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PEACE AND SECURITY COUNCIL

97<sup>TH</sup> MEETING

25 OCTOBER 2007

ADDIS ABABA, ETHIOPIE

PSC/PR/2(XCVII)

**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE SITUATION  
IN THE DEMOCRATIC REPUBLIC OF CONGO (DRC)**

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**I. INTRODUCTION**

1. The three-year transition which was launched within the framework of the implementation of the Global and Inclusive Agreement emanating from the Inter-Congolese dialogue culminated in the elections held in July and October 2006. With the establishment of new institutions, the running of the country according to the principle of "equitable sharing of responsibilities" between the former belligerents came to an end. This report takes stock of the situation in the DRC since the holding of the general elections.

**II. POLITICAL DEVELOPMENTS**

2. Elected in July 2006, the National Assembly was installed on 22 September 2006. It is composed of five hundred (500) members which, for the most part, come from two groups: on the one hand, the Alliance for the Presidential Majority (AMP), which supported the candidature of the current President of the Republic, the United Lumumbist Party (PALU) and the Union of Mobutist Democrats (UDEMO), which have three hundred (300) deputies supporting the Government program; on the other hand, is the Union for the Nation, which has one hundred and sixteen (116) members, led by the former Vice-President Jean-Pierre Bemba, who ran unsuccessfully in the second round of the presidential elections.

3. Inaugurated into office on 6 December 2006, the President of the Republic appointed the Prime Minister (from PALU) on 30 December. The Government was formed on 5 February 2007, following extensive consultations with the parties supporting the President. The provincial assemblies elected members of the Senate on 19 January 2007 and the Governors and Deputy Governors of nine provinces (out of 11 in the country) on 27 January 2007. In the two Kasaï, elections could not be held until 15 February. It should be noted that these elections were marked by numerous allegations of corruption and fraud, giving rise to the lodging of appeals at the Court of Appeal in nine of the eleven provinces of the country.

4. At his swearing-in ceremony, held on 6 December 2006, the President of the Republic gave an outline of his five-year mandate program, focusing on five sectors. He pledged to focus his action towards the mobilization of energies aimed at involving all Congolese in the task of nation-building; ensuring the effective functioning of the Government and state institutions, safeguarding the balance between the executive, legislative and judicial branches; combating corruption; and respecting the constitutional status of the political opposition, which has to act as an institutional counterbalance. The President stressed that the Government would seek to eradicate all forms of insecurity declaring, in this regard, that the armed groups operating in Eastern DRC must be considered as enemies of the people and the development of the country. In addition, the President pledged to promote good neighborly relations and peaceful co-existence between his country and the neighboring states, and to enhance the policy of regional and sub-regional integration and mutual respect.

5. On 6 March 2007, the Chief of Staff of the Armed Forces of the DRC (FARDC) issued a communiqué ordering the military appointed to guard the former Vice-Presidents and other senior officials of the transition to come to FARDC camps before 15 March, with all their equipment, as part of the disarmament, demobilization and reintegration (DDR) process. The press release stated that the safety of these personalities would from then on be ensured by National Police officers appointed for this purpose.

6. In this context, it should be recalled that former Vice-President Bemba, having in mind two incidents between his personal guards and elements of the presidential guard, considered that his security was threatened. Following these incidents, he had substantially reinforced the guard around his residence, his offices, as well as in the head office of his press organs. Thus, after the communiqué of the command of the army, tension suddenly increased between the elements of his guard and the FARDC. Despite the efforts deployed under the auspices of the United Nations Mission in the DRC (MONUC), the two parties fought with heavy weapons in Kinshasa, on 22 and 23 March 2007. Mr. Bemba, who had left his residence during the clashes, found refuge in a diplomatic mission. Most of the elements composing his guard found refuge at MONUC or left the country. The Attorney-General announced, on 24 March, his intention to sue him for high treason, and urged the Senate to withdraw his parliamentary immunity.

7. Following mediation by MONUC and African personalities, Mr. Bemba was authorized by the Senate to leave the country on 11 April, bound for Portugal for "medical care". He is still in Portugal, where he has repeatedly expressed his desire to go back to the country to play his role as leader of the parliamentary opposition. This desire has been reiterated by his supporters both in the National Assembly and the Senate. According to his supporters, the reason for keeping him out of Congo being a political one, a political solution should be found to enable him return to the country. On his part, the President maintains that he has no problem with Mr. Bemba, but he has to refrain from interfering with the course of justice.

8. Lastly, it should be pointed out that, on 16 October 2007, the National Assembly adopted, with a large majority, a bill on the financing of political parties and election campaigns. This law constitutes an important step forward in furthering the democratic process in the DRC; it aims at facilitating the functioning of political parties and at promoting greater transparency and the moralization of political activity.

### **III. SITUATION IN EASTERN DRC**

9. While the situation is now normal in Kinshasa and relative security prevails in Ituri and in most of the country, North and South Kivu are the scene of recurring violence, making numerous victims in the civilian population and causing forced mass displacement. This fighting, which began in November 2006, opposes essentially the FARDC forces to the elements of General Laurent Nkunda, FARDC dissidents refusing to take part in the process of forming an integrated national army, and takes place mainly in the territories of Masisi and Rutshuru, in North Kivu. Acting on what they called the need to protect their community from the atrocities of the Democratic Forces

for the Liberation of Rwanda (FDLR) in the region, the men of General Nkunda are frequently fighting against them.

