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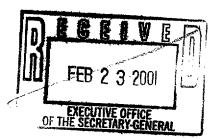
Joseph Stephanides, Director

FROM: DE:

SUBJECT: OBJET:

Security Council Affairs Division, DPA

Security Council: Report on activities



DATE: 22 February 2001

REFERENCE

Attached please find, for the information of the Secretary-General, a note on the informal consultations of the Security Council on Wednesday, 21 February 2001.

cc:

The Deputy Secretary-General

Mr. K. Prendergast

PROCEEDINGS OF THE SECURITY COUNCIL

Wednesday, 21 February 2001

FORMAL MEETINGS

At its 4279th and 4280th (private) meetings, the Security Council discussed with members of the Political Committee of the Lusaka Ceasefire Agreement (S/1999/815, annex) ways in which impetus could be given to the Agreement. In attendance were: Mr. Miranda (Minister for External Relations of Angola); Mr. Okitundu (Minister for Foreign Affairs and International Cooperation of the DRC); Mr. Gurirab (Minister for Foreign Affairs of Namibia); Mr. Mazimpaka (Minister in the Office of the President of the Rwandese Republic; Mr. Mubanda (Minister of State for Foreign Affairs of Uganda); Mr. Silwamba (Minister for Presidential Affairs of Zambia); Mr. Mudenge (Minister for Foreign Affairs of Zimbabwe and Chairman of the Political Committee); Mr. Senga (MLC); Mr. Ruberwa (RCD) and Professor Pashi-Claver (RCD-K). Also present were SRSG Morjane, Mr. Djennit (USG for Political Affairs of the OAU), and General Tidjani (Minister of Defense of Togo and Special Envoy of the Current Chairman of the OAU, Mr. Gnassingbé Eyadéma).

At the 4279th meeting (a.m.), the Secretary-General, noting that the world had been waiting for the parties to the conflict to prove their determination to end the fighting and lay the foundations for peace and recovery, welcomed the progress that had been made towards disengagement, as evidenced by the 19 February decision by Rwandan President Kagame to withdraw troops from Pweto and pull back his forces 200 kilometres, and the 20 February statement by Uganda to withdraw two battalions from the DRC. welcoming the decision of President Kabila's Government to permit the neutral Facilitator, Sir Ketumile Masire, to conduct the inter-Congolese dialogue, the Secretary-General called on international donors and the Council to provide the necessary financial support to the Facilitator. He urged the parties to exercise care in setting a date for disengagement and the redeployment of troops, in order to ensure an efficient and transparent UN operation. Referring to complaints with regard to the slowness of the UN to act, or the small size of the forces it planned to deploy, the Secretary-General noted that troop-contributing countries had not been convinced "that they should risk their soldiers' lives in circumstances where those most responsible are not themselves reliably committed". Finally, he highlighted "the tragic fact" that civilians - especially women and children - had been the principal victims of the fighting, and drew attention to the grave humanitarian situation in the DRC.

Mr. Mudenge (Zimbabwe, Chairman of the Political Committee) noted that a "radically transformed situation" now existed in the DRC that gave rise to renewed hope and optimism for the peace process. Stating that it was "patently evident" that the parties continued to take their obligations seriously, and that a unique opportunity existed to make tangible progress in the peace process, he noted with concern that in adopting a gradualist and minimalist concept of operations for MONUC, the UN had conveyed an unfortunate impression of hesitation and doubt about the peace process. He urged that the Council act swiftly and decisively to promote peace in the DRC and "be willing to take calculated risks if need be".

At the 4280th meeting (a.m. and p.m.), held in private, Mr. Mbabazi (Uganda), stressing that his Government strongly believed that the Lusaka Ceasefire Agreement remained the most viable framework for the resolution of the conflict in the DRC, noted that because of the positive outcome of the 15 February Summit in Lusaka, his Government had announced on 20 February the withdrawal of two additional battalions from the DRC. He expressed the hope that the other parties would respond to that gesture of goodwill by implementing all outstanding provisions of the Agreement with a view to a total withdrawal of all foreign forces.

