



## *Repertoire of the Practice of the Security Council*

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Department of Political Affairs - Security Council Affairs Division  
Security Council Practices and Charter Research Branch

### **The situation concerning the Democratic Republic of the Congo**

#### **Overview**

During the period under review, the Security Council held 13 meetings, adopted four resolutions under Chapter VII of the Charter and two presidential statements in connection with the situation in the Democratic Republic of the Congo. The Council focused on the reconfiguration of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO),<sup>1</sup> the protection of civilians, in particular from sexual violence, and the preparations for both the 2011 presidential and parliamentary elections.

The Council extended the mandate of MONUC until 30 June 2010.<sup>2</sup> Thereafter, the Council extended twice the mandate of MONUSCO for a period of one year.<sup>3</sup> In addition, the Council extended twice the sanctions regime against armed groups in the Democratic Republic of the Congo as well as the mandate of the Group of Experts established pursuant to [resolution 1533 \(2004\)](#).<sup>4</sup>

A table lists the meetings held in consideration of this item, as well as related information, including invitees, speakers and decisions adopted.

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<sup>1</sup> For more information on the respective mandates of MONUC and MONUSCO, see part X, sect. I, with regard to peacekeeping operations.

<sup>2</sup> [Resolution 1925 \(2010\)](#).

<sup>3</sup> [Resolutions 1925 \(2010\)](#) and [1991 \(2011\)](#).

<sup>4</sup> [Resolutions 1952 \(2010\)](#) and [2021 \(2011\)](#).

## **April 2010 to May 2011: reconfiguration of MONUC to MONUSCO**

On 13 April 2010, the Special Representative of the Secretary-General and Head of MONUC presented the report of the Secretary-General, which contained the findings of a technical assessment mission carried out in accordance with [resolution 1906 \(2009\)](#) with regard to the drawdown of MONUC.<sup>5</sup> He reported to the Council that President Joseph Kaliba had indicated his wish for the drawdown to be completed by June 2011. In acknowledgement of the President's wish, he informed the Council of the Secretary-General's recommendation that the first stage of the drawdown should be initiated before 30 June 2010, subject to the Council's concurrence. Following that stage, reviews of the security situation in areas of MONUC deployment would be conducted by a joint Government/MONUC coordination mechanism. Such reviews would be the trigger for the planning of subsequent phases of the drawdown, based on the principle of national self-reliance put forward by President Kabila. MONUC should also progressively shift its focus and structure towards post-conflict stabilization and peace consolidation, based on an expanded partnership with the United Nations country team.<sup>6</sup>

On 28 May 2010, the Council adopted [resolution 1925 \(2010\)](#), by which it, inter alia, extended the mandate of MONUC until 30 June 2010, decided that MONUC should, from 1 July 2010 on, bear the title of MONUSCO and should be deployed until 30 June 2011, and authorized the withdrawal of up to 2000 United Nations military personnel by 30 June 2010 from areas where the security situation so permitted. Emphasizing that the protection of civilians must be given priority, the Council authorized MONUSCO to use all necessary means to carry out its protection mandate, including the effective protection of civilians, humanitarian personnel and human rights defenders under imminent threat of physical violence, as well as the protection of United Nations personnel, facilities, installations and equipment. It further decided that the future reconfiguration of MONUSCO should be determined on the basis of the evolution of the situation on the ground and on the achievement of the identified objectives to be pursued by the

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<sup>5</sup> [S/2010/164](#).

<sup>6</sup> [S/PV.6297](#), pp. 2-6.

Government and MONUSCO, including the completion of the ongoing military operations in the Kivus and Orientale Province, an improved capacity of the Government to effectively protect the population, and the consolidation of State authority throughout the territory.

On 18 May 2011, the representative of the Democratic Republic of the Congo maintained that considering the evolution of the security situation on the ground, the time to launch a transition phase that would include a restructuring and reconfiguration of MONUSCO and its mandate with a view to an orderly and progressive yet steady withdrawal of its military component had come, while taking into account the recommendations of experts on the joint assessment team.<sup>7</sup>

### **September 2010 to February 2011: sexual violence in the eastern Democratic Republic of the Congo and the protection of civilians**

On 7 September 2010, the Assistant Secretary-General for Peacekeeping Operations and the Special Representative of the Secretary-General on Sexual Violence in Conflict briefed the Council on the mass rape perpetrated between July and August 2010 in North and South Kivu of the Democratic Republic of the Congo. While describing the measures taken by MONUSCO in the wake of the mass rape including the deployment of a joint protection team on the Mpopfi-Kibua axis to assess the security situation of the villages along the axis, verify the allegations of recent attacks, mass rapes and lootings and evaluate the protection needs of the local population, the Assistant Secretary-General said that the actions of the Mission had not been “adequate”, resulting in unacceptable brutalization of the population of the villages in the area. He outlined the precaution measures to stem such violence in the future, such as improving relations with the community and more evening and night patrols. The Assistant Secretary-General also reported on the activities carried out by both MONUSCO and the Government in bringing the perpetrators to justice, including the launching of Operation Shop Window by MONUSCO, a force projection operation for area domination aimed at protection of