10. On 1 January 2007, in Kigali, an agreement was signed between General Nkunda and representatives of FARDC, with the facilitation of the Rwandan authorities. Under this agreement, both parties pledged to cooperate in the process of mixing of the troops and hunting down FDLR, as well as organizing the return of Congolese Tutsi refugees and the resettlement of displaced populations. The agreement having not been respected, fighting broke out in early September between the FARDC and the elements of General Nkunda. Under the mediation of MONUC, General Nkunda and FARDC concluded an agreement on the cessation of hostilities on 6 September 2007. The agreement has since been violated several times. On 7 October, speaking to the international press, General Bwambale Kakolele, who acts as Minister of Defense of General Nkunda, said that "We will now launch an offensive throughout the province. We have waited too long for the opening of dialogue with the Kinshasa Government, but we are still being attacked..."

11. A few days later, clashes broke out between FARDC and the elements of General Nkunda; fighting continued for several days causing hundreds of deaths and over 750,000 displaced people. On 14 October, on the eve of the expiry of the ultimatum he had given to Laurent Nkunda for his surrender, President Kabila visited Goma, capital of North Kivu, the scene of the clashes. There, he met the Ambassadors of the Contact Group (USA, Belgium, France, United Kingdom, South Africa) led by Ambassador William Swing, Special Representative of the UN Secretary-General. As a result of these consultations, President Kabila decided to postpone the attack against the troops of General Nkunda. While leaving Goma, on 17 October 2007, he revealed to the press that he had ordered the 8<sup>th</sup> military brigade to prepare for the "disarmament, forced if required, of the elements of General Nkunda." For his part, the Special Representative of the UN Secretary-General called for the return to their countries of the FDLR elements, which are a source of insecurity in the East. Intense diplomatic pressure is being exerted on all parties for a comprehensive settlement of the crisis.

12. MONUC has set up mobile bases in preparation for all contingencies and ensure the security of Goma, as well as the strategic localities of Masisi and Rutshuru. It has also increased motor and air patrols, and continues to support the FARDC in their operations to secure localities targeted by the elements of General Nkunda and to protect the civilian population. In a statement made public on 13 October, MONUC reiterated its support for the FARDC in North Kivu to facilitate the restoration and extension of the State authority.

13. Regarding the establishment of an integrated national army, it should be noted that, to date, 16 out of the 18 brigades have already been provided with training. The process of equipping them is underway. However, important issues remain to be addressed to make these brigades fully operational. This concerns, *inter alia*, the issue of discipline, regular payment of salaries and provision of supplies to the troops. At the Council of Ministers meeting held on 5 October 2007, the Minister of National Defense and Veterans announced the reform of the army in the ongoing process of the restructuring of the defense, justice and security departments.

14. In view of the deterioration of the security and humanitarian situation in the region, my Special Representative in the DRC dispatched a fact-finding mission to the provinces of North and South Kivu, from 29 August to 6 September 2007. The mission met the Governors of the two Provinces, the Commanders of the 8<sup>th</sup> and 10<sup>th</sup> brigades of the FARDC, the heads of MONUC offices in Bukavu and Goma, the heads of the DDRRR section, as well as NGOs working in the humanitarian field. The mission noted that the presence of foreign armed groups in Eastern Congo, including the FDLR, is a threat to the region and also to the Congolese civilian population and to stability in the DRC. With 6,000 to 7,000 armed elements according to MONUC, the FDLR are based around the localities of Mwenga, in the Rusizi plain, on the Bukavu – Mwenga road, in Shabunda, Nyambembe, Walungu and northern Bunyakiri.

15. By creating a political-military movement, the National Congress for the Defense of the People (CNDP), General Laurent Nkunda has set as target the grouping and protection of his community. The presence of FDLR in Eastern DRC is also given by Mai-Mai groups as a reason to explain their refusal to take part in the process of forming the national army. Grouped around their companions who have also deserted the ranks of the FARDC, the Mai-Mai militias have expressed determination to protect their land from the attempts of Nkunda and the domination of the FDLR. Indeed, for these militias, going for integration means "emptying their villages of the real arms able to defend and protect the population." They form the group called "Congolese Resistance Patriots" (PARECO) and are about 3,000 "combatants". Many other elements from several dissident groups (FARDC, FDLR, Mai-Mai) or mere bandits operate in the region, pillaging and killing civilians.

#### **IV. REGIONAL ASPECTS**

16. Despite the serious threats posed by armed groups for the peace process in DRC, it should be noted that the current environment in the region is rather favorable for a negotiated end to the crisis in the Eastern part of the country. Indeed, the Pact on Peace and Security, Stability and Development in the Great Lakes Region, signed by the Heads of State and Government of the countries of the region, in Nairobi, on 15 December 2006, is a valuable instrument for the stabilization of the region.

