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**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON
THE FOLLOW-UP ON THE DECISION OF THE 23RD MEETING OF
THE PEACE AND SECURITY COUNCIL(PSC) ON
THE SITUATION IN EASTERN DEMOCRATIC REPUBLIC OF CONGO (DRC)
AND THE RELATIONS BETWEEN THE DRC AND RWANDA**

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I. INTRODUCTION

1. At its 23rd meeting held at the level of the Heads of State and Government in Libreville, on 10 January 2005, the Peace and Security Council (PSC) examined, among other issues, the situation prevailing in the Democratic Republic of Congo (DRC) and the relations between the DRC and Rwanda, in light of the tension that escalated between the two countries in November/December 2004. On that occasion, Council reiterated its serious concern at the security situation in Eastern DRC and at the continued presence in the Kivus of the ex-FAR and the Interahamwe, which constitutes a threat to peace and security in the DRC and in Rwanda, heightens tension between the two countries and undermines the peace and transition processes underway in the DRC.

2. Council also affirmed that the problem posed by the continued presence of the ex-FAR and Interahamwe, as well as by other armed groups in Eastern DRC, requires a decisive action by the international community at large and Africa in particular, to effectively disarm and neutralize these armed groups. In this regard, Council welcomed the support expressed by the President of the DRC for the principle of forceful disarmament of the armed groups by an African force. In this respect, Council urged all AU Member States to extend the necessary security assistance, including troops, to contribute to the effective disarmament and neutralization of the armed groups. Furthermore, Council requested the Commission to facilitate the necessary consultations with AU Member States, including the countries of the region, the United Nations, the European Union (EU) and other stakeholders, as a follow up to this decision.

3. The report presents an account of the measures taken by the Commission in pursuance of the decision of the Council. It also makes recommendations on the way forward in implementing the decision.

II. FOLLOW-UP ON THE DECISION OF THE PSC

4. The efforts deployed by the Commission to follow up on the decision of the Council focused on two elements: a preliminary evaluation of the overall situation through a Fact-Finding Mission to the region from 27 February to 8 March 2005; and consultative meetings convened in Addis Ababa to facilitate the necessary consultations between the various stakeholders on the different aspects of the problem and on the modalities of implementation of the decision of the Council.

i) Fact-Finding Mission to the DRC, Rwanda and Arusha

5. As indicated above, I dispatched a Fact-Finding Mission to the region from 27 February to 8 March 2005, to enable the Commission undertake a preliminary evaluation of the situation. The Mission proceeded to Kinshasa, to Kigali and to Arusha, where it held talks with the International Criminal Tribunal for Rwanda (ICTR).

6. In the DRC and Rwanda, the Mission was mandated to obtain from the authorities of both countries, as well as from the United Nations Organization Mission in the DRC (MONUC) and from the relevant United Nations Agencies, information regarding the armed groups present in Eastern DRC. In Kinshasa, it held discussions with the representatives of the United Nations High Commission for Refugees (UNHCR) and the Office for the Coordination of the Humanitarian Affairs (OCHA), the Chief of Staff of MONUC and the Special Representative of the United Nations Secretary-General, William Lacy Swing, who was accompanied by his close advisers. The Mission was also received by the Vice-Minister of Foreign Affairs of the DRC. In Kigali, it was received by the Minister of Foreign Affairs, Charles Murigande, accompanied by the Secretary of State for Cooperation, the Adviser to the President of the Republic and Special Envoy for the Great Lakes Region and several top military officers. This meeting was followed by a lengthy working session, in the premises of the Office of the President of the Republic, with the specialized services of the Defence and Security Ministries. Following this, the Mission held a working session with MONUC and had consultations with the African Ambassadors Group in Kigali.

7. In the course of its consultations in Kinshasa and Kigali, the Mission was able to obtain useful information on the location of the armed groups in Eastern DRC, their strengths, their political and military structures, as well as on their sources of supplies. It also collected information on other relevant aspects, particularly the efforts deployed by the Government of the DRC and MONUC, with a view to disarming and neutralizing the armed groups. The information gathered, as subsequently enriched by the Consultative Meeting on the Disarmament and Neutralization of the ex-FAR/Interahamwe and Other Armed Groups in Eastern DRC, held in Addis Ababa on 15-16 March 2005, is summarized in paragraphs 4 - 10 and 18 - 20 of the report of that Meeting (see Annex I of this report).

