



# SECURITY COUNCIL REPORT UPDATE REPORT



16 February 2009 No. 2

## Democratic Republic of the Congo

### Expected Council Action

On 17 February the Security Council is expecting a briefing on the humanitarian situation in the Democratic Republic of the Congo (DRC). The briefing will be at an open meeting of the Council and the UN Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, John Holmes, is expected to talk about his recent visit to the DRC. The focus seems to be on the Ugandan rebel Lord's Resistance Army (LRA) situation in northern DRC and the impact of the ongoing offensive against the Hutu rebel Forces Démocratiques de Libération du Rwanda (FDLR) groups in the east. At press time it was unclear whether Council members would propose any action.

### Key Recent Developments

The joint military operations being carried out by the DRC and Rwandan national armies against FDLR fighters have continued over the past couple of weeks. However, information about its impact has been surprisingly scarce due to the fact that no major clashes have occurred between the two forces. An engagement did occur during the latter part of the week of 9 February when about forty Hutu rebels were killed in air strikes carried out by the DRC-Rwanda joint operation. Generally, the Rwandan Hutu rebels appear to have adopted a strategy of elusiveness, avoiding direct military engagement with the joint DRC-Rwandan armies' offensive and retreating into the bushes and hills.

There has been a reported tenfold increase in the rate of FDLR rebels surrendering over this same period for resettlement in Rwanda. This may be a result of the fact that the control of FDLR hardliners has diminished as they have been forced to retreat. Large numbers of these returnees are said to be Hutu women and children, as well as youths who due to their age cannot be linked to the 1994 Rwandan genocide.

On 8 February a UN Mission in the DRC (MONUC) disarmament, demobilisation, repatriation, resettlement and reintegration team discovered that some 150 Rwandan

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Hutu ex-combatants, who had voluntarily disarmed in July 2008, had fled their camp in Kasiki 200 kilometres north of Goma. The MONUC team was seeking to ensure their transfer to Goma and possible voluntary repatriation to Rwanda.

Brutal reprisal attacks by FDLR rebel groups against civilians seem to be occurring following joint operations against them. The international human rights organisation, Human Rights Watch, reported that between 20 January and 8 February the FDLR killed over 100 Congolese civilians in North and South Kivu, a scale of violence that had not been seen in years.

A similar pattern of violence has been unleashed by the LRA against civilians in northern DRC, involving brutal killings and mutilations, again in the aftermath joint operations carried out by the DRC, Ugandan and Southern Sudanese armies against LRA bases. The LRA is reported to have conducted large-scale killings of whole civilian communities and the razing of villages.

The DRC government's agreements with foreign governments (e.g. Ugandan army troops to fight the LRA in northeastern DRC and the Rwandan joint action with the Congolese army in eastern DRC) are apparently due to end at the close of February. It seems that neither operation will achieve the goals of decisively ending the respective rebel operations.

Holmes visited DRC from 6 to 10 February. He consulted with President Laurent Kabila in Kinshasa and visited the Kivu provinces in eastern DRC and LRA affected areas in northern DRC. He visited scenes of the recent attacks carried out by the LRA which had killed nearly 1,000 people since December and displaced thousands. Holmes stressed to army commanders, who were undertaking joint operations against the LRA, the importance of making protection of civilians central in planning and operations, as well as the need for better communication about the risks to civilians and humanitarian actors.

Following a round of consultations with concerned parties in Goma on 12 February, the Secretary-General's Special Envoy for the Great Lakes Region, Olusegun Obasanjo, indicated that talks will resume soon between the Congolese government and the mainly Tutsi rebel group *Congrès National pour la Défense du Peuple* (CNDP). The talks which began in Nairobi in December, aim at finding closure to the conflict which has displaced about 250,000 people since August 2008, in addition to 800,000 already uprooted in the North Kivu province. (The two sides agreed on a document establishing the ground rules for substantive discussions in January, by which the rebels agreed to withdraw their forces. The rebels would be subsequently expected to either disarm or integrate into the Congolese national army. No date for the resumption of the talks had been specified at press time). The Special Envoy also stated that the parties now appeared to prefer the talks to be held on Congolese territory when they resume at a date still to be specified, but he thought that it remained desirable that the talks proceed in Nairobi and

encouraged other Congolese armed groups in eastern DRC to join the talks.

### **Key Issues**

The key issue for Council members is likely to be the negative impact of the joint military operations on the civilian populations in eastern and northern DRC. They will be closely interested in Holmes's views as to whether another humanitarian disaster is likely in the wake of expected intensive military clashes between the DRC-Rwanda joint forces and the FDLR, and what can be done to stem the continuing brutal reprisal actions of the FDLR and the LRA.