Mr. Mazimpaka (Rwanda) noted his Government's desire for an expeditious implementation of the Lusaka Ceasefire Agreement and announced that the Rwandan Patriotic Army would withdraw its forces, beginning with Pweto, to a minimum of 200 kilometres towards the border of Rwanda, as of 28 February at midnight. His Government expected MONUC to be in place shortly thereafter to verify the withdrawal from Pweto. He urged that no alterations be made to the Lusaka Ceasefire Agreement, and called for the commitment of all parties to the disarmament of, and non-cooperation with, ex-FAR and Interahamwe forces. He requested that during the current meetings with the Council the dates be identified for the starting and ending of the disarmament process.

General Tidjani (Special Envoy of the Chairman of the OAU) read out a message from Chairman Eyadéma (Togo), stating, interalia, that tangible progress could be achieved only if all the parties were ready to comply in good faith with the provisions of the Lusaka Ceasefire Agreement and the subsequent disengagement plans, and to work in close cooperation with MONUC. While expressing appreciation that the Council was preparing to authorize the second phase of MONUC, he noted that the recommendation to reduce MONUC personnel to 3,000 gave rise to misgivings concerning the extent of the UN's involvement in accomplishment of its mission in the DRC.

France noted that the draft resolution prepared by his delegation addressed three key elements of the Lusaka Agreement, namely, national dialogue, the military dimension, and the security of neighbouring countries. Stating that the first phase of implementation of the Lusaka Ceasefire Agreement must be the disengagement plan, he highlighted the importance of setting a specific date in that regard (15 May in the draft resolution), and noted that other phases provided for in the agreement included the full withdrawal of all foreign forces. Referring to Mr. Mudenge's expression of regret that the ceiling set in resolution 1291 (2000) had not been achieved, he noted that the current concept was "valid and realistic". He appealed to the parties to give their agreement to the co-location of MONUC and the headquarters of the Joint Military Commission (JMC) in Kinshasa; stressed the need for a programme of disarmament, demobilization, reintegration, repatriation or resettlement of all armed groups to their countries of origin; and appealed to the parties to respect the human rights of the population in their geographical or military areas of competence. Finally, he urged the parties to cooperate with the UN panel of experts set up to investigate the plundering and illegal exploitation of the DRC's natural resources and noted that the panel would submit its findings and recommendations in March 2001.

Members of the Council echoed many of the themes voiced by France. They welcomed the announcements by Uganda and Rwanda regarding their plans for withdrawal from DRC territory, and a number of members (China, the United States, Jamaica, Ireland and France) expressed support for a suggestion by the United Kingdom to hear Facilitator Masire before adopting the draft resolution. Council members joined the Secretary-General in calling on the parties to remove all obstacles to humanitarian assistance and to ensure freedom of movement for MONUC personnel. The United Kingdom suggested (with support from France and Ireland) that the Council undertake a follow-up mission to the DRC (see the report of the previous mission, S/2000/416) and, if necessary, to its neighbours, perhaps a "shorter and more pointed" visit, to ensure that agreements reached in the current meetings were implemented. Bangladesh (echoed by Jamaica) expressed the hope that the proposed international conference on peace, security, democracy and development in the Great Lakes region would inspire bold decisions that benefitted all of the peoples of the region. The Russian Federation drew attention to reports of widespread violations of human rights and humanitarian law in the eastern provinces of the DRC, which were not under the control of its Government, and urged that those violations be brought to an end.

The <u>United States</u>, noting that the Chairman of the Political Committee had called on the Council to take risks, stated that the Council was supporting a "risky proposition ... but that it was not a

matter of the numbers involved". On that point, Singapore, recalling that in the Council's consultations of the whole, similar concerns had been expressed about the size of the force, pointed out that MONUC was not a peace implementation force like UNMIK but a catalyst to engender movement in the DRC peace process. Jamaica urged the members to take into account the comment made by the Chairman of the Political Committee in that regard. Noting that the previous meetings of the parties with the Council had not produced results, Singapore noted the high degree of consensus that prevailed in the Council on the issue and expressed the view that the element that made the current meeting different from previous meetings was the existence of a higher degree of trust in the process. The United States reported that the President of the Congolese Rally for Democracy (RCD-Goma) had informed officials of the United States Embassy in Kinshasa that the RCD would also withdraw from Pweto, pursuant to the Kampala and Harare agreements. Jamaica and Bangladesh drew attention to the role of Congolese women in the inter-Congolese dialogue, and many members welcomed the announcement by President Kabila on inviting Facilitator Masire to Kinshasa.

