preparatory input for the Great Lakes Summit when it is convened.

Expected Council Action

The Council is expected to adopt the resolution strengthening the DRC sanctions regime before the end of December. Targeted financial and travel sanctions are likely to be applied not only to those that violate the embargo, as is currently the case, but also to militia commanders that refuse to disarm. It is intended to increase the pressure on commanders of irregular forces in the DRC, particularly foreign ones.

In addition, the mandates of the Sanctions Committee and the Group of Experts on sanctions will be amended accordingly to include the new measures.

Responding to regional concerns, the resolution will also signal that MONUC could play a role in forcibly disarming fighters. It is likely to request that the Secretary-General make recommendations on the role that MONUC could play in that regard.

Finally, Council members will also be:

- continuing work on a draft resolution to extend ONUB’s mandate and adopt a plan for drawdown;
- continuing their discussions on the opportunities for harmonising the mandates and effectiveness of UN peacekeepers in the region, possibly along lines of the approach adopted in resolution 1609 (2005) with respect to Côte d’Ivoire and other operations in West Africa (this is likely to be played out initially in the context of the resolution being drafted on Burundi); and
- looking at how these discussions can lead into a general resolution on the Great Lakes following the proposed open Ministerial meeting, which could cover additionally the implementation at the regional level of resolution 1625 on conflict resolution and Peacebuilding in Africa and of resolution 1631 on cooperation with regional organisations.

Key Issues

The perennial issue before the Council is to ensure that the transition process in the DRC is successfully completed and that stability is reached in the Great Lakes region.

A key secondary issue is the removal of the main threats to the DRC process, particularly from irregular armed groups. All of this involves addressing more effectively than in the past the regional dimensions, taking into account not only the concerns of the DRC regarding those groups, but also those of Rwanda and Uganda.

The Council Mission seems to have clarified one aspect of these issues – the inter-linkage of effective sanctions enforcement by neighbours on the one hand with action within the DRC reduce the security concerns of neighbours on the other.

The delay in adopting the resolution on DRC sanctions suggests that there may be further issues, including some uncertainty about the DRC position. But at the time of writing, it seems more likely that there is no major concern by the DRC, rather a need to ensure that all concerned are comfortable with the adoption of the resolution.

The Council mission has, however, encouraged Council members to think more widely about not only the regional risks but also the opportunities for the Council to be more effective by acting in a regional than purely country-specific mode.

The ambitious agenda for a wider focus on the Great Lakes in January, including a resolution addressing the full regional dimensions and the implementation of resolutions 1625 and 1631, is a very important development. Obviously it will give rise to additional issues. Political sensitivities will be major factors.

For the DRC, at least, its constitutional referendum will be over, and it may welcome the opportunity to be seen to be meeting benchmarks in the peace process.

Burundi may welcome the opportunity to showcase its progress, especially to encourage foreign investment. But its security concerns with threats from armed groups in the DRC will be an issue.

Rwanda will be enthusiastic about anything that pressures its enemies amongst the armed groups in DRC, but will be looking for opportunities to expand its influence in the region, especially western DRC and Burundi.

Uganda has elections on the horizon and this will add to their sensitivity over discussion of the wider implications of a regional approach, especially the situation in Northern Uganda. On the other hand, media reports indicate growing concern that the issues there will worsen if the international community is not more active. New ideas in the security front from the regional approach may therefore offer a more attractive framework to begin to discuss and resolve those issues.

Council Dynamics

There is no significant division inside the Council on the need to ensure that the transition in the DRC is successfully concluded. As such, although some Council members – in particular Algeria, China and Russia – have concerns regarding the use of sanctions against potential peace spoilers, there is consensus on the need to contain armed groups in the DRC, especially since the Council mission.

Recently, a joint commission comprised of Uganda, Rwanda, Burundi and the DRC has been pressing even more strongly that foreign fighters in Congolese territory be disarmed. The draft resolution strengthening sanctions in the DRC is therefore welcome to those countries, particularly Uganda and Rwanda. The Commission sent a letter on 25 October 2005 to the President of the Council asking for the disarmament of militias and for the naming of those groups by the Council.

Leadership on Great Lakes matters in the Council has traditionally been taken by France, in view of its commitments towards francophone countries. More recently, Tanzania has also displayed willingness to take a key role in Great Lakes issues in the Council, particularly in view of its role in the Burundian peace process and its proximity to the troubled region.

Tanzania will have the Council presidency in January and it is expected take the lead in promoting the open Ministerial meeting on the follow-up to resolutions 1625 and 1631.