8. While in Arusha, the Mission had a working session with the Clerk of the ICTR as well as the Chief Prosecutor, in the presence of his Deputy and the Prosecution Officer based in Kigali. It was also received by the President of the Tribunal. All those consulted expressed their gratitude to the AU for having taken the initiative to send a Mission to Arusha to assist the Tribunal in its efforts to track down those individuals being sought for their alleged involvement in the Rwandan genocide of 1994. During the discussions, the Mission was informed that 14 individuals (former Ministers, former Army Generals and rich business persons) were being sought after by the Tribunal, and that 10 of them were reportedly residing on the DRC territory. International arrest warrants against these 14 individuals have been issued and circulated by INTERPOL to all Member States of the United Nations. The 14 individuals in question are reportedly moving about freely, mostly in African countries, where it is alleged they enjoy the official protection of certain Government services. Some of the persons being sought are said to have expressed the intention to give themselves up to the ICTR.

9. In the circumstances, the ICTR authorities called on the AU to get more involved, to secure greater cooperation from those countries providing facilities to the concerned genocide suspects. The ICTR authorities also expressed the hope that the AU would facilitate the establishment of a regional cooperation mechanism for the intelligence and security services.

ii) **Consultative Meeting on the Disarmament and Neutralization of the ex-FAR/ Interahamwe and other Armed Groups in Eastern DRC, Addis Ababa, 15-16 March 2005**

10. The meeting, which brought together the representatives of the DRC, Rwanda, Burundi and Uganda, as well as those of the United Nations Department of Peacekeeping Operations, MONUC, UNHCR and the United States Government, reached a consensus on the location of the armed groups in Eastern DRC, their strengths, political and military structures and their sources of supply. It also reviewed the efforts aimed at facilitating the resolution of the problem of the ex-FAR/Interahamwe and other armed groups in Eastern DRC. The meeting also discussed the modalities of implementation of the decision of the 23rd meeting of the PSC, as well as its calendar, the strength of the force required to address the situation, its mandate and likely tasks, its command, control and coordination structure, and the implications, including humanitarian, of a forceful disarmament. The report of the meeting is adjoined as Annex I.

iii) **Meeting of Military Experts of the Member States of the PSC Military Staff Committee (MSC) of the PSC and the AU Committee on the DRC, Addis Ababa, 22 April 2005**

11. Held on 22 April 2005, the above meeting was attended by the members of the two Committees, as well as the representatives of the DRC, Rwanda, Burundi and the United Nations. The conclusions of the Consultative Meeting on the Disarmament and Neutralization of the ex-FAR/ Interahamwé and Other Armed Groups in Eastern DRC, held on 15-16 March 2005, constituted the basis for the discussion on the various aspects of the force which the AU would deploy in the DRC, whether they relate to the mandate and composition, the command, control and coordination, the rules of engagement, the logistical and financial support, the tasks of the force or the implications, including humanitarian, of a forceful disarmament for the civilian population. The meeting further discussed the terms of reference of the technical evaluation mission recommended for dispatch to the operation area. The report of the meeting is also adjoined in Annex II.

III. OBSERVATIONS AND RECOMMENDATIONS

12. The decision of the 23rd meeting of the PSC helped to inject some momentum into the various ongoing processes in the region in general and in the DRC in particular. At the regional level, it is necessary to note the establishment and effective functioning of the joint mechanisms designed, among other things, to restore confidence and trust among the countries of the region. In this respect, the Joint Verification Mechanism (JVM) agreed between the DRC and Rwanda has now become fully operational. The

AU has contributed 11 military observers who are participating in the activities of the JVC. The DRC/Rwanda/Uganda Tripartite Committee, with the facilitation of the United States Government, has held several meetings in which the Commission participated and during which the parties agreed, *inter alia*, to operationalize the sub-Committee on Security, Defense and Diplomatic Matters. They also signed a Memorandum of Understanding (MoU) setting up an intelligence and information analysis cell.