The members of the Political Committee focused on the contents of the draft resolution, particularly the references to the inter-Congolese dialogue; UN troop levels re: monitoring of the disengagement and redeployment; and the call for financial support of, and resources for, the JMC and its co-location with MONUC in Kinshasa.

On the inter-Congolese dialogue, Mr. Senga (MLC) stated that his movement had signed the Harare sub-plans for disengagement and redeployment contingent on movement in the dialogue. He hoped that disengagement could coincide with the dialogue because those two things had to be synergistic. Mr. Roberwa (RCD-Goma) lamented that the draft resolution defined specific dates for the disarmament of forces but no dates for the inception of the inter-Congolese dialogue. He suggested 15 March 2001 for the onset of that dialogue. By contrast, Mr. Okitundu (DRC) insisted that the withdrawal of troops of aggression could not be linked with the inter-Congolese dialogue. France asked Minister Okitundu to address a letter on behalf of President Kabila inviting the Facilitator to visit Kinshasa as soon as possible, and added that his Government would make a contribution to support the efforts of Mr. Masire. On a related point, Mr. Senga (MLC) held that his president had acted as a mediator in the ethnic fighting in Bunia which had ceased.

On the UN troop levels envisaged to monitor the disengagement and redeployment, $\underline{\text{Mr. Mudenge}}$ (Chairman of the Political Committee), while noting that the Political Committee was not opposed to the new concept of operations as contained in the

Secretary-General's report (S/2001/128), held that the Council was "creating the perception outside" that it was not willing to commit the numbers of troops (5,537 military) that had been identified in resolution 1291 (2000). In support, Mr. Gurirab (Namibia) cautioned that the Council should not appear to be reneging on its commitments in resolution 1291 (2000) because that would send a negative signal at a time when urgency and speed were required. He encouraged the Secretary-General to secure additional offers of troops for MONUC.

On the JMC and its co-location with MONUC in Kinshasa (paragraph 7 of the draft resolution), Mr. Senga (MLC) held that it was too early to decide on the matter. Mr. Roberwa (RCD-Goma) held that his movement would have serious problems in terms of the physical safety of its representatives if the JMC were relocated to Kinshasa. He proposed instead that Kisangani be used as the headquarters of the JMC. Mr. Pashi-Claver (RCD-K) maintained that his movement would relocate to Kinshasa if JMC security were provided for all members. Mr. Okitundu (DRC) stressed that his Government had undertaken to assume the safety of all members of the JMC. Mr. Gurirab (Namibia), supported by Mr. Silwamba (Zambia), held that the JMC was not effective because of a lack of resources and financial assistance, and called for such support.

On related matters, France, in support of the UK proposal for a Council mission to the region, suggested that the Council might wish to decide on 15 May as the date for the mission. On the issue of disarmament, France held that the next important issue for the Political Committee and the Council to take up was the need for a genuine disarmament, demobilization and reintegration plan (DDR) for the ex-FAR and Interahamwe, and that it was up to the parties themselves to discuss and agree on that. He observed that the Lusaka Agreement could not impose constraints on the Council; it was up to the Council to determine and announce what it could do. He stressed that the Council would never carry out forced disarmament in the vast areas of DRC, but it could do a great deal to help the parties implement the DDR of "negative forces", such as through monitoring and humanitarian assistance. Mr. Mudenge noted that the Political Committee had produced papers on the concept of disarmament that would be taken up in due course.

Following the adjournment of the meeting in the afternoon, Council members held further consultations on the draft resolution. France circulated a revised text, drawing attention to the paragraphs which had not yet obtained consensus. After a lengthy discussion of those paragraphs, mainly on the issue of the withdrawal by the RCD of its forces from Pweto, Council members reached agreement on the text, which was to be put into blue that

evening (S/2001/157, attachment) with a view to its adoption on 22 February.