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<sup>7</sup> [S/PV.6539](#), pp. 6-7.

civilians in the region of Pinga, Kibua and Walikale in North Kivu and providing security cover to the efforts to apprehend the perpetrators, and the establishment of a commission by the Government of the Democratic Republic of the Congo to bring the perpetrators to justice.<sup>8</sup> Stressing that rape had been increasingly selected as the weapon of choice in the eastern Democratic Republic of the Congo, the Special Representative of the Secretary-General on Sexual Violence in Conflict stated that the international community should face its collective responsibility for its inability to prevent the mass rapes in Kibua. She stressed that the Government should reinforce its efforts to address impunity and strengthen the rule of law, particularly in the context of sexual violence, while the role of the United Nations in the Democratic Republic of the Congo was to support the Government as the primary protection and service provider.<sup>9</sup>

On 17 September 2010, the Council adopted a presidential statement,<sup>10</sup> in which it reiterated its strong condemnation of mass rapes in the eastern Democratic Republic of the Congo and stressed the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law. The Council called upon the Government to condemn the atrocities, to provide effective assistance to the victims of sexual abuse, to support efforts undertaken by all relevant stakeholders, to protect and assist the victims and to prevent further violence. Furthermore, the Council underlined the need for MONUSCO to improve relations with communities, including through better information-gathering mechanisms and communication tools.

On 14 October 2010, the Special Representative of the Secretary-General on Sexual Violence in Conflict reported on the arrest of the Executive Secretary of the Forces Démocratiques pour la libération du Rwanda (FDLR), one of the rebel groups implicated in the mass rapes, and another commander of the Mayi-Mayi Cheka rebel

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<sup>8</sup> [S/PV.6378](#), pp. 3-5.

<sup>9</sup> *Ibid.*, pp. 8-9.

<sup>10</sup> [S/PRST/2010/17](#).

group presumed to be among those responsible for the mass rapes in Walikale. She urged the Council to escalate the focus on crimes of sexual violence in the work of the Committee established pursuant to [resolution 1533 \(2004\)](#) concerning the Democratic Republic of the Congo. Lastly, she commended the Government for some of the policies adopted to combat sexual violence, including the announcement of the moratorium on mining in three provinces following the Walikale atrocities, and the policy of zero tolerance for sexual violence within the Forces armées de la République démocratique du Congo.<sup>11</sup>

On 15 October 2010, the Special Representative of the Secretary-General and Head of MONUSCO stated that the internal review related to MONUSCO's protection activities would not be "a one-time activity with a defined time frame". In response to the escalating violence in North Kivu, he said a more visible and active MONUSCO military posture had been established. In that regard, he mentioned "Operation Shop Window" which was aimed at putting pressure on the armed groups and improving general security.<sup>12</sup>

On 7 February 2011, the Special Representative of the Secretary-General emphasized that the protection of civilians remained the major priority and focus of MONUSCO, driven by the operations of foreign and domestic armed groups in the eastern portion of the country. While commenting that there had been too many cases of abuses committed by members of FARDC and the Congolese national police, he noted a significant increase in 2010 in the number of arrests of Government soldiers and police accused for such abuses.<sup>13</sup>

On 28 June 2011, the Security Council adopted [resolution 1991 \(2011\)](#), in which it reaffirmed that the protection of civilians must be given priority in decisions about the use of available capacity and resources and encouraged further the use of innovative

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<sup>11</sup> [S/PV.6400](#), pp. 2-5.

<sup>12</sup> [S/PV.6403](#), pp. 2-3.

<sup>13</sup> [S/PV.6476](#), pp. 2-3.

measures implemented by MONUSCO in the protection of civilians. Furthermore, it encouraged the Government of the Democratic Republic of the Congo to remain fully committed to protecting the civilian population through the establishment of professional and sustainable security forces and the rule of law and respect for human rights, to promote non-military solutions as an integral part of the overall solution for reducing the threat posed by Congolese and foreign armed groups and to restore full State authority in the areas freed from armed groups.

On 8 November 2011, the Special Representative of the Secretary-General reported that a shocking number of rapes continued to be reported in the Democratic Republic of the Congo. He believed that the integration model -integrating armed elements without the benefit of adequate training, screening, and alternative programmes- had produced unsatisfactory results and needed review and revision. However, he noted that some significant progress had been achieved particularly in the fight against impunity.<sup>14</sup>

### **October 2010 to November 2011: presidential and parliamentary elections of 2011**

On 15 October 2010 the Special Representative of the Secretary-General stated that the conduct of democratic, transparent and credible elections was a major priority for the Government. Thus far, budgets had been approved by national and international authorities, initial planning for logistics support by MONUSCO had been completed, and support for voter registration was ongoing. The United Nations Development Programme (UNDP) was also committed to provide technical and other assistance.<sup>15</sup>

On 7 February 2011, the Special Representative of the Secretary-General emphasized that despite challenges good progress had been made towards the conduct of national elections. He noted that MONUSCO had been actively providing needed logistical support and progress towards ensuring overall financing of the Congolese

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<sup>14</sup> [S/PV.6649](#), pp. 4-5.

<sup>15</sup> [S/PV.6403](#), p. 4.

election budget also had been satisfactory.<sup>16</sup> The representative of the Democratic Republic of the Congo reported that an Independent National Electoral Commission had been established and would guide the country on how to organize the electoral process, in particular voter registration, electoral lists, voting operation and ballot counting.<sup>17</sup>

On 18 May 2011, the Secretary-General stated that elections could help further consolidate peace and stability, although it was critical that they be credible and peaceful. Urging all stakeholders to work together to ensure that the elections met those conditions, he said MONUSCO was expected to continue to provide logistical and technical support, and stood ready to support election observers.<sup>18</sup> The representative of the Democratic Republic of the Congo reported that the Electoral Commission had published an overall electoral timetable, according to which elections for the President of the Republic and national deputies would be held on 28 November and the President-elect sworn in and inaugurated on 20 December. He noted that important opposition leaders had confirmed their participation in the forthcoming elections by registering after the publishing of the timetable, which was evidence of the approval of the timetable by almost the entire political class.<sup>19</sup> Speakers underlined the importance of the forthcoming elections in consolidating the authority and legitimacy of the State, a precondition for stabilization and peace consolidation, and stressed the supporting role of MONUSCO in providing logistical and financial assistance at the request of the Government.<sup>20</sup>

On 9 June 2011, while acknowledging the electoral challenges, including lack of supplementary financial resources and electoral security, the Special Representative of the Secretary-General and Head of MONUSCO highlighted the progress made in the

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<sup>16</sup> [S/PV.6476](#), p. 4.

<sup>17</sup> *Ibid.*, p. 7.

<sup>18</sup> [S/PV.6539](#), pp. 2-3.

<sup>19</sup> *Ibid.*, p. 6.

<sup>20</sup> *Ibid.*, pp. 8-9 (Gabon); p. 9 (United Kingdom); p. 13 (China); pp. 14-15 (Nigeria); p. 16 (Portugal); p. 23 (Germany); p. 24 (Brazil); pp. 24-25 (Bosnia and Herzegovina); and p. 27 (United Nations Development Programme).

preparation for the elections, in particular the passage of needed new electoral legislation by the National Assembly.<sup>21</sup>

On 28 June 2011, the Council adopted [resolution 1991 \(2011\)](#) by which it, inter alia, decided that MONUSCO should support the organization and conduct of national, provincial and local elections through the provision of technical and logistical support as requested by the Congolese authorities, by facilitating enhanced and regular dialogue with the Commission Electorale Nationale Indépendante (CENI), by monitoring, reporting and following-up on human rights violations in the context of the elections, and by using the good offices of the Special Representative of the Secretary-General.

On 8 November 2011, the Special Representative of the Secretary-General stated that MONUSCO was fully engaged to ensure the democratic conduct of elections on 28 November, in accordance with the CENI calendar. While noting the progress being made, including the fulfilment of international financial pledges for elections, he noted the low rate of women contesting for electoral office, the anticipated rise of election-related tensions, and the activities of armed groups.<sup>22</sup>

### **November 2010 to November 2011: renewal of the sanction regimes and group of experts**

On 29 November 2010, the Council adopted [resolution 1952 \(2010\)](#), by which it decided to renew until 30 November 2011 the sanction measures imposed by resolution 1807 (2008). In addition, it requested the Secretary-General to extend the mandate of the Group of Experts until 30 November 2011 with the addition of a sixth expert.

On 29 November 2011, the Council adopted [resolution 2021 \(2011\)](#), by which it decided, inter alia, to renew until 30 November 2012 the sanctions measures imposed

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<sup>21</sup> [S/PV.6551](#), pp. 4-5.

<sup>22</sup> [S/PV.6649](#), pp. 3-4.



by [resolution 1807 \(2008\)](#). In addition, it requested the Secretary-General to extend the mandate of the Group of Experts until 30 November 2012.