17. It is within this framework that high-level meetings have been held in recent months in the region. Thus, at the invitation of his Congolese counterpart, the Rwandan Minister of Foreign Affairs made a working visit to Kinshasa, from 2 to 4 September 2007. The two delegations agreed on the need to set-up a mechanism for consultation, follow-up and regular assessment of their mutual commitments involving the Ministers of Foreign Affairs and Defense, the General Chiefs of Staff, and officials of intelligence services. They also agreed to activate the Joint Verification Mechanism to discuss their concerns regarding security, as well as a common, determined and concerted approach to address the issue of ex-FAR and Interahamwé living in the DRC. They pledged to make every effort to ensure that the ex-FAR and Interahamwé disarm and return to Rwanda. They reiterated their commitments to abide by the principles set forth in the Pact of Peace, Security, Stability and Development in the Great Lakes region.

18. Furthermore, in response to a series of incidents on Lake Albert, which strides over the border between the DRC and Uganda, the Foreign Ministers of both countries undertook, during visits to Kinshasa and Kampala, to prepare a meeting between the two Heads of State. Thus, at the invitation of President Jakaya Kikwete of Tanzania, Presidents Joseph Kabila and Yoweri Museveni met in Ngurdoto, near Arusha, Tanzania, as part of the efforts to strengthen the relations of friendship and bilateral cooperation between the two countries.

19. In the joint communiqué issued at the end of the meeting, the two parties reaffirmed their attachment to the ideals and principles enshrined in the Charter of the United Nations and the Constitutive Act of the African Union, as well as the Pact on Peace, Security, Stability and Development in the Great Lakes region. In addition, they agreed on the following: the reaffirmation of respect for the sovereignty of States and the inviolability of the borders inherited from colonization; the reactivation of the joint verification mechanism through the effective establishment of all the posts provided for this purpose; the regular holding of meetings between the political, administrative and military border authorities of the two countries; the continuation and completion of the process of disarmament, demobilization, repatriation, resettlement and reintegration (DDRRR) of the negative forces present on the territories of both countries, and the commitment of both parties not to grant asylum or support to any force or individual refusing to join the process; the forming, within one month, of a Joint Commission in charge of the reconstitution of the common border between the two States; the removal of the refugee camps to more than 150 km from the border and increase of their awareness of voluntary return to their country of origin within the framework of a tripartite commission DRC / Uganda / UNHCR, to be constituted; the commitment to comply fully with the terms of the Protocol on Non-Aggression and Mutual Defense, signed within the framework of the Pact on Peace, Security, Stability and Development in the Great Lakes region.

20. In parallel to these political and diplomatic efforts, regular political and technical meetings of the Tripartite + (DRC, Rwanda, Uganda + Burundi), with the facilitation of the Government of the United States of America, contribute to confidence-building among member countries of the process. Within this framework, Kampala hosted the last ministerial meeting of the Tripartite +, from 15 to 17 September 2007. The Commission was represented at the meeting, as an observer, by a delegation led by my Special Representative in Burundi and Special Envoy for the Great Lakes. The Ministers made important decisions embodied in a document entitled "Strategies aiming at putting an end to the threats posed by the negative forces for regional security."

21. The Kampala meeting also decided to accept the Executive Secretariat of the International Conference on the Great Lakes region as an observer during the meetings of the Tripartite +. On their part, officials of the armed forces and intelligence services of the four countries met in Lubumbashi, on 1 and 2 October 2007.

22. Furthermore, Council will recall that, during its 23<sup>rd</sup> meeting, held in Libreville at the level of Heads of State and Government, on 10 January 2005, it had, *inter alia*, reaffirmed the determination of the AU to contribute to the effective disarmament and neutralization of ex-FAR/Interahamwé and other armed groups in Eastern DRC. Within

the framework of the follow-up to this decision, I dispatched to the region a multidisciplinary assessment mission from 12 November to 3 December 2005. The 50<sup>th</sup> meeting of Council, held on 25 April 2006, was informed of the outcome of this mission and the recommendations that it made.

## V. OBSERVATIONS

23. The holding of elections, followed by the setting of new institutions, has opened a new chapter in the history of the DRC. It is now up to the Congolese political actors to consolidate the remarkable progress thus made. For its part, the international community, whose support for the peace and reconciliation process has been crucial, must continue to accompany the DRC. This is not only about consolidating peace in the country and deepening the reconciliation among its different components, in strict observance of legal Congolese institutions, but also supporting post-conflict reconstruction and development as much as possible. The African Union and its Member States have a crucial role to play in this respect.

24. The continuous presence of foreign armed groups in Eastern DRC, including the FDLR, poses a real threat to peace in the country and is an obstacle to the reconstruction process; it also constitutes a threat to regional stability. Clearly, more efforts should be deployed to find a durable solution to this problem. In this regard, it is important to encourage the efforts made by the countries of the region for a concerted action against the FDLR and other armed groups that are active in the region.

25. In a broader context, it is encouraging to note the positive developments in the region and the strengthening of trust between the different countries of the region, especially within the framework of the process of the International Conference on the Great Lakes Region and the Mechanism of the Tripartite +. This development can only contribute to the consolidation of peace and stability in the DRC.