13. For its part, the United Nations Security Council adopted resolution 1592 (2005) on 30 March 2005 in which it welcomed the AU's support for efforts to further peace in the eastern part of the DRC, and called on the AU to work closely with MONUC in defining its role in the region. The Security Council further called on the Government of National Unity and Transition to develop with MONUC a joint concept of operations for the disarmament of foreign combatants by the armed forces of the DRC, with the assistance of MONUC, within its mandate and capabilities. Finally, the Security Council emphasized that MONUC is authorized to use all necessary means within its capabilities and in the areas where its armed units are deployed, to deter any attempt at the use of force to threaten the political process and to ensure the protection of civilian under imminent threat of physical violence, from any armed group, foreign or Congolese, in particular the ex-FAR and Interahamwe, and encouraged MONUC in this regard to continue to make full use of its mandate under resolution 1565 (2004) of 1st October 2004 in the eastern part of the DRC, and stressed that, in accordance with its mandate, MONUC may use cordon and search tactics to prevent attacks on civilians and disrupt the military capability of illegal armed groups that continue to use violence in those areas.

14. Furthermore, the Congolese Government started negotiations in Rome with the leaders of the FDLR, culminating in the Rome Declaration of 31 March 2005, according to which the FDLR:

- made a commitment to end the armed struggle and to transform its struggle into a political programme. In this respect, and as the support measures are identified and implemented, the FDLR would rejoin the voluntary disarmament process and begin its peaceful return to Rwanda;
- condemned the Rwandan genocide and its perpetrators;
- condemned terrorism and other crimes against international law committed in the Great Lakes Region; and
- expressed the wish for the return of Rwandese refugees to their country in accordance with international standards in refugee matters and in observance of the rights and freedoms of individuals.

15. As a follow-up on this Declaration, the President of the FDLR undertook a three-week mission to the Kivus "to meet with the fighters, to brief them on the commitments made on their behalf by their political wing and to persuade them to return to their country." However, despite this initiative, and nearly three months after the Rome Declaration, the FDLR continue their violent activities against the populations of the Kivus and their attacks against the armed forces of the DRC in the region. Moreover,

no sign of fulfillment of their commitments has thus far been observed on the ground despite the facilities put in place by MONUC toward this end, in particular the opening of several transit camps.

16. In the circumstances, it is necessary to pursue the efforts to implement the Libreville decision. On this note, I intend to intensify my consultations with all the stakeholders in order to dispatch, as early as possible, to the DRC, but also to Rwanda, Burundi and Uganda, a multi-disciplinary evaluation mission, as recommended by the meeting of Military Experts of the Member States of the PSC Military Staff Committee and the AU Committee on the DRC, held in Addis Ababa on 22 April 2005.

17. The mandate of this evaluation mission, which shall be made up of experts from the Commission and experts from some Member States, shall be to study the conditions of engagement of an AU force in the context of the forceful disarmament of the FDLR and other armed groups in the DRC, in close collaboration with MONUC and the armed forces of the DRC, and the operational cooperation with the neighboring States, both within their respective territories and along their common borders. In more specific terms, the mission shall evaluate the security situation in the Kivus, analyze the results of the operations already undertaken and/or underway, and study the operational guidelines between the AU forces, on the one hand, and the armed forces of the DRC and MONUC, on the other. The mission shall also examine the conditions of engagement of each of the neighboring countries – Burundi, Rwanda and Uganda – in support of the forceful disarmament planned by the AU against the armed groups, which, when hunted in the DRC, may retreat into their respective territories. The mission shall evaluate the humanitarian impact of a forceful disarmament in the region in general and in the DRC in particular.

18. The mission shall last for one month in view of the nature of the terrain and its complexity. However, it is understood that the mission could be prolonged if the situation on ground so demands.

19. At the end of the mission, I shall submit more specific recommendations on the concept of operations and other aspects of the envisaged force, including the logistical and financial needs, to enable Council take a decision on the details of the operation. Meanwhile, I shall pursue my efforts to sensitize the international community in general and AU partners in particular, including the EU through the Peace Support Facility, in order to enlist their logistical, technical and financial support, without which the deployment of a force cannot be envisaged.