Jamaica called attention with concern to paragraph 77 of the Secretary-General's report (S/2001/128), in which it was stated that the 1,900 armed personnel of the UN "will not be able to extract other UN personnel at risk, or accompany humanitarian convoys, nor will they be able to extend protection to the local population". She believed that such a situation was a denigration of resolution 1291 (2000) and could in fact put the UN personnel in serious jeopardy. Her concern was shared by Colombia, Norway and Mauritius. France observed that even if 1,000 or 2,000 more personnel were added, it would not make any difference in a country as vast as the DRC. If the Council wanted to act in order to protect people, he said, hundreds of thousands more personnel should be sent. He argued that the Council could not remain inactive until it obtained all the required personnel, and agreed with the Secretariat that there were reasonable risks involved.

* * *

The <u>President</u> informed the members that <u>Namibia</u> had requested to be present at the private meeting, scheduled for 22 February, between the Council members and Facilitator Masire. He mentioned that the DRC had also expressed a similar wish. It was agreed that the private meeting would be limited to a closed session between the Council and Mr. Masire.

N. Chan
D. Biggs
L. Rickard-Martin
M. Bouvard
SCSB/SCAD
22 February 2001

Programme of work

Thursday, 22 February 2001

10.00 a.m. **4281**st (closed) meeting: Democratic Republic of the Congo (Briefing by Facilitator Masire)

Morning *

4282nd **meeting:** Democratic Republic of the Congo (S/2001/128)

3.00 p.m. 4283^{rd} meeting: The situation in Angola (S/2000/1225)

^{*} To be held following the adjournment of the $4281^{\rm st}$ (closed) meeting.

Attachment

Draft resolution

The Security Council,

Recalling its resolutions 1234 (1999) of 9 April 1999, 1258 (1999) of 6 August 1999, 1265 (1999) of 17 September 1999, 1273 (1999) of 5 November 1999, 1279 (1999) of 30 November 1999, 1291 (2000) of 24 February 2000, 1296 (2000) of 19 April 2000, 1304 (2000) of 15 June 2000, 1323 (2000) of 13 October 2000 and 1332 (2000) of 14 December 2000 and the statements of its President of 13 July 1998 (S/PRST/1998/20), 31 August 1998 (S/PRST/1998/26), 11 December 1998 (S/PRST/1998/36), 24 June 1999 (S/PRST/1999/17), 26 January 2000 (S/PRST/2000/2), 5 May 2000 (S/PRST/2000/15), 2 June 2000 (S/PRST/2000/20) and 7 September 2000 (S/PRST/2000/28),

Reaffirming the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and of all States in the region,

Reaffirming further the obligation of all States to refrain from the use of force against the territorial integrity and political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming also the sovereignty of the Democratic Republic of the Congo over its natural resources, and noting with concern reports of the illegal exploitation of the country's assets and the potential consequences of these actions for security conditions and the continuation of hostilities,

Expressing its alarm at the dire consequences of the prolonged conflict for the civilian population throughout the territory of the Democratic Republic of the Congo, in particular the increase in the number of refugees and displaced persons and stressing the urgent need for substantial humanitarian assistance to the Congolese population,

Expressing its deep concern at all violations of human rights and international humanitarian law, including atrocities against civilian populations, especially in the eastern provinces,

Deeply concerned at the increased rate of HIV/AIDS infection, in particular amongst women and girls as a result of the conflict,

Gravely concerned by the continued recruitment and use of child soldiers by armed forces and groups, including cross-border recruitment and abduction of children,

Reaffirming its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Reaffirming its support for the Lusaka Ceasefire Agreement (S/1999/815), as well as the Kampala plan and the Harare sub-plans for disengagement and redeployment,

Stressing the importance of giving new impetus to the peace process in order to secure the full and definitive withdrawal of all foreign troops from the Democratic Republic of the Congo,

Also stressing the importance of advancing the political process called for under the Lusaka Ceasefire Agreement and facilitating national reconciliation,

Recalling the responsibilities of all parties to cooperate in the full deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), and noting with satisfaction the recent statements by the

President of the Democratic Republic of the Congo and his assurances of support for the deployment of MONUC,

Welcoming the participation of the members of the Political Committee of the Lusaka Ceasefire Agreement in its meetings of 21 and 22 February 2001, and stressing the need for the parties to honour the commitments they made to take concrete steps to advance the peace process,

