

9. The situation in the Great Lakes region

Deliberations of February 2001 to May 2002 (4273rd, 4323rd and 4532nd meetings)

At its 4273rd meeting, on 7 February 2001, the Security Council heard briefings by the Secretary-General and the President of Rwanda, following which statements were made by all members of the Council.

In his briefing, the Secretary-General pointed out that the Council was meeting to reaffirm its commitment to bringing peace and stability to the Democratic Republic of the Congo. He highlighted the need to address the issues of governance, national dialogue, democracy, accountability and reconciliation in the Democratic Republic of the Congo and in the region. Furthermore, he mentioned the issue of the continued existence of predatory armed groups and he emphasized that those guilty of the worst atrocities of human rights abuses and especially those guilty of genocide should not be allowed to escape unpunished.¹

The President of Rwanda underlined the importance of the Lusaka Ceasefire Agreement peace process and the desire of his country to fulfil its obligation as demanded in that process. He maintained that the core issues that needed to be addressed in order for the Lusaka process to succeed were, first, the inter-Congolese dialogue; secondly, the problem of former Rwandese Armed Forces and Interahamwe and, thirdly, the withdrawal of foreign armies from the Congo. In addition, he maintained that he had no doubt that the Council would continue to play its role in finding a solution to the problems in the region.²

Most speakers called for reconciliation and a peaceful solution to the crisis. They expressed support for the Lusaka Agreement and called for all parties to adhere to it. Several speakers noted the importance of disarming and repatriating members of armed groups in the Democratic Republic of the Congo. Several speakers also expressed concerns about human rights violations in the region.

The representative of the United States stated that the withdrawal of foreign forces from the Democratic Republic of the Congo could not be accomplished through military means. Noting that Rwanda could not secure its long-term security interests via a policy of

military opposition to the Democratic Republic of the Congo, he called for a cooperative relationship based on common interests that would lead to the marginalization of the former Rwandese Armed Forces, Interahamwe and other armed groups. In addition, he urged the President of Rwanda “to ensure that his forces and their Congolese allies respect fully the human and civil rights of the Congolese people”.³

The representative of France opined that relaunching the Lusaka peace process and proceeding to phase II of the deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) required the disengagement and withdrawal of foreign forces from the Democratic Republic of the Congo. He stated that the presence of forces of aggression in the Democratic Republic of the Congo was unacceptable. He furthermore pointed out that there was also concern about information on large-scale plundering of the natural resources of the Democratic Republic of the Congo.⁴

The representatives of Ireland and Norway maintained that the concerns that the President of Rwanda had mentioned could not justify the extent of the Rwandan military presence in the Democratic Republic of the Congo, the representative of Ireland noting that the same reservation applied to the number of troops deployed by other neighbouring countries, regardless of the reasons put forward for their presence.⁵

The representative of the United Kingdom asked whether the President of Rwanda had instructed his armed forces to refrain from any exploitation of the mineral wealth of the Democratic Republic of the Congo and raised the issue of whether he would take action to ensure that child soldiers were not recruited into military activities.⁶

At its 4323rd meeting,⁷ on 30 May 2001, the Council included in its agenda the report of the

³ *Ibid.*, pp. 4-5.

⁴ *Ibid.*, pp. 5-6.

⁵ *Ibid.*, p. 8 (Ireland); and pp. 11-12 (Norway).

⁶ *Ibid.*, pp. 9-10.

⁷ For more information on the discussion at this meeting, see chap. I, part V, case 8, with regard to special cases concerning the application of rules 27-36 of the provisional rules of procedure.

¹ S/PV.4273, p. 2.

² *Ibid.*, p. 4.

Security Council mission to the Great Lakes region, 15 to 26 May 2001.⁸ The report covered the meetings of the mission with 10 Heads of State across Africa, as well as facilitators, representatives of civil society, and the leaders of several armed groups. It covered developments in the Democratic Republic of the Congo and Burundi, and provided suggestions and recommendations for Council action in these areas.⁹

At the meeting, statements were made by all members of the Council, and the representatives of Burundi, the Democratic Republic of the Congo, Namibia, Rwanda, South Africa and Uganda, as well as the Secretary-General. The President (United States) drew the attention of the Council to a letter dated 24 May 2001 from Zambia, transmitting the text of a communiqué produced at a joint meeting of the Political Committee on the Implementation of the Lusaka Ceasefire Agreement in the Democratic Republic of the Congo and the Security Council mission to the Great Lakes region.¹⁰