**Meetings: the situation concerning the Democratic Republic of the Congo**

| <i>Meeting and date</i>   | <i>Sub-item</i>  | <i>Other documents</i>  | <i>Rule 37 invitations</i>       | <i>Rule 39 and other invitations</i>  | <i>Speakers</i> | <i>Decision and vote (for-against-abstaining)</i> |
|---------------------------|--|---|----------------------------------|---|-----------------|---|
| 6297<br>13 April 2010     | Thirty-first report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) ( <a href="#">S/2010/164</a> ) |   | Democratic Republic of the Congo | Special Representative of the Secretary-General in the Democratic Republic of the Congo and Head of MONUC                               | Rule 39 invitee |   |
| 6324<br>28 May 2010       | Thirty-first report of the Secretary-General on MONUC ( <a href="#">S/2010/164</a> )   | Draft resolution submitted by France, Gabon, Uganda, United Kingdom, United States ( <a href="#">S/2010/256</a> ) | Democratic Republic of the Congo |   |                 | <a href="#">Resolution 1925 (2010)</a><br>15-0-0  |
| 6378<br>7 September 2010  |  |   | Democratic Republic of the Congo | Assistant Secretary-General for Peacekeeping Operations, Special Representative of the Secretary-General on Sexual Violence in Conflict | All invitees    |   |
| 6387<br>17 September 2010 |  |   | Democratic Republic of the Congo |   |                 | <a href="#">S/PRST/2010/17</a>                    |
| 6400<br>14 October 2010   |  |   | Democratic Republic of the Congo | Special Representative of the Secretary-General on Sexual Violence in Conflict  | Rule 39 invitee |   |
| 6403<br>15 October 2010   | Report of the Secretary-General on the United Nations Organization Stabilization   |   | Democratic Republic of the Congo | Special Representative of   | Rule 39 invitee |   |

| <i>Meeting and date</i>  | <i>Sub-item</i>   | <i>Other documents</i>  | <i>Rule 37 invitations</i>       | <i>Rule 39 and other invitations</i>  | <i>Speakers</i>  | <i>Decision and vote (for-against-abstaining)</i> |
|--------------------------|---|---|----------------------------------|---|--|---|
| 6432<br>29 November 2010 | Mission in the Democratic Republic of the Congo (MONUSCO) ( <a href="#">S/2010/512</a> )  | Draft resolution submitted by France ( <a href="#">S/2010/597</a> )                                       | Congo                            | the Secretary-General and Head of MONUSCO   |  | <a href="#">Resolution 1952 (2010)</a><br>15-0-0  |
| 6476<br>7 February 2011  | Report of the Secretary-General on MONUSCO ( <a href="#">S/2011/20</a> )  |   | Democratic Republic of the Congo | Special Representative of the Secretary-General   | All invitees   |   |
| 6539<br>18 May 2011      | Letter dated 2 May 2011 from the Permanent Representative of France to the United Nations addressed to the Secretary-General ( <a href="#">S/2011/282</a> ) |   | Democratic Republic of the Congo | Director of the Regional Bureau for Africa of the United Nations Development Programme, Director of Operations and Strategy for Africa of the World Bank, Acting Head of the delegation of the European Union to the United Nations | Secretary-General, all Council members, and all invitees | <a href="#">S/PRST/2011/11</a>                    |
| 6551<br>9 June 2011      | Report of the Secretary-General on MONUSCO ( <a href="#">S/2011/298</a> )   |   | Democratic Republic of the Congo | Special Representative of the Secretary-General   | All invitees   |   |
| 6568<br>28 June 2011     | Report of the Secretary-General on MONUSCO ( <a href="#">S/2011/298</a> )   | Draft resolution submitted by France, Gabon, United Kingdom, United States ( <a href="#">S/2011/390</a> ) | Democratic Republic of the Congo |   |  | <a href="#">Resolution 1991 (2011)</a><br>15-0-0  |
| 6649<br>8 November 2011  | Report of the Secretary-General on MONUSCO ( <a href="#">S/2011/656</a> )   |   | Democratic Republic of the Congo | Special Representative of   | All invitees   |   |

| <i>Meeting and date</i>  | <i>Sub-item</i> | <i>Other documents</i>  | <i>Rule 37 invitations</i> | <i>Rule 39 and other invitations</i> | <i>Speakers</i> | <i>Decision and vote (for-against-abstaining)</i> |
|--------------------------|-----------------|---|----------------------------|--------------------------------------|-----------------|---|
| 6671<br>29 November 2011 |                 | Draft resolution submitted by France ( <a href="#">S/2011/737</a> ) | Congo                      | the Secretary-General                |                 | <a href="#">Resolution 2021 (2011)</a><br>15-0-0  |