Options

The Council is showing signs of an important evolution in its approach to handling issues with regional dimensions. This gives it a number of options not previously available, which include:

1. harmonising the regional dimensions of the ONUB resolution with the Great Lakes initiative in the Council in January. This would require a further technical rollover of ONUB's 15 January expiry date so that that resolution can also be finalised after the Ministerial open meeting (likely to be 17 January), as part of the package of measures with regional dimensions;
2. alternatively, it is possible to adopt the ONUB resolution before 15 January, but limit the scope of the resolution to the period of renewal and Burundi specific matters – leaving any regional dimensions/mandate adjustment until later in January after the open Ministerial meeting;
3. addressing substantively, in the context of discussing and introducing ideas to implement resolutions 1625 and 1631, not only the regional dimensions of the south and central parts of the region, but also the northern sector as well. This would mean focussing on the security, humanitarian and IDP issues across the Uganda/DRC border and also within Northern Uganda;
4. another option, following the logic of a regional approach, would be to include in the discussion the Lord's Resistance Army (LRA) issue as a whole – which of course brings in issues associated with Southern Sudan and a potential dimension for the UN Mission in Sudan (UNMIS). However, for both practical and political reasons this option would probably overstretch the process at this stage;
5. bearing in mind the stretch that will be required just to achieve the Ministerial meeting and the consistent demands of other issues on Council time, another option is to establish an active process to sustain the proactive regional approach over several months so that the momentum does not fade after the Ministerial meeting.

Key Facts

In December 2002, the Inter-Congolese Dialogue approved the Global and All-Inclusive Agreement. The dialogue was the peace mechanism that brought together the main political groups in the DRC, namely the *Rassemblement congolais pour la démocratie – Goma* (RCD-Goma), the *Mouvement pour la libération du Congo* (MLC), the *RCD-Mouvement de libération* (RCD-ML), the *RCD-Nationale* (RCD-N), the Mayi-Mayi militias (a collection of various armed groups scattered in the Kivu provinces and in Katanga), and the forces controlled by President Joseph Kabila. The Agreement established a transition process leading to a constitutional referendum and elections.

But the year 2002 also marked the emergence of a new crisis: the escalation of the longstanding conflict in the region of Ituri, in the Orientale province. The conflict created such a humanitarian disaster that the Council authorised the deployment of an Interim Emergency Multinational Force (IEMF) in 2003, led by the EU and, in particular, France. Militia leaders signed the May 2004 Kinshasa Act of Engagement, thereby joining the transition process.

The transitional government is formed by the *espace présidentiel*, or the president plus four vice-presidents from the main political groupings. It was set to rule for two years, only. However, the transitional period was extended for six months twice, thus delaying the elections and creating concerns among the international community. There are also delays in adopting an electoral law.

The referendum is to be held on 18 December and the elections are due by June 2006.

The Council mandated MONUC, first established in 1999, *inter alia*, to support the Congolese government in the transition and to:

- assist in the voluntary disarmament of foreign and Congolese combatants;
- deter the use of force threatening the peace process;
- provide civilian protection; and
- assist in the electoral process.

MONUC supports the Armed Forces of the DRC (FARDC) fight against irregular armed groups in the eastern provinces of the Kivus and in the Ituri region. It has also been involved in the voluntary disarmament and integration of former armed groups into the FARDC. Most Council members would agree that MONUC is overstretched in terms of its mandate.

The transitional process remains fragile and plagued by:

- corruption;
- difficulties in disbanding foreign forces and militias, particularly in the Kivu provinces and in Ituri;
- the continuous flow of weapons; and
- the illegal exploitation of natural resources in Congolese territory.

The intimate connection between the illegal exploitation of resources, whose revenues continue to be used to maintain the dominance of military players in the DRC including through the purchase of weapons in violation of the arms embargo, and the perpetuation of conflict has all along been a prominent characteristic of the situation.

One of the main challenges has been the integration of former fighters into the Congolese army. The lack of regular pay and difficulties in providing adequate training have posed major obstacles to the process.

Progress is being made with nine brigades likely to be available to the FARDC by the end of 2005. Nevertheless, MONUC and Kinshasa still face difficulties getting some former fighters to voluntarily leave militias to join the FARDC. The maintenance of private militias and foreign armed groups is both an obstacle to the integration of the DRC army and a justification commonly used for the perpetuation of paramilitary groups.

The main active armed groups in the DRC include the FDLR, the RCD-Goma, located in North Kivu and historically backed by Rwanda, the Mayi-Mayi, and various militia groups operating in Ituri, in particular the formerly Uganda-backed *Mouvement révolutionnaire congolais* (MRC), the *Forces armées du peuple congolais* (FAPC) and the *Union des patriotes congolais* (UPC). The FARDC have recently begun a one-month offensive against the Mayi-Mayi in Katanga. Recent reports have indicated that the LRA has crossed the border to southern Sudan, after months of activity in north-eastern DRC. The International Criminal Court (ICC) has recently issued arrest warrants for top LRA commanders.