Commending the outstanding work of MONUC personnel in challenging conditions, and noting the strong leadership of the Special Representative of the Secretary-General,

Taking note of the Secretary-General's report of 12 February 2001 (S/2001/128) and his conclusion that the conditions of respect for the ceasefire, a valid plan for disengagement and cooperation with MONUC are being met,

Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

- 1. Notes the recent progress made in achieving respect for the ceasefire, and urgently calls on all parties to the Lusaka Ceasefire Agreement not to resume hostilities and to implement this agreement, as well as the agreements reached in Kampala and Harare and the relevant Security Council resolutions;
- 2. Demands once again that Ugandan and Rwandan forces and all other foreign forces withdraw from the territory of the Democratic Republic of the Congo in compliance with paragraph 4 of its resolutions 1304 (2000) and the Lusaka Ceasefire Agreement, and urges these forces to take urgent steps to accelerate this withdrawal;
- 3. Demands that the parties implement fully the Kampala Plan and the Harare Sub-Plans for disengagement and redeployment of forces without reservations within the 14-day period stipulated in the Harare Agreement, starting from 15 March 2001;
- 4. Welcomes the commitment by the Rwandan authorities in their letter of 18 February 2001 (S/2001/147), to withdraw their forces from Pweto in accordance with the Harare Agreement, calls on them to implement this commitment and calls upon other parties to respect this withdrawal;
- 5. Welcomes also the commitment of the Ugandan authorities to reduce immediately by two battalions the strength of their forces in the territory of the Democratic Republic of the Congo, calls on the Ugandan authorities to implement this commitment and calls on MONUC to verify it;
- 6. Urges the parties to the Lusaka Ceasefire Agreement to prepare and adopt not later than 15 May 2001, in close liaison with MONUC, a precise plan and schedule which, in accordance with the Lusaka Ceasefire Agreement, would lead to the completion of the orderly withdrawal of all foreign troops from the territory of the Democratic Republic of the Congo, and requests the Secretary-General to report to it by 15 April 2001 on the progress of these efforts;
- 7. Demands all the parties to refrain from any offensive military action during the process of disengagement and withdrawal of foreign forces;
- 8. Urges all the parties to the conflict, in close liaison with MONUC, to prepare by 15 May 2001 for immediate implementation prioritized plans for the disarmament, demobilization, reintegration, repatriation or resettlement of all armed groups referred to in Annex A, Chapter 9.1, of the Lusaka Ceasefire Agreement, and demands that all parties cease all forms of assistance and

cooperation with these groups and use their influence to urge such groups to cease their activities:

- 9. Condemns the massacres and atrocities committed in the territory of the Democratic Republic of the Congo, and demands once again that all the parties concerned put an immediate end to violations of human rights and international humanitarian law;
- 10. Demands that all armed forces and groups concerned bring an effective end to the recruitment and training of children into their armed forces, calls upon them to extend full cooperation to MONUC, the United Nations Children's Fund, and humanitarian organizations for speedy demobilization, return and rehabilitation of such children, and requests the Secretary-General to entrust the Special Representative of the Secretary-General for Children and Armed Conflicts with pursuing these objectives on a priority basis;
- 11. Calls on all parties to ensure the safe and unhindered access of relief personnel to all those in need, and recalls that the parties must also provide guarantees for the safety, security and freedom of movement for United Nations and associated humanitarian relief personnel;
- 12. Calls also on all the parties to respect the principles of neutrality and impartiality in the delivery of humanitarian assistance;
- 13. Calls on the international community to increase its support to humanitarian relief activities within the Democratic Republic of the Congo and in neighbouring countries affected by the crisis in the Democratic Republic of the Congo;
- 14. Reminds all parties of their obligations with respect of the security of civilian populations under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and stresses that occupying forces should be held responsible for human rights violations in the territory under their control;
- 15. Welcomes the expressed willingness of the authorities of the Democratic Republic of the Congo to proceed with the inter-Congolese Dialogue under the aegis of the neutral Facilitator, Sir Ketumile Masire, and in this regard welcomes the announcement by the President of the Democratic Republic of the Congo at the Summit in Lusaka on 15 February 2001 that the Facilitator has been invited to Kinshasa, and calls on all Congolese parties to take immediate concrete steps to take forward the inter-Congolese dialogue;
- 16. Reiterates that MONUC shall cooperate closely with the Facilitator of the Inter-Congolese Dialogue, provide support and technical assistance to him, and coordinate the activities of other United Nations agencies to this effect;
- 17. Calls on all the parties to the conflict to cooperate fully in the deployment and operations of MONUC including through full implementation of the provisions and the principles of the Status of Forces Agreement throughout the territory of the Democratic Republic of the Congo, and reaffirms that it is the responsibility of all the parties to ensure the security of United Nations personnel, together with associated personnel;
- 18. Requests the parties, as a follow-up to the discussions on this matter at the Lusaka Summit on 15 February 2001, to relocate the Joint Military Commission (JMC) to Kinshasa, co-locating it at all levels with MONUC, and calls on the authorities of the Democratic Republic of the Congo to ensure the security of all the JMC members;