A second issue is whether the Council will put additional political weight behind the UN's stalemated efforts to generate the additional troops to reinforce the capacity of MONUC to protect civilians that the Council authorised two months ago. (On 27 January the Secretary-General wrote to the Council informing it about difficulties being encountered in ongoing attempts to secure additional troops and capacities for MONUC and stated that "in the mean time, any efforts by the Security Council to encourage troop contributing countries to provide the Mission with the necessary resources would be greatly appreciated.")

### **Options**

The main options at this stage for the Council are:

- reinforcing the advice which Holmes will present by adopting a strong statement about the humanitarian situation;
- inviting the governments of the DRC and Rwanda to a private meeting to emphasise the importance of protection of civilians during the joint operations, including coordination with MONUC on the issue of protection of civilians during the planning, execution and the aftermath of their joint military operations;
- encouraging troop contributing countries to provide the additional capacities required by MONUC as a matter of urgency;
- requesting the Special Advisor on the Prevention of Genocide to update his advice based on recent developments now that some of the dimensions of the issue have changed; and
- deferring action to watch subsequent developments and only scheduling subsequent meetings if the situation deteriorates.

### **Council Dynamics**

Council dynamics remain unchanged. A wait-and-see attitude seems to influence most members at this stage. Some members are anticipating that Holmes will make a strong case for the Council to take steps urgently to influence the key local actors (i.e. the DRC government and foreign national armies on DRC soil) regarding the need to effectively coordinate with MONUC during the planning, execution and aftermath phases of operations to ensure that the protection of civilians mandate is upheld and the humanitarian fall-out does not become catastrophic.

France is the leading country in the Council on the issue of the DRC.

## UN Documents

### Selected Security Council Resolutions

- S/RES/1857 (22 December 2008) renewed the sanctions regime for DRC and extended the mandate of the Group of Experts until 30 November.
- S/RES/1856 (22 December 2008) renewed MONUC's mandate and continued authorisation of an additional 3,085 troops for MONUC until 31 December 2009.
- S/RES/1843 (20 November 2008) authorised the temporary deployment of additional troops to reinforce MONUC's capacity.
- S/RES/1807 (31 March 2008) lifted the arms embargo for government forces, strengthened measures related to aviation and customs.
- 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.

### Latest Presidential Statements

- S/PRST/2008/48 (22 December 2008) welcomed regional efforts to address the security threat posed by LRA.
- S/PRST/2008/40 (29 October 2008) condemned the rebel CNDP offensive in the eastern region of the DRC and noted the request for reinforcement of MONUC.
- S/PRST/2008/38 (21 October 2008) expressed concern about the resurgence of violence in the eastern parts of the DRC and requested a comprehensive analysis of the situation.

### Latest Secretary-General's Report

- S/2008/728 (18 November 2008) was the fourth special report on the DRC.

### Selected Sanctions Committee Document

- S/2008/773 (12 December 2008) was the latest report of the Group of Experts for the DRC.

### Other

- S/2009/52 (27 January 2009) was the letter from the Secretary-General informing the president of the Security Council about difficulties being encountered in attempts to secure additional troops and capacities for MONUC.
- SC/9576 (16 January 2009) was the press statement of the Security Council expressing concern about LRA activities.
- SG/SM/12029 (30 December 2008) was the Secretary-General's press statement on the LRA.
- S/2008/791 (15 December 2008) was the response from Rwanda to the accusations of the Group of Experts for the DRC.
- S-8/1 (1 December 2008) was the resolution adopted by the Special

Session of the Human Rights Council.

**Other Relevant Facts**

<b>Chairman of the DRC Sanctions Committee</b>
Ambassador Baki Ilkin (Turkey)
<b>Group of Experts</b>
<ul style="list-style-type: none"><li>• Sergio Finardi (Italy, aviation expert)</li><li>• Jason Stearns (USA, regional expert and coordinator of the Group)</li><li>• Mouctar Kokouma Diallo (Guinea, customs expert)</li><li>• Peter Danssaert (Belgium, arms expert)</li><li>• Dinesh Mahtani (UK, finance expert)</li></ul>
<b>Special Representative of the Secretary-General and Head of Mission</b>
Alan Doss (UK)
<b>MONUC Interim Force Commander</b>
Lieutenant General Babacar Gaye (Senegal)
<b>Size, Composition and Cost of Mission</b>
<ul style="list-style-type: none"><li>• <i>Strength as of 31 December 2008:</i> 16,603 troops, 740 military observers, 1,079 police, 951 international civilian personnel and 2,206 local civilian staff, 595 UN volunteers.</li><li>• <i>Approved budget (1 July 2008-30 June 2009):</i> \$1,242.73 million</li></ul>
<b>Duration</b>
30 November 1999 to present; mandate expires on 31 December 2009.

**Useful Additional Sources**

*The Christmas Massacres: LRA attacks on Civilians in Northern Congo*, Human Rights Watch, 2009