The complex regional dimension to this aspect of the situation in the DRC is readily apparent. The presence of foreign armed groups in the DRC, particularly the FDLR, has been the source of major concerns. This is at the heart of the present draft resolution before the Council and of the recent AU initiative to consider troops for the DRC.

Rwanda has had security concerns for almost a decade, directly linked to the presence of Hutu

fighters in the DRC. They are now operating as the FDLR, which today comprise about 10,000 individuals in the Kivus. Rwanda intervened to counter these forces in 1998. Current concerns in Kigali over the FDLR are not so much linked to the military threat that these forces pose to Rwanda, but mostly to the existence of an opposition located abroad and trying to influence Rwandan politics.

In 2002, Rwanda and the DRC signed an agreement on the withdrawal of Rwandan troops in exchange for the disarming of Hutu forces in Congolese territory. However, the failure to disarm the FDLR prompted renewed threats of intervention from Kigali in 2004.

Similarly, Ugandan concerns are linked to the past activities of the LRA in Congolese territory. Uganda was also actively involved in supporting the rebels in the Ituri region. Recently, in response to the return of LRA elements to the DRC, President Yoweri Museveni threatened to send troops to that country. This was averted when Kinshasa, with MONUC support, forced the LRA withdrawal. Uganda has also made several suggestions for military cooperation and assistance on Congolese soil, promptly declined by Kinshasa.

Burundian concerns are linked to the activities of the *Front national de libération* (FNL) in the DRC. The FNL has refused to join the peace process in Burundi and is currently the main threat to the transition to peace in that country.

The DRC, Rwanda, Burundi and Uganda have conducted talks under the umbrella of a joint commission, which set a 30 September deadline for all foreign forces to leave the DRC. The commission has also worked closely with Council members to ensure the adoption of the present draft resolution.

Against this background, the fact that DRC borders have remained porous, despite Security Council sanctions measures, is understandable.

In 2003, the Council imposed an arms embargo on all armed groups operating in the Ituri region and in the Kivus, as well as against armed groups not party to the Agreement. In 2004, it established a Sanctions Committee and a Group of Experts. In 2005, the Council extended the embargo to any recipient in Congolese territory and adopted targeted travel and financial sanctions.

The Group has found that the networks behind the flow of weapons in the DRC extend widely in Congolese territory and are particularly assisted by the lack of well-functioning civil aviation and customs.

The January 2005 Group report found that Uganda and Rwanda had “provided State-authorized arms transfers” to the DRC and that “their troops had been directly involved in supporting dissident forces”, which both countries have disputed. There have also been complaints of lack of cooperation from both countries with the Group’s efforts to gather information. Uganda and Rwanda disagree with those allegations, but the Council’s mission to the region underscored to both countries the importance of cooperation.

However, the ongoing interests in and legitimate regional concerns about the situation in the DRC are apparent. Various independent reports have drawn attention to their use of proxy militias and economic interests from DRC’s neighbours in accessing or controlling some of its vast natural resources, and the role this has played in prolonging the conflict.

UN Documents

Selected Security Council Resolutions

- S/Res/1635 (28 October 2005) increased MONUC's troop levels to provide security in Katanga during the elections.
- S/Res/1631 (17 October 2005) addresses the cooperation between the UN and regional organisations.
- S/Res/1625 (14 September 2005) was adopted at the Summit and addresses conflict prevention, particularly in Africa.
- S/Res/1621 (6 September 2005) expanded MONUC and authorised support to the Independent Electoral Commission.
- S/Res/1616 (29 July 2005) extended sanctions until 31 July 2006 and renewed the mandate of the Group of Experts until 31 January 2006.
- S/Res/1596 (3 May 2005) expanded the arms embargo and added travel bans and assets freeze to the sanctions regime.
- S/Res/1565 (1 October 2004) further expanded MONUC's mandate to include seizing arms, monitoring compliance with the arms embargo and assisting the government.
- S/Res/1533 (12 March 2004) established the Sanctions Committee and the Group of Experts.
- S/Res/1493 (28 July 2003) imposed an arms embargo and authorised MONUC to use all necessary means to fulfil its mandate in the Kivus and in Ituri.
- S/Res/1484 (30 May 2003) authorised IEMF's deployment.
- S/Res/1457 (24 January 2003) noted with concern the links between conflict and natural resources in the DRC, and renewed the mandate of the Panel of Experts on the illegal exploitation of natural resources in the DRC.
- S/Res/1445 (4 December 2002) welcomed the signing of peace agreements with DRC's neighbours and further expanded MONUC with a new concept of operations.
- S/Res/1291 (24 February 2000) added Chapter VII protective powers to MONUC's mandate.
- S/Res/1279 (30 November 1999) established MONUC.

Selected Presidential Statements

- S/PRST/2005/46 (4 October 2005)
- S/PRST/2000/20 (2 June 2000)

Reports of Council Missions to the region

- S/2005/716 (14 November 2005)
- S/2004/934 (30 November 2004)
- S/2003/653 (17 June 2003)
- S/2002/537 and Add.1 (14 May 2002)
- S/2001/521 and Add.1 (30 May 2001)
- S/2000/416 (11 May 2000)

Selected Secretary-General's Reports

- S/2005/603 (26 September 2005) is the latest report.
- S/2005/320 and Add.1 (26 May 2005) is a special report on DRC elections.
- S/2003/566 (27 May 2003) outlined the need for change in MONUC's mandate and size, beyond the Lusaka framework.

Selected Letters

- S/2005/667 (25 October 2005) contains a letter from the joint commission with recommendations to the Council.
- S/2004/573 (16 July 2004) is a special report on the Ituri conflict.

- S/2002/341 (5 April 2002) is an assessment of armed groups operative in the DRC.
- S/1999/815 (23 July 1999) contains the Lusaka Ceasefire Agreement.

Reports of the Group of Experts

- S/2005/436 (26 July 2005)
- S/2005/30 (25 January 2005)
- S/2004/551 (15 July 2004)

Reports of the Panel of Experts on Illegal Exploitation of Natural Resources

- S/2003/1027 (23 October 2003)
- S/2002/1146 (16 October 2002)
- S/2001/1072 (13 November 2001)
- S/2001/357 (12 April 2001)

Historical Background

15 November 2005 The FARDC began a military offensive against Mayi-Mayi rebels in Katanga.

01 November 2005 A list of individuals subject to targeted sanctions was adopted.

September 2005 President Museveni of Uganda threatened to send troops into the DRC should MONUC and the FARDC fail to disarm the LRA.

20 June 2005 Voter registration began.

May 2005 The Council expanded the arms embargo to include any recipient within the entire country's territory, and imposed a travel ban and assets freeze. The new Congolese constitution was approved by the parliament.

May 2004 Ituri militias signed the Kinshasa Act of Engagement, thereby joining the transition process.

March 2004 The Council established a Sanctions Committee and a Group of Experts.

July 2003 The Council imposed an arms embargo on armed groups in the Kivus and Ituri or those not party to the Global and All-Inclusive Agreement.

May 2003 The Council authorised IEMF's deployment.

April 2003 The final act of inter-Congolese political negotiation was signed. The interim constitution was adopted, establishing a transitional government until elections.

December 2002 The parties to the Inter-Congolese Dialogue signed a Global and All Inclusive Agreement. Uganda-backed RCD-ML, RCD-N and MLC signed the Gbadolite Ceasefire Agreement with Kinshasa.

September 2002 The DRC and Uganda signed the Luanda Agreement on troop withdrawals.

July 2002 The DRC and Rwanda signed the Pretoria Agreement on troop withdrawals.

April 2002 The Sun City Agreement was signed.

February 2001 Rwandan and Ugandan withdrawal began.

January 2001 President Laurent-Desire Kabila was killed. Son Joseph Kabila was sworn in as president.

February 2000 Fighting continued, largely for natural resources, pitting government against rebels and Rwandan against Ugandan forces. The Council added Chapter VII protective powers to MONUC's mandate.

December 1999 The Council established MONUC.

July 1999 The DRC, Angola, Namibia, Rwanda, Uganda and Zimbabwe signed the Lusaka Ceasefire Agreement, later joined by Uganda-backed MLC and Rwanda-backed RCD.

August 1998 Insurgents backed by Rwanda and Uganda rose up against President Laurent-Desire Kabila as he attempted to sack Tutsi elements from the government. Kabila was assisted by Katangese Mayi-Mayi, Rwandan, Ugandan and Burundian militias. Zimbabwe, Namibia and Angola sent troops to assist the government.

May 1997 Laurent-Desire Kabila, with support from Rwanda and Tutsi rebels, captured Kinshasa. He was sworn in as president. The country was renamed DRC.

1996 Zairian rebels asserted control over much of the eastern provinces.

1994-1996 Rwandan Hutu extremists carried out attacks against Rwanda and the civilian population of Zaire.

1994 The Rwandan genocide took place. The aftermath displaced hundreds of thousands of Hutus into Zairian territory, including the genocidal Interhamwe militia.

Other Relevant Facts

Special Representative of the Secretary-General and Chief of Mission
William Lacy Swing (US)
Size and Composition of Mission
<i>Authorized maximum strength:</i> 17,000 military personnel <i>Current strength</i> (31 October 2005): 16,221 total uniformed personnel, including 15,197 troops, 724 military observers, 300 police <i>Main troop contributors:</i> Pakistan, India, Uruguay and South Africa.
Cost
US\$ 383.188 million for 01 July 2005 – 31 October 2005 (A/RES/59/285 B)
Duration
30 November 1999 to present