The representative of France briefed the Council on the mission and emphasized that the role of the United Nations in the Great Lakes region was helping the parties to implement their commitments by having observers on the ground. He stressed that it was not a matter of imposing peace but a matter of helping the parties to implement their own commitments. He discussed, *inter alia*, the progress made in the Lusaka peace process in the Democratic Republic of the Congo and the withdrawal of foreign forces from there, as well as the impasse in Burundi. He also observed that their mission had not simply been to observe events, but it had also contributed to bridging differences, provided for real negotiations on sensitive issues and reminded all the parties of their obligation to respect international law, human rights and international humanitarian law. Furthermore, he stated that the conference of all the States concerned by the conflict in the region needed to take place in order to deal with the matter of security between States in the region and human rights issue, especially minority rights.¹¹

⁸ S/2001/521 and Add.1.

⁹ For more information, see the studies in the present chapter on Burundi (section 6) and the Democratic Republic of the Congo (section 10).

¹⁰ S/2001/525.

¹¹ S/PV.4323, pp. 3-8.

In his briefing, the Secretary-General maintained that the mission's visit to the region demonstrated the importance that the United Nations attached to the peace process in the Democratic Republic of the Congo. He highlighted the urgent challenges in the peace process in the Democratic Republic of the Congo. First, with regard to the humanitarian situation, there was the imperative need to provide additional resources in order to address the emerging requirements of the population. Secondly, with regard to the human rights of civilians, the question of impunity had to be addressed by investigating alleged massacres and other major violations of human rights. He maintained that "without accountability for the most severe crimes, there can be no lasting peace". Thirdly, he raised the issues of child soldiers and the precarious security situation, especially in the east of the country. He concluded that beyond the region, every member of the United Nations family had a role to play in helping to secure the peace and in improving the lives of the Congolese people.¹²

Most speakers welcomed the mission, and stressed that it provided an opportunity to achieve stability in the Democratic Republic of the Congo. They stressed that all of the signatories to the Lusaka Agreement needed to abide by their commitments under the disengagement plans. Several speakers stressed the importance of the inter-Congolese dialogue and of the decision by the Government to allow political parties to participate in it. A number of speakers stressed the importance of rejuvenating economic activity in the Democratic Republic of the Congo. A few speakers also called for an end to illegal exploitation of natural resources in the Democratic Republic of the Congo. Several speakers also welcomed the efforts of the Council mission to provide momentum to the peace process in Burundi, as well as the efforts of the Facilitator of the Burundi peace process, the former President of South Africa, Nelson Mandela.

The representative of the Democratic Republic of the Congo stated that the mission had sent a strong signal and had conveyed the unanimous determination of the Council to move ahead in the peace process, put an end to the "plundering of the wealth" of his country and to take up the question of the massive violations of international humanitarian law that had been taking

¹² *Ibid.*, pp. 9-10.

place since the “aggression began”. He stressed that it was time for the Council to declare that the “war of aggression” was intolerable and that the “occupying forces” needed to immediately return home. He stressed that the authorities of Burundi, Uganda, and Rwanda who were responsible for the flight of thousands of people needed to be brought to justice. Finally, he fully endorsed the idea of an international conference on peace and security in the Great Lakes region.¹³

The representative of Rwanda noted that the arrival in the field of the “most important body of the United Nations” had reinvigorated the Lusaka Peace Agreement and given its signatories a determination to see it succeed. Nevertheless, the disarmament and disengagement of the “negative forces”, which included those who had carried out the genocide in Rwanda, namely, “the Interahamwe militia and the ex-Rwandese Armed Forces, which have been welcomed with open arms on Congolese soil since the time of the Mobutu regime”, continued to be necessary. He stressed that all support provided for those forces needed to come to an end.¹⁴

The representative of Burundi expressed his satisfaction that the Council had been able to hear from the mediator and other leaders in the region about the “danger of total war” in Burundi due to a spillover from the war in the Democratic Republic of the Congo. He stated that through its talks with the two rebel groups in Burundi, the Council had been able to recognize that those groups regarded the ceasefire as the lowest priority. On the role of the region, he maintained that the Council would have recognized that some were committed to helping, while others were still reluctant and kept repeating that there was no infiltration along their borders with Burundi. Some of his country’s neighbours had adopted an attitude that was contrary to the spirit of the Peace Agreement, despite the fact that they had co-sponsored it. Therefore, he called on the Council to act without delay to get assurances from those countries and armed groups that they would cooperate with the Government in settling security issues along their common border. He expressed support for the immediate imposition of sanctions on armed groups and those that supported

them as envisaged in the Arusha process and in the Lusaka process.¹⁵

The representative of Jamaica, echoed by the United Kingdom and Ireland, expressed disappointment that some delegations had used this important milestone in the peace process to be belligerent rather than to seek ways to advance the process.¹⁶