- 19. Reaffirms the authorization contained in resolution 1291 (2000) of 24 February 2000 and the mandate set out in its resolution for the expansion and deployment of MONUC, endorses the updated concept of operations put forward by the Secretary-General in his report of 12 February 2001, with a view to the deployment of all the civilian and military personnel required to monitor and verify the implementation by the parties of the ceasefire and disengagement plans, stressing that this disengagement is a first step towards the full and definitive withdrawal of all foreign troops from the territory of the Democratic Republic of the Congo;
- 20. Emphasizes that it will be prepared to consider a further review of the concept of operations for MONUC, when appropriate and in the light of developments, in order to monitor and verify the withdrawal of foreign troops and the implementation of the plan mentioned in paragraph 8 above and, in coordination with existing mechanisms, to enhance security on the border of the Democratic Republic of the Congo with Rwanda, Uganda and Burundi, and requests the Secretary-General to make proposals when appropriate;
- 21. Reaffirms that it is ready to support the Secretary-General if and when he deems that it is necessary and that conditions allow it to deploy troops in the border areas in the east of the Democratic Republic of the Congo, including possibly in Goma or Bukavu;
- 22. Welcomes the dialogue initiated between the authorities of the Democratic Republic of the Congo and Burundi, urges them to continue their efforts, and emphasizes in this respect that the settlement of the crisis in Burundi would contribute positively to the settlement of the conflict in the Democratic Republic of the Congo;
- 23. Welcomes also the recent meetings of the parties, including the meeting of the Presidents of the Democratic Republic of the Congo and Rwanda, encourages them to intensify their dialogue with the goal of achieving regional security structures based on common interest and mutual respect for the territorial integrity, national sovereignty and security of both States, and emphasizes in this respect that disarmament, demobilization and cessation of any support to the ex-Rwandese Armed Forces and Interahamwe forces will facilitate the settlement of the conflict in the Democratic Republic of the Congo;
- 24. Expresses its full support for the work of the expert panel on the illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of the Congo, and once again urges the parties to the conflict in the Democratic Republic of the Congo and the other parties concerned to cooperate fully with it;
- 25. Reaffirms that it attaches the highest importance to the cessation of the illegal exploitation of the natural resources of the Democratic Republic of the Congo, affirms that it is ready to consider the necessary actions to put an end to this exploitation, and awaits with interest in this respect the final conclusions of the expert panel, including the conclusions relating to the level of cooperation of States with the expert panel;
- 26. Reaffirms also that an international conference on peace, security, democracy and development in the Great Lakes region, with participation by all the Governments of the region and all the other parties concerned, should be organized at the appropriate time under the aegis of the United Nations and the Organization of African Unity with a view to strengthening stability in the region and working out conditions that will enable everyone to enjoy the right to live peacefully within national borders;

- 27. Expresses its intention to monitor closely progress by the parties in implementing the requirements of this resolution and to undertake a mission to the region, possibly in May 2001, to monitor progress and discuss the way forward;
- 28. Expresses its readiness to consider possible measures which could be imposed, in accordance with its responsibilities and obligations under the Charter of the United Nations, in case of failure by parties to comply fully with this resolution;
 - 29. Decides to remain actively seized of the matter.