The representative of the United Kingdom observed that while all parties had stated that they would implement the Lusaka Ceasefire Agreement, the Council mission had also “heard nuances from all of them about where they would like to swing Lusaka their way”. He stressed that, while the parties would be tempted to seek advantage from the process, the international community would not be prepared to invest, politically and economically, in that region unless the whole region had stability. There was therefore no point in any one party pursuing its own interests at the expense of its neighbours or of the region as a whole. On Burundi, he noted he was “depressed”, and stated that none of the parties, or the Government, were really contributing as they should to the peace process.¹⁷

At its 4532nd meeting,¹⁸ on 14 May 2002, the Council included in its agenda the report of the Security Council mission to the Great Lakes region, of 27 April to 7 May 2002.¹⁹ In its report, the mission observed that the parties to the Lusaka Ceasefire Agreement, with the help of MONUC, continued to make slow progress in the application of the peace process and made several recommendations aimed at

¹⁵ *Ibid.*, p. 18.

¹⁶ *Ibid.*, p. 2 (Jamaica); p. 3 (United Kingdom); and p. 12 (Ireland).

¹⁷ *Ibid.*, pp. 2-4.

¹⁸ For more information on the discussion at this meeting, see chap. I, part V, case 10, with regard to special cases concerning the application of rules 27-36 of the provisional rules of procedures.

¹⁹ S/2002/537 and S/2002/537/Add.1, which contained a non-paper entitled “International conference on peace, security, democracy and development in the Great Lakes region” submitted by the Council to its interlocutors during its mission and a communiqué issued at the conclusion of the joint meeting of the Political Committee on the Implementation of the Lusaka Ceasefire Agreement in the Democratic Republic of the Congo and the Council mission, held in Luanda on 2 May 2002.

¹³ *Ibid.*, pp. 10-14.

¹⁴ *Ibid.*, p. 14.

facilitating the peace process, including the establishment of a buffer zone to promote the orderly withdrawal of all foreign troops. On Burundi, the mission noted that, while there had been improvements, the fighting had continued. The mission made several recommendations for strengthening the peace process.

At the same meeting, statements were made by the representatives of Burundi, the Democratic Republic of the Congo, France, Rwanda, South Africa, Spain²⁰ and the United Kingdom.

Most speakers welcomed the results of the mission and the progress of the inter-Congolese dialogue, and expressed support for the recommendations of the mission on both the Democratic Republic of the Congo and Burundi.

The representative of France, presenting the report of the Council's third mission to the region, noted the importance, *inter alia*, of the withdrawal of all foreign troops and stressed that the establishment of a transitional government of national unity in Kinshasa would not only help Rwanda deal with its security issues, but would also help MONUC to better discharge its functions. He maintained that progress had been made but the peace process remained fragile. On Burundi he stressed that first and foremost, there needed to be a cessation of hostilities. Secondly, the implementation of reforms during the transition period was indispensable, with or without a ceasefire. Lastly, he emphasized that the assistance of the international community was crucial.²¹

The representative of the Democratic Republic of the Congo welcomed the close involvement of the Council, but stressed that the international community needed to attach greater importance to the economic reconstruction of the Democratic Republic of the Congo and that of the Great Lakes region, following the devastation of four years of a "war of aggression" against his country. He stated that consolidating the peace process could not be done without economic support, as well as bilateral and multilateral activity.²²

²⁰ On behalf of the European Union and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey.

²¹ S/PV.4532, pp. 2-5.

²² *Ibid.*, p. 10.

The representative of Rwanda welcomed the fact that the Council had focused its attention on the underlying causes that had prompted Rwanda to "intervene militarily in the Democratic Republic of the Congo by virtue of its natural right of legitimate defence under Article 51. Nonetheless, he stressed that the full implementation of the Lusaka Peace Agreement would reassure Rwanda only if "the perpetrators of the Rwandan genocide" in the Democratic Republic of the Congo no longer had support and had been disarmed and reintegrated. He also stressed that all parties of the inter-Congolese dialogue needed to be considered equal.²³

The representative of South Africa expressed concern that the Council was departing from resolution 1291 (2000) and the intent of the Lusaka Ceasefire Agreement, because paragraph 23 of the report²⁴ could be read to mean that the three armed parties in the Congolese dialogue could reach agreement by themselves and then impose it on the unarmed groups in the Democratic Republic of the Congo. He stressed that the five components of the inter-Congolese dialogue — the Government, the Mouvement de libération du Congo, the Rassemblement congolais pour la démocratie-Goma, and the unarmed groups and civil society — needed to be treated equally.²⁵

The representative of Burundi stated that the achievements of the transitional Government in his country, established six months ago had been broadly positive. However, he stated that the peace process remained fragile, due to the continuation of violence and the wrenching poverty afflicting the population.²⁶

The representative of France noted that, in regard to paragraph 23 of the report, the Council was strictly following the text of the Lusaka Ceasefire Agreement.

²³ *Ibid.*, pp. 13-14.

²⁴ Paragraph 23 of the report (S/2002/537) reads, in part: "The mission trusts that, in accordance with the views expressed by its interlocutors, the Government of the Democratic Republic of the Congo, MLC [Mouvement de libération du Congo] and RCD-Goma [Rassemblement congolais pour la démocratie-Goma] will pursue their talks with a view to reaching a comprehensive and inclusive agreement in accordance with the Lusaka Ceasefire Agreement. Such an agreement might then be endorsed by the parties to the inter-Congolese dialogue, in the presence of the neutral facilitator, Sir Ketumile Masire."

²⁵ S/PV.4532, p. 12.

²⁶ *Ibid.*, p. 14.

However, he also stressed that the situation was in a delicate phase in which there was “risk of the crystallization of two opposing blocks of unequal size, but which could lead to the risk of a partition”. That risk had prompted the mission to stress that it was desirable to promote direct and discreet contact in order to reconcile the points of view and arrive at an inclusive agreement, which would, of course, include civil society and the political parties.²⁷

The representative of the United Kingdom stated that he was convinced that there was a real chance to move forward in resolving the conflict in the Democratic Republic of the Congo and in the Great Lakes region if the inter-Congolese dialogue could be brought to a conclusion that fitted the Lusaka Agreement and the aims of resolution 1291 (2000) and following resolutions. He underlined the need to put all possible influence towards producing a real conclusion to the dialogue and not just “support with rhetoric the words that had been written in resolutions.”²⁸

**Decision of 20 November 2003
(4865th meeting): statement by the President**

At its 4865th meeting,²⁹ on 20 November 2003, the Council included in its agenda a report of the Secretary-General dated 17 November 2003 on preparations for an international conference on the Great Lakes region.³⁰ In his report, the Secretary-General, stressed that the Council’s call for an international conference on the Great Lakes region entailed the recognition of the fact that the internal problems in the region tended to spread because of the close social, economic and cultural links of the inhabitants of the entire region, which was why a regional approach was needed. The purpose of the Conference, under United Nations and African Union partnership, was to begin a process to bring together the leaders of the countries of the Great Lakes region to reach an agreement on a set of principles and launch selected programmes to help end the cycle of conflict and ensure durable peace, democracy and development in the whole region. It would also establish a regional

framework to facilitate the adoption of a stability, security and development pact. He noted that the conference was not a one-time event but a process of several stages and he urged the core countries to focus on the priorities of the conference in order to formulate concrete and feasible policies.

At the meeting, statements were made by the Secretary-General, most members of the Council,³¹ the representatives of Italy (on behalf of the European Union³²), Mozambique (on behalf of the Presidency of the African Union) and the United Republic of Tanzania, as well as the Special Envoy of the Chairperson of the African Union for the Great Lakes region and the Special Representative of the Secretary-General for the Great Lakes region.

Most speakers strongly supported the conference, agreeing that a regional approach was essential to address the crisis affecting the Great Lakes region. They expressed hope that holding the conference would help consolidate the gains that had been made in the recent peace processes in the Democratic Republic of the Congo and Burundi. A number of speakers stressed that the conference would have to be judged on whether it produced concrete measures to ensure a safeguard against a future resurgence of violence, instability, and criminality. Several speakers welcomed the role of the Council in working in the region and expressed support for the various peacekeeping and other missions that were on the ground. A number of speakers also noted the need for sufficient financial support for the conference and called on donors to provide it in a timely manner.

A few speakers stressed that participation in the first round of the conference should be open to all neighbouring States and that no Governments that legitimately wished to take part should be excluded.³³

The Special Envoy of the Chairperson of the African Union for the Great Lakes region noted that although the six core countries had agreed to appoint national coordinators and to set up national preparatory

²⁷ Ibid, pp. 15-16.

²⁸ Ibid., p. 16.

²⁹ For more information on the discussion at this meeting, see chap. X, part IV, with regard to the interpretation or application of the provisions of Chapter VI of the Charter.

³⁰ S/2003/1099.

³¹ The representative of the United States did not make a statement.

³² Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

³³ S/PV.4865, p. 15 (France); and p. 25 (Cameroon, Germany).

committees, only a few countries had submitted details. Therefore, it might not be possible to hold the regional preparatory meetings due to the lack of input from most of the core countries.³⁴

The Special Representative of the Secretary-General for the Great Lakes region noted that the role of the Security Council was of crucial importance to the conference in terms of providing political guidance in the conference process; giving essential diplomatic support; and in mobilizing the international community.³⁵

At the same meeting, the President made a statement on behalf of the Council,³⁶ by which the Council, *inter alia*:

³⁴ *Ibid.*, p. 10.

³⁵ *Ibid.*, p. 15.

³⁶ S/PRST/2003/23.

Welcomed and strongly endorsed the report of the Secretary-General of 17 November 2003;

Stressed also the importance of the participation of all States concerned to ensure the success of the conference on the Great Lakes region;

Encouraged the States in the region to reach early agreement on participation in the conference;

Expressed hope that the full normalization of relations and the implementation of confidence-building measures would also help achieve stability for all countries in the region;

Appealed to the countries of the region and to the international community to provide sustained political and diplomatic support, as well as adequate technical and financial assistance.

10. The situation concerning the Democratic Republic of the Congo

Decision of 26 January 2000 (4092nd meeting): statement by the President

At its 4092nd meeting,^{1,2} held at a high level on 24 and 26 January 2000, the Security Council heard a briefing by the Secretary-General. Statements were made by most members of the Council,³ the representatives of Algeria, Angola, Belgium, Burundi, the Democratic Republic of the Congo, Portugal (on behalf of the European Union⁴), Mozambique,

Rwanda, South Africa, Uganda, Zambia and Zimbabwe, and the Secretary-General of the Organization of African Unity (OAU)⁵ and the Facilitator of the inter-Congolese dialogue.⁶

The Secretary-General stated that since the signing of the Lusaka Ceasefire Agreement on 10 July 1999,⁷ there had been many ceasefire violations and

Slovakia, Slovenia and Turkey associated themselves with the statement.

⁵ On 8 July 2002, the Organization of African Unity ceased to exist and was replaced by the African Union.

⁶ Angola, the Democratic Republic of the Congo, Mozambique, Rwanda, Uganda, Zambia and Zimbabwe were represented by their respective presidents; Belgium by its Vice Prime Minister and Minister for Foreign Affairs; Burundi, Canada and Namibia by their respective Ministers for Foreign Affairs; France by its Minister Delegate for Cooperation and Francophonie; Mali by its Minister of the Armed Forces; the United Kingdom by its Minister of State for Foreign and Commonwealth Affairs; and the United States by its Secretary of State. The representatives of Brazil, Cape Verde, Colombia, Egypt, Eritrea, India, Israel, Japan, Lesotho, the Libyan Arab Jamahiriya, Norway and the United Republic of Tanzania were invited to participate but did not make statements; some representatives circulated their statements (see S/2000/54).

⁷ See S/1999/815 (letter dated 23 July 1999 from the representative of Zambia to the President of the Security

¹ During this period, in addition to the meetings covered in this section, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 18 and 22 October 2001 (4391st), 4 March 2002 (4483rd), 11 June 2002 (4550th), 19 September 2002 (4612th) and 4 June 2003 (4767th).

² For more information on the discussion at this meeting, see chap. I, part V, case 14, with regard to special cases concerning the application of rules 27-36 of the provisional rules of procedure; chap. XI, part IV, sect. B, with regard to Article 42 of the Charter; and part IX, sect. B, with regard to Article 51; and chap. XII, part I, sect. B, case 4, with regard to Article 2 (4).

³ The United States circulated its statement (see S/2000/54).

⁴ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania,