

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,

that the deployment of United Nations military liaison officers had been obstructed, undermining confidence in the implementation process. He stressed that the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), if given the necessary cooperation and allowed to do its job, could help foster confidence among the parties and keep the peace process on track. Believing that the Lusaka Agreement remained the most viable blueprint for achieving a comprehensive negotiated solution, he stressed that a sustainable solution to the crisis could be found only if the root causes of the conflict were addressed. In that respect, he emphasized the importance of the inter-Congolese negotiations and welcomed the appointment of Sir Ketumile Masire as facilitator of the dialogue. The Secretary-General held that the parties themselves bore primary responsibility for adhering to commitments and creating conditions conducive to progress, whether it related to the political process, military deployments or protection for humanitarian or other United Nations personnel.⁸

The majority of speakers concurred that the Lusaka Agreement remained the most viable framework for achieving long-lasting peace in the Democratic Republic of the Congo and emphasized that the main responsibility for the implementation of the Agreement lay with the signatory parties. The representative of the Democratic Republic of the Congo lamented that the Lusaka Agreement was deadlocked and had failed to achieve its objectives. In his view, the Agreement would not be able to restore peace to the region unless it demanded a real and immediate ceasefire; a deployment of United Nations forces that would systematically replace the troops of the aggressor countries; the immediate and unconditional withdrawal of the uninvited aggressor forces; and, lastly, the positioning of United Nations forces along the borders between the Democratic Republic of the Congo and the aggressor countries.⁹

Deploring the ceasefire violations, a number of speakers stressed the importance of providing resources to the Joint Military Commission to enable it to assist in the disengagement of forces and the

investigation of any ceasefire violations, as stipulated in the Lusaka Agreement.¹⁰

Most speakers agreed with the recommendation made by the Secretary-General in his report dated 17 January 2000,¹¹ to expand the mandate and deploy a second phase of MONUC and called for expeditious actions to be taken by the Security Council. The representative of Zimbabwe deplored the “lethargic manner” in which the Council had responded to the crisis and called upon the body to urgently dispatch peacekeepers.¹² The representative of Zambia expressed concern at the possibility of preconditions such as the perfect implementation of the Lusaka Agreement being imposed before peacekeepers were sent to the Democratic Republic of the Congo, pointing out that no other ceasefire agreement anywhere in the world had been subject to such a test.¹³ The Secretary-General of OAU declared that the perception that the Council had been “hesitant” in mandating the deployment of a force had served to undermine the speedy implementation of the Lusaka Agreement.¹⁴ Similarly, a few representatives urged the Council to authorize the deployment without delay of a United Nations peacekeeping operation.¹⁵ In that context, citing Article 24 of the Charter, the representative of South Africa warned that a delay by the Council in carrying out its fundamental duty could impact negatively on the situation on the ground.¹⁶ For his part, the representative of the Russian Federation indicated that the timing of the deployment of the United Nations mission should respond to the rate of progress in the peace process, and that the mission should be a large-scale peacekeeping operation. The mission would be deployed when the necessary conditions existed, such as respect for the ceasefire and assurances regarding the security of international

Council, transmitting the text and annexes of the Lusaka Ceasefire Agreement).

⁸ S/PV.4092, pp. 5-6.

⁹ Ibid., pp. 11-12.

¹⁰ Ibid., p. 7 (Zambia); p. 17 (Zimbabwe); p. 23 (Rwanda); p. 24 (Secretary-General of OAU); and p. 30 (Namibia); S/PV.4092 (Resumption 1), p. 2 (South Africa); p. 5 (Belgium); pp. 7-8 (Algeria); p. 12 (Canada); p. 13 (United Kingdom); p. 15 (France); and p. 19 (Tunisia); S/PV.4092 (Resumption 2), p. 2 (Netherlands); p. 6 (Jamaica); and p. 8 (Malaysia).

¹¹ S/2000/30, submitted pursuant to resolution 1279 (1999).

¹² S/PV.4092, pp. 17-18.

¹³ Ibid., p. 8.

¹⁴ Ibid., p. 26.

¹⁵ S/PV.4092 (Resumption 1), p. 2 (South Africa); S/PV.4092 (Resumption 2), p. 8 (Malaysia).

¹⁶ S/PV.4092 (Resumption 1), p. 2.

personnel. In his opinion, the failure of such an operation would have extremely negative consequences for the further development of the situation in the region, and also for the authority of the United Nations and the Security Council.¹⁷ The representative of China declared that the timely deployment of a United Nations peacekeeping operation was an essential guarantee for resolving the conflict. He opined that the Council should accelerate its consideration of the deployment and that the peacekeeping mission should be given an appropriate mandate.¹⁸

A number of speakers advocated that the peacekeeping mission be given a Chapter VII mandate.¹⁹ According to the representative of Uganda, a Chapter VII mandate was required in order to enable the mission to effectively deal with the question of disarmament, demobilization and the protection of civilians.²⁰ In a similar vein, expressing support for the immediate creation of a robust United Nations mission, with a clear mandate and adequate resources, to assist the implementation of the Lusaka Agreement, the representative of Canada also called for the mission's mandate to include "clear and unequivocal" provisions for the protection of civilians under Chapter VII of the Charter.²¹ Several speakers stressed the need for adequate protection for the force.²² In that regard, the representative of the United Kingdom emphasized that the risks associated with peacekeeping operations must be minimized, not only to protect the United Nations personnel, but also to sustain the momentum for the implementation of the Lusaka Agreement.²³

The representative of the Democratic Republic of the Congo argued that the presence of "occupying armies of" Rwanda, Uganda and Burundi in his country was contrary to the principles of the Charter. He declared that, together with its allies in the Southern

African Development Community (SADC), his Government was trying to ensure respect for the principle of the territorial integrity of his country. Underlining the need to halt the "illegal occupation", he questioned whether the Council was justified in relying exclusively on the Lusaka Agreement in trying to re-establish peace.²⁴ In response, the representative of Angola pointed out that his Government had been forced to intervene in the Democratic Republic of the Congo in order to contain the escalation of the war which was taking place close to its own borders.²⁵ Similarly, the representative of Uganda noted that his and other neighbouring countries of the Democratic Republic of the Congo had legitimate security concerns, as recognized in the Lusaka Agreement. Pledging his country's support for the territorial integrity of the Democratic Republic of the Congo, he further endorsed the withdrawal of all foreign troops from that country's territory, in accordance with a timetable to be worked out in accordance to the Lusaka Agreement by the United Nations and OAU.²⁶ The security concerns of neighbouring countries were acknowledged by a number of speakers,²⁷ while others reaffirmed the territorial integrity of the Democratic Republic of the Congo.²⁸

The majority of speakers stressed the importance of national dialogue and in that context expressed their support for Sir Ketumile Masire, the Facilitator of the inter-Congolese dialogue. Believing that an all-inclusive national political dialogue was an effective means to achieve national reconciliation, the representative of China argued that internal dialogue within the Democratic Republic of the Congo could not be achieved without a stable external environment.²⁹

Deploring the failure to organize a conference on security and development in the Great Lakes region in May 1998, the representative of the Democratic Republic of the Congo joined other speakers in

¹⁷ S/PV.4092 (Resumption 2), p. 9.

¹⁸ *Ibid.*, pp. 3-4.

¹⁹ S/PV.4092, p. 11 (Mozambique); p. 18 (Zimbabwe); pp. 20-21 (Uganda); and p. 30 (Namibia); S/PV.4092 (Resumption 1), p. 11 (Canada); p. 14 (United Kingdom); and p. 17 (Bangladesh); S/PV.4092 (Resumption 2), p. 6 (Jamaica).

²⁰ S/PV.4092, p. 20.

²¹ S/PV.4092 (Resumption 1), p. 11.

²² S/PV.4092, p. 8 (Zambia); S/PV.4092 (Resumption 1), p. 5 (Belgium); p. 14 (United Kingdom); and p. 20 (Argentina); S/PV.4092 (Resumption 2), p. 2 (Netherlands); and p. 10 (Portugal).

²³ S/PV.4092 (Resumption 1), p. 14.

²⁴ S/PV.4092, pp. 11-13.

²⁵ *Ibid.*, p. 15.

²⁶ *Ibid.*, pp. 19-20.

²⁷ *Ibid.*, p. 22 (Rwanda); S/PV.4092 (Resumption 1), p. 17 (Bangladesh); and p. 20 (Argentina); S/PV.4092 (Resumption 2), p. 2 (Netherlands); and p. 8 (Malaysia).

²⁸ S/PV.4092, p. 16 (Zimbabwe); p. 20 (Uganda); and p. 30 (Namibia); S/PV.4092 (Resumption 1), p. 9 (Mali); p. 19 (Tunisia); and p. 20 (Argentina); S/PV.4092 (Resumption 2), p. 2 (Netherlands); p. 3 (China); p. 5 (Jamaica); and p. 8 (Malaysia).

²⁹ S/PV.4092 (Resumption 2), p. 4.

supporting the convening of such an international meeting under the joint auspices of the United Nations and OAU.³⁰

At the same meeting, the President (United States) made a statement on behalf of the Council,³¹ by which the Council, *inter alia*:

Expressed its appreciation to the Heads of State and other Government representatives who had participated in its meeting concerning the situation in the Democratic Republic of the Congo on 24 January 2000;

Expected that the progress made at the Maputo Summit of 16 January 2000 and the Harare meeting of the Political Committee of 18 January 2000 would continue at the next Political Committee Meeting and Summit of the Signatories of the Agreement;

Urged all parties to the Lusaka Ceasefire Agreement to build on the momentum of those meetings to create the climate necessary for the full implementation of the Agreement;

Reaffirmed the territorial integrity and national sovereignty of the Democratic Republic of the Congo and reiterated its call for the immediate cessation of hostilities and the withdrawal of all foreign forces;

Welcomed the report of the Secretary-General and expressed its determination to support his recommendation to expand the mandate of MONUC;

Welcomed the arrival of the Special Representative of the Secretary-General in the Democratic Republic of the Congo, expressed its support for his efforts, and urged all parties to assist and cooperate with him;

Called on all signatories of the Lusaka Ceasefire Agreement to provide assurances of safety, security and freedom of movement of United Nations and associated personnel;

Strongly supported the designation of the former President of Botswana, Sir Ketumile Masire, as the Facilitator of the National Dialogue, and called on Member States to provide full financial and other support to his efforts;

Expressed serious concern over the humanitarian situation in the Democratic Republic of the Congo and urged Member States and donor organizations to make available the necessary funds to carry on urgent humanitarian operations.

³⁰ S/PV.4092, p. 13 (Democratic Republic of the Congo); S/PV.4092 (Resumption 1), p. 9 (Mali); p. 16 (France); p. 18 (Bangladesh); p. 19 (Tunisia); and p. 21 (Argentina); S/PV.4092 (Resumption 2), p. 4 (China); p. 6 (Jamaica); p. 7 (Ukraine); pp. 8-9 (Malaysia); p. 9 (Russian Federation); and p. 10 (Portugal).

³¹ S/PRST/2000/2.

Decision of 24 February 2000 (4104th meeting): resolution 1291 (2000)

At its 4104th meeting,³² on 24 February 2000, the Council included in its agenda the report of the Secretary-General on MONUC dated 17 January 2000.³³ In his report, the Secretary-General drew attention to violations of the Lusaka Ceasefire Agreement, the danger of large-scale violence among ethnic groups and the deterioration of the humanitarian situation in the Democratic Republic of the Congo. He reaffirmed that, in order to be effective, any United Nations peacekeeping mission in the Democratic Republic of the Congo, whatever its mandate, would have to be large and expensive and cautioned that the deployment of MONUC would create inflated, even unrealistic, expectations. Noting that the proper implementation of the Lusaka Agreement required very close coordination and cooperation between the United Nations, the parties, the Joint Military Commission and OAU, he commended the regional initiatives undertaken in support of the peace process. Subject to agreement by the parties to taking steps to recommit themselves to the Lusaka Agreement, he recommended the expansion of MONUC. Underlining the necessity of establishing the Joint Military Commission on a permanent basis, he supported the continued efforts to integrate the Commission's activities with those of MONUC. Lastly, the Secretary-General suggested that the inter-Congolese dialogue be conducted under the neutral auspices of the Facilitator with the assistance of OAU.

At the meeting, the President (Argentina) drew the attention of Council members to a number of communications addressed to the President of the Council.³⁴

³² For more information on the discussion at this meeting, see chap. XII, part I, sect. B, case 4, with regard to Article 2, (4) of the Charter.

³³ S/2000/30, submitted pursuant to resolution 1279 (1999).

³⁴ Letters from the representative of the Democratic Republic of the Congo, dated 28 January 2000 informing the Council of "massacres" taking place in the north-east of the Democratic Republic of the Congo which was occupied by Ugandan forces (S/2000/67); and dated 11 February 2000 transmitting a memorandum of the Government of the Democratic Republic of the Congo on the humanitarian situation in those areas (S/2000/122); two letters from the representative of Uganda, dated 26 January 2000 forwarding a document

Statements were made by a majority of the members of the Council,³⁵ and the representatives of the Democratic Republic of the Congo and Portugal (on behalf of the European Union³⁶).

Most speakers expressed their satisfaction with the draft resolution before the Council,³⁷ viewed as a critical step towards resolving the conflict in the Democratic Republic of the Congo and the Great Lakes region by initiating the second phase of deployment of MONUC. They also noted its timely adoption, coming one day after the conclusion of the Lusaka Summit, in which the parties to the Lusaka Ceasefire Agreement reaffirmed their commitment to the Agreement and approved the revised calendar for its implementation. The speakers also reaffirmed that the main responsibility for the implementation of the Agreement lay with the parties. In that connection, they underlined the need for the parties to cooperate with MONUC and to honour their commitments to provide protection and access to the Mission, and for effective cooperation and coordination between MONUC and the Joint Military Commission.

The representative of Namibia, echoed by the representatives of France and Canada, called the draft resolution a compromise, because it did not authorize the deployment of enough military personnel to adequately monitor the implementation of the Lusaka Agreement.³⁸ The main concern expressed by the representative of Canada was that the draft resolution did not match the Mission's mandate with the resources needed to guarantee its success. He further held that in order to ensure that the United Nations peacekeeping

missions had a fair chance to do their job, efforts should be made not to force configurations on them that might be politically convenient but operationally unsound.³⁹ Recalling the complexity of the conflict in the Democratic Republic of the Congo, the representative of the Russian Federation warned against excessive expectations from the deployment of MONUC, as it would be not only naive but also dangerous to rely on external forces to end the conflict, even if those forces were United Nations forces.⁴⁰ The representative of the Democratic Republic of the Congo announced that, while MONUC would receive a warm welcome in his country, his Government hoped to be consulted at all times about the way MONUC was set up and would retain the right to refuse offers coming from States it did not see as neutral.⁴¹

The representative of the United States maintained that his Government's support for phase II did not constitute prior approval for any future deployment of MONUC. If the United Nations recommended the establishment of a larger United Nations peacekeeping mission, his country would consider such recommendations on their own merits, based on the achievements and the situation in phase II. In his opinion, phase III should begin only after the parties had accomplished specific military and political objectives.⁴² The representative of the Netherlands noted that when, at a later stage, the Council would start its deliberations about phase III, the progress made by the parties would undoubtedly determine the direction of the discussion.⁴³ The representative of Tunisia expressed hope that phase II of the Mission's deployment would take place under positive conditions and acknowledged that additional and sustained efforts would be necessary to permit the launching of phase III on a solid foundation.⁴⁴ For his part, the representative of Canada hoped that phase II of deployment would pave the way to a third phase of "substantial" United Nations peacekeeping in the service of the Congolese.⁴⁵

Reaffirming the importance of firm and credible assurances for the security and freedom of movement

on conflicts in the Great Lakes region by the President of Uganda (S/2000/73), and dated 3 February 2000 by which the Government of Uganda rejected the allegations of genocide in the Democratic Republic of the Congo made by the Democratic Republic of the Congo (S/2000/89); and a note verbale dated 31 January 2000 from the Permanent Mission of South Africa to the United Nations forwarding a letter from its Minister for Foreign Affairs requesting the Council to urgently adopt the draft resolution referred to in the presidential statement of 26 January 2000 (S/2000/81).

³⁵ The representative of Malaysia did not make a statement.

³⁶ Bulgaria, Cyprus, the Czech Republic, Hungary, Latvia, Liechtenstein, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

³⁷ S/2000/143.

³⁸ S/PV.4104, p. 3 (Namibia); p. 4 (France); and p. 7 (Canada).

³⁹ *Ibid.*, p. 7.

⁴⁰ *Ibid.*, p. 8.

⁴¹ *Ibid.*, p. 16.

⁴² *Ibid.*, pp. 12-13.

⁴³ *Ibid.*, p. 9.

⁴⁴ *Ibid.*, p. 10.

⁴⁵ *Ibid.*, p. 7.

of the staff of MONUC, the representative of Argentina saluted the inclusion in the resolution of a provision empowering MONUC, within specific circumstances, to act under Chapter VII of the Charter to protect civilians under imminent threat of physical violence.⁴⁶

A number of speakers also expressed concern at the illegal exploitation of natural resources in the Democratic Republic of the Congo.⁴⁷ A few representatives called attention to the situation in the eastern part of the country, including the possibility of a humanitarian catastrophe in the north and south Kivu areas.⁴⁸ The need to pay urgent attention to an effective disarmament, demobilization, repatriation and reintegration programme was also emphasized by a number of speakers.⁴⁹

At the meeting, the President (Argentina) drew the attention of the Council to a draft resolution;⁵⁰ it was put to the vote and adopted unanimously as resolution 1291 (2000), by which the Council, determining that the situation in the Democratic Republic of the Congo constituted a threat to international peace and security in the region, inter alia:

Decided to extend the mandate of MONUC until 31 August 2000;

Authorized the expansion of MONUC to consist of up to 5,537 military personnel, including up to 500 observers and requested the Secretary-General to recommend immediately any additional force requirements that might become necessary to enhance force protection;

Decided that the phased deployment of personnel referred to in paragraph 4 would be carried out as and if the Secretary-General determined that MONUC personnel would be able to deploy to their assigned locations and carry out their functions as described in paragraph 7 in conditions of adequate security and with the cooperation of the parties, and that he had received firm and credible assurances from the parties to the Ceasefire Agreement to that effect, and requested the Secretary-General to keep the Council informed in that regard;

⁴⁶ Ibid., p. 13.

⁴⁷ Ibid., p. 3 (Namibia); p. 4 (France); p. 5 (United Kingdom); p. 6 (Jamaica); p. 9 (Netherlands); and p. 14 (Argentina).

⁴⁸ Ibid., p. 3 (Namibia); p. 4 (France); p. 5 (United Kingdom); p. 14 (Argentina); and p. 17 (Portugal on behalf of the European Union).

⁴⁹ Ibid., p. 5 (United Kingdom); p. 12 (United States); and p. 16 (Portugal).

⁵⁰ S/2000/143.

Decided that MONUC would establish, under overall authority of the Special Representative of the Secretary-General, a joint structure with the Joint Military Commission that would ensure close coordination during the period of deployment of MONUC, with co-located headquarters and joint support and administrative structures;

Acting under Chapter VII of the Charter of the United Nations, with regard to paragraph 8 below, decided that the Mission might take the necessary action, in the areas of deployment of its infantry battalions and as it deemed within its capabilities, to protect United Nations and co-located Joint Military Commission personnel, facilities, installations and equipment, ensure the security and freedom of movement of its personnel, and protect civilians under imminent threat of physical violence.

Decision of 5 May 2000 (4135th meeting): statement by the President

At the 4135th meeting,⁵¹ on 5 May 2000, the President (China) made a statement on behalf of the Council,⁵² by which the Council, inter alia:

Expressed its grave concern at the renewed fighting between Ugandan and Rwandan forces in Kisangani, the Democratic Republic of the Congo;

Demanded that those latest hostilities cease immediately and that those involved in the fighting at Kisangani reaffirm their commitment to the Lusaka process and comply with all relevant Security Council resolutions;

Considered that those hostilities were in violation of the Lusaka Agreement, the Kampala Disengagement Plan of 8 April 2000 and the ceasefire of 14 April 2000.

Decision of 2 June 2000 (4151st meeting): statement by the President

At its 4143rd meeting, on 17 May 2000, the Council included in its agenda the report of the Security Council mission visit to the Democratic Republic of the Congo, 4 to 8 May 2000.⁵³ In its report, dated 11 May 2000, the Council mission stipulated that the ceasefire which had been inaugurated by the agreement of 8 April and begun on 14 April, though fragile, constituted an important basis for future peacemaking. It noted that the renewed

⁵¹ At the 4132nd meeting, held in private on 25 April 2000, the Council was briefed by the Facilitator of the inter-Congolese dialogue. Members of the Council made comments and posed questions in connection with the briefing. The representative of the Democratic Republic of the Congo made a statement.

⁵² S/PRST/2000/15.

⁵³ S/2000/416.

fighting between Ugandan and Rwandan troops in Kisangani on 5 May and the reported violations of the ceasefire in Equateur Province did not represent breakdowns between the parties to the conflict. Referring to the capture of Zambian peacekeepers in Sierra Leone, the mission stressed that the developments in Sierra Leone should not cloud the international community's responsibility in the Democratic Republic of the Congo and its capacity to make a real difference. The mission also recommended that the Secretary-General, before making a final decision, speak to each of the Lusaka Agreement parties, seeking their unequivocal commitment to assist the proposed deployment of phase II of MONUC, testing their commitment to the maintenance of the ceasefire and asking for their firm undertaking to support phase II on the ground in every way possible. The mission further noted that the military activity in and around Kisangani was in clear breach of the ceasefire, and underscored the mission's role in promoting the joint declaration on the demilitarization of Kisangani issued by the Governments of Uganda and Rwanda on 8 May. Reaffirming the need for the Lusaka and United Nations processes to interact effectively, the mission believed that the core structure for ceasefire monitoring, as ordained in resolution 1291 (2000), had to be MONUC and the Joint Military Commission working together from co-located headquarters. The mission advised that the Lusaka requirement for disarmament, demobilization, repatriation and reintegration should be dealt with when the Political Committee on the Implementation of the Lusaka Ceasefire Agreement convened in New York in June. It further recognized the need for time and the most substantial deployment of peacekeeping forces, beyond phase II of MONUC, and stressed that work had to be done on the details, so that the parties could be confident that the whole structure of the Lusaka Agreement was being given attention. The mission also drew attention to the importance of inter-Congolese dialogue and recommended the early establishment of an expert panel to address the issue of illegal exploitation of natural resources.

At the meeting, statements were made by all members of the Council and the representatives of Algeria, Botswana, the Democratic Republic of the Congo, Japan, Pakistan, Portugal (on behalf of the European Union⁵⁴), Rwanda, South Africa, Swaziland,

⁵⁴ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary,

the United Republic of Tanzania, Zambia and Zimbabwe.⁵⁵

Introducing the report of the Council mission to the Democratic Republic of the Congo, the head of the mission (United States) stated that the mission unanimously believed that Council decisions and actions in the Democratic Republic of the Congo should not be affected by the dangerous and terrible events in Sierra Leone. In his view, the deployment of MONUC in adequate conditions of security and cooperation should remain a key priority. Noting that the demilitarization of Kisangani could take place only once MONUC forces arrived in the city, he advocated their deployment ahead of the initial deployment schedule. He stressed the importance of resolving the issue of co-location of the Joint Military Commission and MONUC, the need for national dialogue, and a successful disarmament, demobilization and reintegration campaign. Finally, he observed that the link between the exploitation of natural resources and the continuation of the conflict needed to be further examined.⁵⁶

Most speakers emphasized the importance of national dialogue among the parties to the conflict and expressed their support for the Facilitator of the inter-Congolese dialogue and hoped that the difference over the venue of the dialogue would be reconciled.

Speakers welcomed the progress achieved by the disengagement plan of 8 April, the signing of the status-of-forces agreement, and the proposed timetable for the withdrawal of Rwandan and Ugandan troops from the Democratic Republic of the Congo, and endorsed the recommendations contained in the mission's report. Concurring with the head of the mission that the situation in the Democratic Republic of the Congo should be considered on its own merits, they called for the rapid deployment of phase II of MONUC, the implementation of the disarmament, demobilization, repatriation and reintegration programme and the resolution of the issue of co-location of the Joint Military Commission and MONUC. They also urged that all cases of violations

Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

⁵⁵ The representative of the Libyan Arab Jamahiriya was invited to participate but did not make a statement.

⁵⁶ S/PV.4143, pp. 2-6.

of humanitarian law and human rights be investigated and perpetrators brought to justice. Speakers expressed satisfaction that the Political Committee would meet in New York in June at the invitation of the President of the Council and reaffirmed the importance of withdrawal of foreign troops from the Democratic Republic of the Congo.

Several speakers endorsed the mission's recommendation for the creation of a panel of experts on the illegal exploitation of natural resources in the Democratic Republic of the Congo.⁵⁷

In connection with the future deployment of MONUC, the representative of Namibia cautioned that further delays in the Mission's deployment might be misinterpreted and taken advantage of by the enemies of the peace process.⁵⁸ The representatives of Malaysia and the Russian Federation supported the recommendation that, before the appropriate decision was taken, the Secretary-General should speak once again to each of the Lusaka parties concerning their assistance in the deployment of peacekeeping forces to the Democratic Republic of the Congo.⁵⁹ The representative of Algeria stated that the rapid and complete deployment of phase II of MONUC remained an absolute priority, designed to strengthen the existent ceasefire and develop confidence in the peace process.⁶⁰ In the light of the Sierra Leone experience, the representative of Bangladesh believed that two opposing considerations had to be made: first, the expediency of deployment of MONUC for maintaining peace and security and second, the imperative of security for peacekeepers and avoiding humiliation.⁶¹ The representative of Ukraine stressed that one of the most compelling tasks was to prevent the events in Sierra Leone from negatively impacting the United Nations presence in the Democratic Republic of the Congo.⁶² The representative of the Democratic Republic of the Congo called on the United Nations to engage in the rapid deployment of phase II of

MONUC, recalling that President Kabila had assured the Council mission that his Government would not hinder such a deployment in any way.⁶³

The representative of Canada drew attention to what his delegation viewed as a mismatch between the mandate of MONUC and its resources, describing it as "penny-wise and pound-foolish" in the light of the recent events in Sierra Leone. In his view, MONUC lacked the capacity to achieve even the core elements of its mandate. He held that an adequate match between mandate and resources was not an option but an operational necessity.⁶⁴ Observing that by resolution 1291 (2000), acting under Chapter VII of the Charter, MONUC had been given a mandate as challenging as that of the United Nations Mission in Sierra Leone, the representative of Pakistan stressed that MONUC should be adequately equipped to fulfil its mandate.⁶⁵ Similarly, the representative of South Africa argued that United Nations troops had to be provided not only with an appropriate mandate that took into account the actual conditions in the area of deployment, but also had to be equipped with appropriate resources to carry out their mandate.⁶⁶ In supporting the rapid deployment of MONUC, the representatives of Jamaica and Algeria emphasized that the Mission had to be equipped to deal with any eventuality.⁶⁷

At the 4151st meeting, on 2 June 2000, the President (France) made a statement on behalf of the Council,⁶⁸ by which the Council, *inter alia*:

Welcomed the recommendation made by its mission to the Democratic Republic of the Congo to proceed with the establishment of an expert panel on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo;

Requested the Secretary-General to establish that panel, for a period of six months;

Stressed that in order to implement its mandate, the expert panel might receive logistical support from MONUC and make visits to various countries in the region and if necessary, to other relevant countries;

Requested the Secretary-General to appoint the members of the panel on the basis of the candidates' professional expertise, impartiality and knowledge of the subregion.

⁵⁷ *Ibid.*, p. 7 (United Kingdom); p. 9 (France); p. 12 (Ukraine); pp. 14-15 (Bangladesh); p. 18 (Namibia); p. 21 (Jamaica); and p. 27 (Democratic Republic of the Congo); S/PV.4143 (Resumption 1), p. 7 (Portugal); and p. 9 (Zimbabwe).

⁵⁸ S/PV.4143, p. 17.

⁵⁹ *Ibid.*, p. 13 (Malaysia); and p. 15 (Russian Federation).

⁶⁰ *Ibid.*, p. 24.

⁶¹ *Ibid.*, p. 14.

⁶² *Ibid.*, p. 11.

⁶³ *Ibid.*, p. 27.

⁶⁴ *Ibid.*, pp. 16-17.

⁶⁵ S/PV.4143 (Resumption 1), p. 3.

⁶⁶ *Ibid.*, p. 4.

⁶⁷ S/PV.4143, p. 21 (Jamaica); and p. 25 (Algeria).

⁶⁸ S/PRST/2000/20.

**Decision of 16 June 2000 (4159th meeting):
resolution 1304 (2000)**

At the 4156th meeting, on 15 June 2000, statements were made by the representatives of the Democratic Republic of the Congo and the United States, and by the representative of Uganda, in his capacity as Chairman of the Political Committee on the Implementation of the Lusaka Ceasefire Agreement.⁶⁹

Speaking on behalf of the Council, the President (France) noted that, a year after the signing of the Lusaka Agreement, hostilities had flared up in Kisangani and had been ongoing in Equateur Province and Kivu region. In particular, the resumption of hostilities between Rwanda and Uganda in Kisangani had come as a shock to the international community. He hoped that the necessary decisions would be taken to implement the Lusaka Agreement and bring back peace to the people in the Democratic Republic of the Congo and Central Africa. He noted that the cost in human lives was ever higher and expressed concern over the number of displaced persons and the need for food. Turning to the national dialogue, he deplored the lack of cooperation of the Government of the Democratic Republic of the Congo with the Facilitator. Lastly, he pointed out that the lack of security in that country and the parties' lack of goodwill were hindering the deployment of MONUC, which ran counter to the commitment that had been undertaken. He further characterized the manifestations of hostility towards MONUC in Kinshasa as unacceptable.⁷⁰

⁶⁹ The representatives of Algeria, Angola, Rwanda, Zambia and Zimbabwe, as well as the Head of External Relations of the Mouvement de libération du Congo (MLC), the head of the delegation of the Rassemblement congolais pour la démocratie-Mouvement de libération (RCD-ML) and the Special Representative of the Secretary-General for the Democratic Republic of the Congo were invited to participate but did not make statements. Algeria was represented by the Special Envoy of the President of Algeria, who was the Chairman of OAU; Angola by its Vice-Minister for External Relations; the Democratic Republic of the Congo by its Minister of State for Foreign Affairs and International Cooperation; Namibia by its Minister for Foreign Affairs and President of the General Assembly; Rwanda by its Minister for Foreign Affairs and Regional Cooperation; Uganda by its Minister of State for Foreign Affairs and Regional Cooperation; and Zambia by its Minister for Presidential Affairs. Also present at the meeting was the Secretary-General.

⁷⁰ S/PV.4156, pp. 3-5.

The representative of the United States remarked that the Council mission to Africa in May had carried the weight of the United Nations to the Great Lakes region. He deplored the resumption of hostilities between Rwanda and Uganda in Kisangani, for which there was no excuse as the ceasefire of 8 May had been negotiated by the Security Council. While priority was to be given to the withdrawal of Rwandan and Ugandan forces from Kisangani as the Secretary-General had recommended, all foreign forces needed to be withdrawn and assistance to groups that had not signed the Lusaka Agreement, particularly the ex-Rwandese Armed Forces and Interahamwe, was to be stopped. He further deplored that the Government of the Democratic Republic of the Congo continued to refuse to engage in the inter-Congolese dialogue and to collaborate with the Facilitator, which could be regarded as an attack on the Lusaka peace process. If difficulties had arisen between any parties and the Facilitator, he suggested that they should be "ironed out".⁷¹

The representative of Uganda, speaking in his capacity as Chairman of the Political Committee on the Implementation of the Lusaka Ceasefire Agreement, observed that, various violations notwithstanding, the Agreement had held. Those violations had occurred largely because the mechanism that the Agreement had put in place to manage the implementation process had not been fully operationalized. He observed that after the very cautious approach initially adopted by the United Nations with regard to its involvement in the implementation process, the Council mission to the Democratic Republic of the Congo had signalled the beginning of a partnership in earnest with the Political Committee. He expected the release and exchange of prisoners to commence by the end of the week. The disengagement of forces would follow once the information given by each party had been verified by MONUC. He noted that while enormous challenges to the implementation of the Lusaka Agreement lay ahead, the challenge posed by the fighting in Kisangani between Rwandan and Ugandan forces had been resolved when the parties had been called upon by the Political Committee to end the fighting and implement the agreement for the demilitarization of Kisangani.⁷²

⁷¹ *Ibid.*, pp. 6-10.

⁷² *Ibid.*, pp. 5-6.

The representative of the Democratic Republic of the Congo assured the Council that his Government was committed to the Lusaka Agreement. He warned, however, that no one could guarantee the outcome if foreign forces remained in the country. He stressed that the Democratic Republic of the Congo needed MONUC but, as a sovereign State, it was necessary for the Government to be notified on the movement of every United Nations aircraft. With respect to the inter-Congolese dialogue and the Facilitator, he declared that his Government had reasons to believe that the existing embodiment of the facilitation was no longer appropriate to the progress of the operation. Therefore, his Government had asked OAU to appoint another facilitator who could facilitate dialogue among all Congolese. He lastly called on the Council to speed up the peace process by, for example, linking phases II and III of the deployment of MONUC.⁷³

At the 4159th meeting,⁷⁴ on 16 June 2000, statements were made by the representatives of Tunisia and Uganda, the latter speaking in his capacity as Chairman of the Political Committee.⁷⁵

The Chairman of the Political Committee reported that the Committee had met in a joint session with the Council in New York on 15 and 16 June 2000, and had reviewed the implementation of the Ceasefire Agreement; the conditions for the deployment of MONUC; disarmament, demobilization, repatriation and reintegration of armed groups; the humanitarian situation; and the inter-Congolese dialogue. Reaffirming the commitment of the parties to the Lusaka Agreement as the only viable means to finding a peaceful and sustainable solution, the Committee had briefed the Council on the measures taken to address ceasefire violations and the steps taken by Rwanda and Uganda to bring the situation in Kisangani back to normalcy, including the withdrawal of their forces from Kisangani that had commenced on 16 June. The Committee had further urged the Council to expedite

the deployment of MONUC and to provide adequate resources to the Facilitator of inter-Congolese political negotiations.⁷⁶

Noting that the deployment of MONUC was of capital importance for the implementation of the Lusaka Agreement, the representative of Tunisia announced that a Tunisian unit was ready to be deployed.⁷⁷

At the same meeting, the President (France) drew the attention of the Council to a draft resolution;⁷⁸ it was put to the vote and adopted unanimously as resolution 1304 (2000), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Demanded that Ugandan and Rwandan forces as well as forces of the Congolese armed opposition and other armed groups immediately and completely withdraw from Kisangani, and called on all parties to the Ceasefire Agreement to respect the demilitarization of the city and its environs;

Further demanded, that Uganda and Rwanda, which had violated the sovereignty and territorial integrity of the Democratic Republic of the Congo, withdraw all their forces from the territory of the Democratic Republic of the Congo; that each phase of withdrawal completed by Ugandan and Rwandan forces be reciprocated by the other parties in conformity with the same timetable; and that all other foreign military presence and activity in the territory of the Democratic Republic of the Congo be brought to an end; in that context demanded that all parties abstain from any offensive action during the process of disengagement and of withdrawal of foreign forces;

Requested the Secretary-General to keep under review arrangements for the deployment of the personnel of MONUC;

Demanded that the parties to the Ceasefire Agreement cooperate with the deployment of MONUC to the areas of operations deemed necessary by the Special Representative of the Secretary-General;

Expressed the view that the Governments of Uganda and Rwanda should make reparations for the loss of life and the property damage they had inflicted on the civilian population in Kisangani, and requested the Secretary-General to submit an assessment of the damage as a basis for such reparations;

Expressed its readiness to consider possible measures which could be imposed in accordance with its responsibility under the Charter of the United Nations in case of failure by parties to comply fully with the resolution.

⁷³ *Ibid.*, p. 11.

⁷⁴ At the 4157th and 4158th meetings, held in private on 15 June and 16 June 2000, respectively, the Council members and the members of the Political Committee on the Implementation of the Lusaka Ceasefire Agreement, as well as Zambia, the representative of the Chairman of OAU and the Special Representative of the Secretary-General for the Democratic Republic of the Congo had frank and constructive discussions.

⁷⁵ Uganda was represented by its Minister of State for Foreign Affairs and Regional Cooperation.

⁷⁶ S/PV.4159, pp. 2-3.

⁷⁷ *Ibid.*, p. 3.

⁷⁸ S/2000/587.

Decision of 23 August 2000 (4189th meeting): resolution 1316 (2000)

At its 4189th meeting,⁷⁹ on 23 August 2000, the Council included in its agenda a letter dated 14 August 2000 from the Secretary-General to the President of the Council.⁸⁰ By that letter, the Secretary-General informed the Council that the deployment of MONUC had been prevented by an adverse climate characterized by large-scale fighting in many parts of the country, severe restrictions imposed by the Government and other parties on the Mission's freedom of movement, the refusal of the Government to permit the deployment of United Nations armed troops in accordance with the decisions of the Council, and by a sustained campaign of vilification conducted against MONUC and its staff. Under those conditions, he indicated that the Lusaka peace process was undergoing an extremely challenging phase, which required substantive reevaluation not only on the part of its signatories, but also of the United Nations. He believed that the role MONUC could play under such circumstances remained unclear and requested that the Council consider an interim extension of the mandate of MONUC for one month, until 30 September 2000, in order to allow sufficient time to assess the impact of the development and formulate recommendations accordingly.

The President (Malaysia) drew attention to a draft resolution;⁸¹ it was put to the vote and adopted unanimously and without debate as resolution 1316 (2000), by which the Council, inter alia:

Decided to extend the mandate of MONUC until 15 October 2000;

Emphasized that the technical extension of the Mission's mandate was designed to allow time for further diplomatic activities in support of the Ceasefire Agreement and for Council reflection on the future mandate of MONUC and possible adjustments thereto;

Requested the Secretary-General to report to the Council by 21 September 2000 on progress in the implementation of the

⁷⁹ At the 4183rd meeting, held in private on 3 August 2000, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations. Members of the Council and the Minister for Human Rights and Special Envoy of the President of the Democratic Republic of the Congo had a constructive discussion.

⁸⁰ S/2000/799.

⁸¹ S/2000/823.

Ceasefire Agreement and relevant Council resolutions and make recommendations for further Council action.

Decision of 7 September 2000 (4194th meeting): statement by the President

At the 4194th meeting, held on 7 September 2000 at the level of Heads of State and Government, in connection with the item entitled "Ensuring an effective role for the Security Council in the maintenance of international peace and security, particularly in Africa", the President (Mali) made a statement on behalf of the Council in connection with the situation in the Democratic Republic of the Congo,⁸² by which the Council, inter alia:

Called on all parties to the conflict to cease the hostilities and to fulfil their obligations under the Lusaka Ceasefire Agreement and the relevant resolutions of the Security Council;

Called for the accelerated withdrawal of Ugandan and Rwandan forces and of all other foreign forces from the territory of the Democratic Republic of the Congo;

Called on all the Congolese Parties to engage fully in the national dialogue process;

Deplored that the continuation of hostilities and the lack of cooperation by the parties had prevented the full deployment of MONUC;

Urged all parties, particularly the Government of the Democratic Republic of the Congo, to cooperate effectively with MONUC in order to allow its deployment.

Decision of 13 October 2000 (4207th meeting): resolution 1323 (2000)

At its 4207th meeting, on 13 October 2000, the Council included in its agenda the fourth report of the Secretary-General on MONUC, dated 21 September 2000.⁸³ In his report, the Secretary-General informed the Council that despite the efforts of regional leaders to put the peace process back on track, there had been little progress in the implementation of the Lusaka Agreement. The ceasefire had been violated consistently and progress in developing the disengagement plan adopted in Kampala on 8 April had been stalled since July, when the Government of the Democratic Republic of the Congo withdrew from Joint Military Commission deliberations on the subject.

⁸² S/PRST/2000/28. For a summary of the meeting, see chap. VIII, sect. 37.E.

⁸³ S/2000/888, submitted pursuant to resolution 1316 (2000).

Moreover, the rebel movements had intensified their attempts to achieve a unified front opposing the Government of the Democratic Republic of the Congo. The Government had recently questioned the validity of the Lusaka Agreement and had asked for its revision. The Secretary-General further reported that prospects for the early implementation of the provisions of the Agreement had receded, owing to the refusal of one party to cooperate with the Facilitator. He further announced that Rwandan and Ugandan forces had withdrawn from Kisangani, although it was not clear whether they had redeployed in other areas. He drew attention to the deterioration of the humanitarian and human rights situation and recommended the extension of the mandate of MONUC for a period of two months, an extension which would indicate to all the parties that those months should be used to unequivocally demonstrate their will to move the peace process forward and to create conditions necessary for the deployment of phase II.

At the meeting, statements were made by the representatives of Argentina, Canada, France, the Netherlands, the United Kingdom and the United States.⁸⁴

Noting that there had been “wholesale violations” of the ceasefire agreement, the representative of Canada pointed out that MONUC was unable to deploy its personnel to the regions of the Democratic Republic of the Congo where its presence was needed. He stressed that it was the responsibility of the Government to get the peace process moving again by finally honouring its repeated commitment to allow MONUC full freedom of movement. He also underlined that the Lusaka Agreement signatories had to realize that the Council would not consent to a process in which cooperation with MONUC or the Joint Military Commission was selective or used to legitimize gains made through armed aggression.⁸⁵ Similarly, the representative of the United Kingdom declared that, while troop-contributing countries and Council members could review the status of MONUC deployment and the concept of operations in an early meeting, the real problem was that MONUC was unable to do its job, as efforts to get the right

conditions for the Mission’s deployment had been so far unsuccessful.⁸⁶ In that connection, others also regretted the lack of guarantees of freedom of movement and security for MONUC and the serious violations of the ceasefire.⁸⁷

On the two-month extension of the mandate of MONUC, many speakers emphasized that the parties needed to utilize those months to reaffirm their commitment to and implement the Lusaka Agreement.⁸⁸ At the same time, the representative of Canada stressed that if the parties did not desist from their “destructive approach”, the Council would need to re-examine whether MONUC, in its existing form, was the most appropriate instrument for helping to stabilize the situation on the ground.⁸⁹ The representative of the United States also cautioned that if efforts to block the Mission continued, and should the parties fail to demonstrate their commitment to the peace process, there would be little choice but to review closely the utility and purpose of a continued United Nations presence, as defined in the Mission’s concept of operations.⁹⁰

At the same meeting, the President (Namibia) drew the attention of the Council to a draft resolution;⁹¹ it was adopted unanimously as resolution 1323 (2000), by which the Council, *inter alia*, decided to extend the mandate of MONUC until 15 December 2000.

Decision of 14 December 2000 (4247th meeting): resolution 1332 (2000)

At its 4237th meeting, on 28 November 2000, at which statements were made by a majority of Council members,⁹² the Council was briefed by the Emergency Relief Coordinator *ad interim*.

In her briefing, the Emergency Relief Coordinator reported that the humanitarian situation in the Democratic Republic of the Congo continued to

⁸⁴ The representative of the Democratic Republic of the Congo was invited to participate but did not make a statement.

⁸⁵ S/PV.4207, pp. 2-3.

⁸⁶ *Ibid.*, pp. 3-4.

⁸⁷ *Ibid.*, p. 4 (Argentina); and p. 5 (France, United States).

⁸⁸ *Ibid.*, p. 4 (United Kingdom, Netherlands); p. 5 (France); and pp. 5-6 (United States).

⁸⁹ *Ibid.*, p. 3.

⁹⁰ *Ibid.*, pp. 5-6.

⁹¹ S/2000/979.

⁹² The representative of Ukraine did not make a statement. The representative of the Democratic Republic of the Congo was invited to participate but did not make a statement.

deteriorate, 33 per cent of the population being affected by the conflict and some 1.7 million likely to have died as a result of war in the eastern part of the country alone. Flagrant human rights violations prevailed throughout the country and occurred “in an atmosphere of total impunity” on both the Government and rebel sides. Of particular concern were the high numbers of internally displaced people and refugees. She indicated that humanitarian efforts were hampered by a lack of security, limited access to the affected populations and critically few resources for life-saving interventions. In that respect, she emphasized that the genuine commitment of all parties was needed to ensure full humanitarian access across the country. In spite of problems, she reported that the United Nations agencies had had a number of breakthrough operations and were successfully collaborating with MONUC and the Special Representative of the Secretary-General. In closing, noting that the problems present the Democratic Republic of the Congo were interconnected with those of its neighbours, she expressed support for the Council’s efforts to find long-term solutions to address the military, political and humanitarian challenges.⁹³

Council members expressed concern at, *inter alia*, the enormity of the humanitarian crisis in the Democratic Republic of the Congo and the implications of further deteriorations for the region and the continent. They lamented that neither the Government nor the rebel groups had lived up to their commitments under the Lusaka Agreement, cooperated with the United Nations or ensured the security and freedom of movement of humanitarian workers. Referring to violations of human rights and humanitarian law, a number of representatives insisted that the culture of impunity should end and those guilty of such crimes be brought to justice.⁹⁴ A number of speakers agreed that the political and military situation in the Democratic Republic of the Congo could not be analysed in isolation, and should be seen in the context of the Great Lakes region.⁹⁵

Several representatives stressed that the long-term solution to the humanitarian situation lay in a

political settlement.⁹⁶ The representative of the United States observed that neither the United Nations nor any Member State could impose a solution to the crisis. Such a solution, in his view, had to come only from the Congolese political leadership and be respected by all combatants, foreign and Congolese.⁹⁷ The representative of the Russian Federation held that it was important to consider the most suitable forms of United Nations assistance to the peace process in the Democratic Republic of the Congo, including the establishment of conditions for the deployment of phase II of MONUC.⁹⁸

The representative of Argentina believed that the deployment of MONUC under reasonable security conditions would be a factor of stability that would facilitate the work of the humanitarian organizations.⁹⁹ The representative of Mali declared that United Nations coordination backed by a fully-deployed MONUC would allow for improved effectiveness of humanitarian assistance.¹⁰⁰ The representative of Namibia had no doubt that the Mission’s presence on the ground would act as a deterrent and improve the humanitarian situation and thus prevent further loss of life and displacement.¹⁰¹ In contrast, the representative of Canada noted that certain non-governmental organizations believed that a significant deployment of MONUC might further hamper humanitarian access by provoking hostile forces to oppose any international presence.¹⁰² The representative of France suggested incorporating a civilian component into MONUC, distinct from military observers, which would enable the Mission to better assess the humanitarian situation and liaise with civil society.¹⁰³ Answering the queries of Council members, the Emergency Relief Coordinator expressed the view that the presence of MONUC, with its additional security it would provide, would facilitate humanitarian assistance. While acknowledging that the United Nations presence was seen as controversial, she held that given the prevailing situation on the ground, the security provided by

⁹³ S/PV.4237, pp. 2-5.

⁹⁴ *Ibid.*, p. 8 (Canada); pp. 8-9 (Argentina); p. 11 (Namibia); and p. 16 (Jamaica).

⁹⁵ *Ibid.*, p. 6 (Bangladesh); p. 9 (Argentina); p. 15 (Tunisia); and p. 16 (Jamaica).

⁹⁶ *Ibid.*, p. 6 (Bangladesh); pp. 8-9 (Argentina); p. 10 (France); p. 12 (United States); p. 13 (China); p. 14 (Russian Federation); and p. 16 (Jamaica).

⁹⁷ *Ibid.*, p. 13.

⁹⁸ *Ibid.*, p. 14.

⁹⁹ *Ibid.*, p. 9.

¹⁰⁰ *Ibid.*, p. 19.

¹⁰¹ *Ibid.*, p. 11.

¹⁰² *Ibid.*, p. 8.

¹⁰³ *Ibid.*, p. 10.

MONUC would be welcomed, in terms of providing potential access and escorts.¹⁰⁴

At its 4247th meeting, on 14 December 2000, the Council included in its agenda the fifth report of the Secretary-General on MONUC, dated 6 December 2000.¹⁰⁵ In his report, the Secretary-General noted that, despite substantial compliance with the ceasefire in most parts of the Democratic Republic of the Congo, fighting had occurred in the Equateur and Katanga provinces. He further pointed out that the clashes that had occurred in border areas threatened to spill over into the Republic of the Congo, the Central African Republic and Zambia. In view of the situation, he recommended that the Mission's mandate be extended for six more months, while expressing his intention to recommend the deployment of infantry units in support of the military observers. Lastly, he indicated that a broader agreement needed to be reached on the key questions that had so far not been resolved and suggested creating a permanent mechanism to pursue genuine and workable arrangements to solve the underlying questions at the core of the conflict.

The President (Russian Federation) drew attention to a letter dated 13 December 2000 from the representative of Rwanda to the President of the Council.¹⁰⁶

The representative of the Democratic Republic of the Congo, the only speaker at the meeting,¹⁰⁷ hoped that a rapid and appropriate solution could be achieved, taking into account the interests of the warring parties, including the re-establishment of its sovereignty and territorial integrity; halting of the flagrant violations of human rights and other atrocities; halting of the exploitation of natural resources; and addressing the security concerns of Rwanda, Uganda and Burundi. He noted that his Government expected the immediate withdrawal of the armed forces of Rwanda, Uganda

and Burundi from its territory and that the disengagement sub-plans would be immediately implemented in accord with the three-phase schedule adopted at Harare on 6 December. Therefore, he urged the Security Council to take advantage of the Harare disengagement sub-plans by authorizing the deployment of neutral forces along the common border with Rwanda and Uganda and offered assurances that his Government would work to ensure freedom of movement of MONUC and cooperate on the rapid deployment of United Nations troops. He cautioned that parties could create insecurity at the border and relaunch fighting to delay the deployment of the neutral observers and United Nations troops. The representative maintained that his Government considered it militarily impossible to disarm the armed groups in the presence of Rwandan and Ugandan troops. He further conveyed his Government's commitment to the inter-Congolese dialogue and announced the release of all prisoners of conscience in preparation for the meeting to be held in Libreville later that month.¹⁰⁸

The President drew attention to a draft resolution;¹⁰⁹ it was put to the vote and adopted unanimously as resolution 1332 (2000), by which the Council, *inter alia*:

Decided to extend the mandate of MONUC until 15 June 2001;

Called on all parties to the Lusaka Ceasefire Agreement to cease hostilities and to continue to intensify their dialogue to implement that Agreement, as well as the Kampala, Maputo and Harare Agreements, and to take additional steps, within the framework of those Agreements, to accelerate the peace process;

Endorsed the proposal made by the Secretary-General to deploy, as soon as he considered that conditions would allow it and in accordance with the relevant provisions of resolution 1291 (2000), additional military observers, in order to monitor and verify the parties' implementation of the ceasefire and disengagement plans adopted in Maputo and Lusaka.

Decision of 22 February 2001 (4282nd meeting): resolution 1341 (2001)

At its 4271st meeting,¹¹⁰ on 2 February 2001, the Council included in its agenda a briefing by Major

¹⁰⁴ *Ibid.*, p. 21.

¹⁰⁵ S/2000/1156, submitted pursuant to resolutions 1291 (2000) and 1316 (2000).

¹⁰⁶ S/2000/1186; the representative of Rwanda requested that the Council support the Government of Zambia in disarming and repatriating the ex-Rwandese Armed Forces and Interahamwe forces currently on Zambian territory as part of the armed groups that had fled the Democratic Republic of the Congo.

¹⁰⁷ The Democratic Republic of the Congo was represented by its Minister for Foreign Affairs and International Cooperation.

¹⁰⁸ S/PV.4247, pp. 3-6.

¹⁰⁹ S/2000/1182.

¹¹⁰ For more information on the discussion at this meeting, see chap. XII, part I, sect. B, case 4, with regard to Article 2 (4) of the Charter.

General Joseph Kabila, President of the Democratic Republic of the Congo. Following briefings by the Secretary-General and the President of the Democratic Republic of the Congo, statements were made by all Council members.

The President (Tunisia) stated that the Lusaka Ceasefire Agreement had gone through critical phases and faced many challenges since the Council meeting on 24 January 2000. Foreign troops had not withdrawn from the territory of the Democratic Republic of the Congo, the national dialogue had come to a standstill and the deployment of MONUC had been delayed.¹¹¹

The Secretary-General highlighted the window of opportunity in the Democratic Republic of the Congo created by the absence of violations of the ceasefire in the previous two weeks. He urged the parties to adhere to the 6 December 2000 disengagement plan they had agreed to. He announced that in his forthcoming report, he would propose the elements of a revised concept of operations for the MONUC deployment in support of the disengagement plan. Underlining the importance of the inter-Congolese dialogue, he welcomed the willingness of the new Government to work with the neutral Facilitator appointed under the Lusaka Agreement, with the help of a co-Facilitator. He also called for the early withdrawal of all foreign forces and commended the new Government for its commitment to peace.¹¹²

The representative of the Democratic Republic of the Congo insisted that, to be effective, the Lusaka Agreement had to be reinforced by a binding mechanism that would punish the parties who violated the ceasefire and did not respect the measures taken for deployment and disengagement. Noting that the situation in his country had not changed significantly since the Council's high-level meeting on 24 January 2000, he called on the Council to devise a new and precise timeframe to include: (1) the disengagement provided for in the Harare Agreement; (2) the deployment of United Nations troops; (3) the unconditional withdrawal of uninvited forces; and (4) the withdrawal of troops from other countries that had been invited. Pointing out that the illegal exploitation of natural resources continued to fuel conflict, he looked forward to the next report of the Panel of Experts on the issue. In anticipation of the

Council's decision whether to deploy phase II of MONUC, he reiterated his Government's commitment to cooperate closely with the Mission. He added that once peace and territorial integrity had been restored, preparations would be made for free and transparent elections.¹¹³

Council members called on the parties to fulfil their commitments under the signed agreements and underlined the importance of implementing the Lusaka Ceasefire Agreement and the Kampala and Harare disengagement plans. Echoing the Secretary-General, speakers stressed the importance of the inter-Congolese dialogue and encouraged President Kabila and his Government to take concrete steps in cooperation with the neutral Facilitator. Council members held that peace and democratization were intrinsically linked and supported President Kabila's intention to work towards the establishment of a democratic country and prepare for the holding of free and fair elections.

Speakers stressed that the full deployment of MONUC was contingent on the disengagement of troops of the warring parties, and that free access, security and safety had to be provided for MONUC and humanitarian agency personnel. Council members also welcomed the remarks of President Kabila in support of MONUC and the peace process and called for the withdrawal of all foreign forces from the Democratic Republic of the Congo. The representative of the United States recalled that while the Council had authorized phase II of MONUC almost a year ago, the Secretary-General had delayed the deployment of additional personnel because conditions on the ground had not yet been conducive to a successful mission, which was not a popular but right decision.¹¹⁴ The representative of France believed that the withdrawal of foreign troops from the Democratic Republic of the Congo had to be accompanied by the rapid deployment of MONUC.¹¹⁵ The representatives of Mali and Mauritius held that the deployment of the second phase of MONUC was essential to the peace process.¹¹⁶ In the view of the representative of Mauritius, the undue delay in the deployment of the United Nations peacekeeping operation had undoubtedly contributed to the stagnation of the Lusaka process.¹¹⁷ Urging the

¹¹¹ S/PV.4271, pp. 2-3.

¹¹² *Ibid.*, pp. 3-4.

¹¹³ *Ibid.*, pp. 4-6.

¹¹⁴ *Ibid.*, p. 7.

¹¹⁵ *Ibid.*, p. 9.

¹¹⁶ *Ibid.*, pp. 10-11 (Mali); and p. 16 (Mauritius).

¹¹⁷ *Ibid.*, p. 16.

parties to make progress in implementing the Lusaka Agreement, the representative of China expressed hope that the Council would, in view of the changing situation, take specific steps for the deployment of phase II of MONUC.¹¹⁸ The representative of the Russian Federation stated that, in considering the deployment of phase II of MONUC, the Council would take into consideration whether the parties showed genuine political will to fulfil their commitments.¹¹⁹ The representative of Bangladesh declared that real progress on the ground had to be achieved in order for the Council to take a decision on the full deployment of MONUC at its authorized strength.¹²⁰ The representative of the United Kingdom stressed that MONUC could deploy and carry out its role only in parallel with implementation by the parties of the Lusaka Agreement.¹²¹

At its 4279th meeting, on 21 February 2001, the Council included in its agenda the sixth report of the Secretary-General on MONUC, dated 12 February 2001.¹²² In his report, the Secretary-General expressed satisfaction at the lack of significant ceasefire violations since mid-January. He indicated that there were hopeful signs that the Government of the Democratic Republic of the Congo might be willing to accept the role of Sir Ketumile Masire as the neutral Facilitator for the inter-Congolese dialogue. Under those circumstances, he recommended the adoption of a revised concept of operations for MONUC which would enable the Mission to assist the parties in carrying out the disengagement of their forces along a confrontation line. He further recommended that MONUC be strengthened with the additional civilian staff, including a reinforced human rights component. He deplored the outbreaks of intercommunal violence in Bunia and South Kivu and called on the local authorities to find peaceful ways of resolving the issues. He also commended the involvement of regional Heads of State in the search for solutions to the conflict.

At the meeting, the President (Tunisia) drew attention to two letters from the representatives of Rwanda and Uganda, respectively, addressed to the

President of the Council.¹²³ The Council was briefed by the Secretary-General and the representative of Zimbabwe, in his capacity as Chairman of the Political Committee.¹²⁴

Acknowledging the initiatives of many African leaders and OAU, the President (Tunisia) welcomed the progress that had been made in the previous few weeks towards respect for the Ceasefire Agreement and the readiness of the Congolese authorities to implement the inter-Congolese dialogue with its Facilitator. He announced that the United Nations was preparing to implement the deployment of MONUC, and called on all parties to cooperate in the Mission's deployment. He also expressed concern at the deterioration of the humanitarian situation.¹²⁵

The Secretary-General reported an improvement in the situation in the Democratic Republic of the Congo, with the parties talking to each other, the

¹²³ By a letter dated 18 February 2001, the representative of Rwanda informed the Council that his Government had taken note of the results of the Third Summit of the signatories of the Lusaka Agreement, in Lusaka on 15 February 2001, and had reaffirmed its earlier offer to pull back its forces present in the Democratic Republic of the Congo (S/2001/147). By a letter dated 20 February 2001, the representative of Uganda forwarded a statement by his Government reaffirming that the Lusaka Agreement remained the most viable framework for the resolution of the conflict in the Democratic Republic of the Congo, welcoming the planned deployment of MONUC observers by 26 February 2001 and announcing its decision to withdraw an additional two battalions from the Democratic Republic of the Congo, under the supervision of MONUC (S/2001/150).

¹²⁴ The representatives of Togo, Angola, the Democratic Republic of the Congo, Namibia, Rwanda, Uganda, Zambia and Zimbabwe, as well as the representatives of MLC to the Joint Military Commission and of RCD-Kisangani, the Secretary-General of RCD and the Special Representative of the Secretary-General for the Democratic Republic of the Congo were invited to participate but did not make statements. Togo was represented by the Special Envoy of the President of Togo; Angola by its Minister for External Relations; the Democratic Republic of the Congo by its Minister for Foreign Affairs and International Cooperation; Rwanda by the President of the Republic; Uganda by its Minister of State for Foreign Affairs; Zambia by its Minister for Presidential Affairs; and Namibia and Zimbabwe by their respective Ministers of State for Foreign Affairs.

¹²⁵ S/PV.4279, pp. 3-4.

¹¹⁸ *Ibid.*, p. 14.

¹¹⁹ *Ibid.*, p. 20.

¹²⁰ *Ibid.*, p. 10.

¹²¹ *Ibid.*, p. 12.

¹²² S/2001/128, submitted pursuant to resolution 1332 (2000).

Congolese people being able to take part in the governance of the country, and a de facto cessation of hostilities prevailing throughout much of the country. Under the plan devised by the Joint Military Commission and approved by the Political Committee, the opposing foreign troops could soon begin to withdraw from their advance positions and take a step back from the line of confrontation. The concept of operations that had been submitted to the Council proposed that United Nations military personnel should be deployed to monitor and verify the actions taken by the parties in implementing the Harare disengagement plan. Welcoming the readiness of the Congolese authorities to engage in the inter-Congolese dialogue, he encouraged all parties to cooperate in achieving peace. Referring to complaints with regard to the slowness of the United Nations to act and the small size of the forces it planned to deploy, the Secretary-General explained that many troop-contributing countries were not convinced that they should risk their soldiers' lives in circumstances where the parties to the conflict were not reliably committed to the peace process. He saluted the decision of President Kagame to withdraw his troops from Pweto and pull back all his forces, in accordance with the Harare disengagement and redeployment plan.¹²⁶

The representative of Zimbabwe, speaking in his capacity as Chairman of the Political Committee, noted that a radically transformed situation now existed in the Democratic Republic of the Congo, giving rise to renewed hope and optimism for the peace process. While observing that it was "patently evident" that the parties continued to take their obligations seriously, and that this turn of events could move the peace process even further and in more tangible ways, he noted with concern that in adopting a "gradualist and minimalist" concept of operations for MONUC, the United Nations conveyed an unfortunate impression of hesitation and doubt about the peace process. In his opinion, the reduction in the number of MONUC troops to be deployed from the 5,537 authorized under resolution 1291 (2000) to under 3,000 signalled a lack of seriousness and commitment to the peace process and amounted to amending resolution 1291 (2000) "by the back door", through administrative fiat. Consequently, he appealed to the Council to reconsider the proposed figure for deployment under the new concept and called on the Council to act swiftly and

¹²⁶ Ibid., pp. 4-5.

decisively to promote peace in the Democratic Republic of the Congo and be willing to take calculated risks, if need be.¹²⁷

At its 4282nd meeting,¹²⁸ on 22 February 2001, the Council again included in its agenda the sixth report of the Secretary-General on MONUC, dated 12 February 2001.¹²⁹ Statements were made by the representatives of the United Kingdom and Zimbabwe, the latter speaking in his capacity as Chairman of the Political Committee.

The representative of the United Kingdom asked the Chairman of the Political Committee to confirm that the first step of withdrawal in Katanga province which the parties had agreed on was founded on the Kampala Agreement of 8 April 2000.¹³⁰ In response, the Chairman of the Political Committee explained that the positions agreed to by the parties were based on both the Kampala Agreement and the Harare sub-plans and offered assurances that there was no confusion as to which positions had been intended.¹³¹

The President (Tunisia) drew the attention of the Council to a draft resolution;¹³² it was put to the vote and adopted unanimously as resolution 1341 (2001), by which the Council, acting under Chapter VII of the Charter, inter alia:

Demanded once again that Ugandan and Rwandan forces and all other foreign forces withdraw from the territory of the Democratic Republic of the Congo;

Demanded 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 15 March 2001;

¹²⁷ Ibid., pp. 6-8.

¹²⁸ At the 4280th meeting, held in private on 21 February 2001, the members of the Council, the members of the Political Committee, the representative of Zambia, the Special Envoy of the Chairman of OAU, the Under-Secretary-General for Political Affairs of OAU and the Special Representative of the Secretary-General for the Democratic Republic of the Congo had a constructive, interactive discussion. At the 4281st meeting, held in private on 22 February 2001, the Council was briefed by the Facilitator of the inter-Congolese dialogue.

¹²⁹ S/2001/128.

¹³⁰ S/PV.4282, p. 2.

¹³¹ Ibid.

¹³² S/2001/157.

Urged the parties to the Lusaka Agreement to prepare to adopt not later than 15 May 2001 a precise plan and schedule which would lead to the completion of the orderly withdrawal of all foreign troops from the territory of the Democratic Republic of the Congo;

Condemned the massacres and atrocities committed and demanded that all the parties concerned put an immediate end to violations of human rights and international humanitarian law;

Demanded that all those concerned bring an end to the recruitment, training and use of children in their armed forces;

Called on all parties to ensure the safe and unhindered access of relief personnel to all those in need;

Called the parties to the conflict to cooperate fully with the deployment of MONUC;

Requested the parties to relocate the Joint Military Commission to Kinshasa, co-locating it at all levels with MONUC;

Endorsed the Secretary-General's updated concept of operations for the deployment of MONUC; expressed its readiness to consider possible measures which could be imposed in accordance with its responsibility under the Charter of the United Nations in case of failure by parties to comply fully with the resolution.

**Decision of 3 May 2001 (4318th meeting):
statement by the President**

At its 4317th meeting,¹³³ on 3 May 2001, the Council included in its agenda a letter dated 12 April 2001 from the Secretary-General to the President of the Council, transmitting the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo.¹³⁴

In its report, the Panel of Experts concluded, *inter alia*, that the conflict in the Democratic Republic of the Congo had become mainly about access, control and trade of mineral resources; the exploitation of natural resources of that country had become systematic and systemic; a number of private companies had been involved and fuelled the war directly, trading arms for natural resources; bilateral and multilateral donors had sent mixed signals to Governments with armies in the Democratic Republic of the Congo; and top military

commanders from various countries required the conflict for its lucrative nature and for temporarily solving some internal problems in those countries. The Panel recommended, *inter alia*, that the Council should (1) extend the mandate of the Panel to allow it to conduct a follow-up investigation and report; (2) declare a temporary embargo on certain natural resources from, or to, Burundi, Rwanda and Uganda until the involvement of those countries in the exploitation of the natural resources of the Democratic Republic of the Congo was made clear and declared so by the Council; (3) decide that all Member States freeze without delay the financial assets of the rebel movements and their leaders; (4) strongly urge all States to freeze the financial assets of those companies or individuals participating in the illegal exploitation of natural resources; (5) declare an immediate embargo on the supply of weapons and all military materiel to the rebel groups operating in the Democratic Republic of the Congo and consider extending the embargo to the States that supported or assisted those groups; and (6) decide that all military cooperation with States whose military forces were present in the Democratic Republic of the Congo in violation of its sovereignty be suspended immediately until those armies withdrew. The Panel also made recommendations with respect to financial and economic matters, the diamond business and transit of timber and timber certification.

At the meeting, at which the President (United States) drew attention to three letters to the President of the Council,¹³⁵ the Council was briefed by the Chairperson of the Panel of Experts. Statements were made by all members of the Council and the representatives of Angola, Burundi, Canada, the Democratic Republic of the Congo, Japan, Namibia, Rwanda, the Sudan, Sweden (on behalf of the European Union¹³⁶), Uganda, the United Republic of Tanzania and Zimbabwe.¹³⁷

¹³³ For more information on the discussion at this meeting, see chap. XI, part IX, sect. B, with regard to Article 51 of the Charter.

¹³⁴ S/2001/357; the report was submitted pursuant to the statement by the President of 2 June 2000 (S/PRST/2000/20).

¹³⁵ Letter dated 16 April 2001 from the representative of Uganda (S/2001/378), letter dated 24 April 2001 from the representative of Rwanda (S/2001/402) and letter dated 1 May 2001 from the representative of Burundi, each transmitting the respective Government's reaction to the report of the Panel of Experts (S/2001/433).

¹³⁶ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

¹³⁷ Burundi was represented by its Minister of Finance; the Democratic Republic of the Congo by its Minister for

In her briefing, the Chairperson of the Panel of Experts noted that the Panel's mandate had been to consider the illegal exploitation of natural resources in the Democratic Republic of the Congo; to research and analyse the links between the exploitation of resources and the continuation of conflict; and to make recommendations to the Council. Elaborating on the report's findings, she held that the Rwandan and Ugandan armies, and to a lesser extent the Burundi army, had been engaged in the illegal exploitation of resources in the Democratic Republic of the Congo since 1998. The links between the exploitation of resources, which took the forms of mass-scale looting and the systematic and systemic exploitation of resources, and the continuation of war were found at three levels: (1) at the level of personal gain of high-ranking military and civilian officials; (2) in the field, where there was more fighting in mining areas than at the official front; and (3) at the level of the financing of the conflict, because of the gap between the military expenditures of the various armies and the level of the defence budget of the various countries.¹³⁸

The representative of the Democratic Republic of the Congo stated that the report had confirmed that border insecurity was not the real reason for the troops of Burundi, Rwanda and Uganda to be in his country. Instead, the real motive for the aggression was the systematic plundering and illegal exploitation of his country's natural resources. Emphasizing that the illegal exploitation violated the rights of the Congolese people to self-determination as well as the principle of territorial integrity and sovereignty of the Democratic Republic of the Congo, he called on the Council to implement the Panel's recommendations.¹³⁹

The representative of Angola saluted the distinction made in the report between the "invited forces" and the "invading forces" present in the Democratic Republic of the Congo. He noted that the troops of Angola and Namibia were funded from their regular budget and did not behave in a "suspicious" way.¹⁴⁰ The representative of Zimbabwe believed that the report should compel the Council to force the

withdrawal of the uninvited forces from the Democratic Republic of the Congo.¹⁴¹

The representatives of Rwanda and Uganda believed that the Panel did not take into account the Lusaka Agreement in defining illegality. Under the Agreement, they pointed out, the three Congolese signatories — the Government of the Democratic Republic of the Congo, the *Rassemblement congolais pour la démocratie* (RCD) and the *Mouvement de libération du Congo* (MLC) — would each be charged with the responsibility of administering the area that it controlled until State administration was re-established. However, the Panel had deemed illegality to be the activity carried out in violation of regulations established by the Government in Kinshasa.¹⁴² The representative of Rwanda further stressed that terms such as "illegal", "legitimate", "power" and "control" should be established in relation to the specific and unique political situation prevailing in the Democratic Republic of the Congo.¹⁴³ The representative of the United Republic of Tanzania contested the veracity of the allegations made by the Panel regarding his country's involvement in the illegal exploitation of natural resources.¹⁴⁴ The representatives of Rwanda, Uganda and Burundi expressed their doubts at the quality of the information used in drafting the report, which in their view undermined the credibility of the conclusions.¹⁴⁵ Consequently, the representative of Rwanda proposed that the report be dropped altogether. In his opinion, the Panel's request for a mandate extension to finish its investigation was designed only to pre-empt reactions from the wrongly accused countries, such as his own.¹⁴⁶

In contrast, the representative of France insisted that the Panel had followed "strictly" the mandate given to it by the Council.¹⁴⁷ Similarly, the representative of Namibia argued that the Panel had produced an objective, comprehensive and well-substantiated report, using sound working methods.¹⁴⁸

Foreign Affairs and International Cooperation; Rwanda by the Special Envoy of the President of Rwanda; and Uganda by its Minister of State for Foreign Affairs and Regional Cooperation.

¹³⁸ S/PV.4317, pp. 3-4.

¹³⁹ *Ibid.*, pp. 5-8.

¹⁴⁰ S/PV.4317 (Resumption 1), p. 18.

¹⁴¹ *Ibid.*, p. 20.

¹⁴² S/PV.4317, pp. 8-9 (Rwanda); and p. 12 (Uganda).

¹⁴³ *Ibid.*, pp. 10-11.

¹⁴⁴ S/PV.4317 (Resumption 1), p. 19.

¹⁴⁵ S/PV.4317, p. 10 (Rwanda); p. 14 (Uganda); and pp. 15-16 (Burundi).

¹⁴⁶ *Ibid.*, pp. 10-11.

¹⁴⁷ *Ibid.*, p. 20.

¹⁴⁸ S/PV.4317 (Resumption 1), p. 15.

Noting that the report provided “sombre” information about the scope of the illegal exploitation in the Democratic Republic of the Congo, the representative of Tunisia believed that the Panel’s recommendations merited careful consideration and constructive dialogue with the parties concerned.¹⁴⁹

A majority of the representatives spoke in favour of extending the Panel’s mandate for three months. While endorsing the extension, the representative of China noted that in some instances there was no clear distinction between the cases with conclusive evidence and those with evidence that was either inadequate or hearsay. He further expressed hope that, in the next phase of its work, the Panel would apply stricter standards.¹⁵⁰

With respect to the Panel’s recommendations regarding the introduction of sanctions and the adoption of reparatory measures, a number of representatives believed that the Council should not rush into making a decision and should wait until additional information was gathered.¹⁵¹ The representative of Bangladesh recommended that in the short term the Council should call for the immediate cessation of the illegal exploitation of mineral and other resources of the Democratic Republic of the Congo.¹⁵² The representative of Namibia expressed his full support for the conclusions reached by the Panel and for the implementation of its recommendations.¹⁵³

At its 4318th meeting, on 3 May 2001, the Council again included in its agenda the letter dated 12 April 2001 from the Secretary-General to the President of the Council transmitting the report of the Panel of Experts.¹⁵⁴ The President (United States) then drew attention to a letter dated 24 April 2001 to the President of the Council, by which the Secretary-General transmitted the action plan for the extension of the mandate of the Panel of Experts prepared by the Chairperson of the Panel.¹⁵⁵

At the same meeting, the President made a statement on behalf of the Council,¹⁵⁶ by which the Council, *inter alia*:

Noted the disturbing information about the illegal exploitation of Congolese natural resources;

Condemned the illegal exploitation of the natural resources and expressed serious concern at those activities;

Urged Governments to conduct their own inquiries into that information; and noted with concern the terrible toll the conflict was taking on the people, economy and environment of the Democratic Republic of the Congo;

Stated its belief that the only viable solution to the crisis was the full implementation of the Lusaka Ceasefire Agreement and relevant Council resolutions;

Requested the Secretary-General to extend the mandate of the Panel for a final period of three months, and requested that the Panel submit a final report to the Council.

**Decision of 15 June 2001 (4329th meeting):
resolution 1355 (2001)**

At its 4327th meeting, on 13 June 2001, the Council included in its agenda the eighth report of the Secretary-General on MONUC, dated 8 June 2001.¹⁵⁷ In his report, the Secretary-General noted that, while the parties in the Democratic Republic of the Congo continued to adhere to the ceasefire, which had engendered cautious optimism about the immediate future of the Lusaka peace process, reports indicated disturbing eastward movements of armed groups and their recent incursions into Rwanda, Burundi and the United Republic of Tanzania to avoid participation in the disarmament, demobilization, repatriation, resettlement and reintegration programme. Welcoming the cooperation of the Government of the Democratic Republic of the Congo with MONUC, he called on the rebel movements to extend the same level of cooperation. He announced that the plans drawn up by the Joint Military Commission and the Political Committee, in consultation with MONUC, for the total withdrawal of all foreign forces from the country and the disarmament, demobilization, repatriation, resettlement and reintegration of armed groups did not constitute a sufficient basis for further action by the United Nations. He consequently urged the parties to provide as soon as possible the detailed information

¹⁴⁹ S/PV.4317, p. 17.

¹⁵⁰ S/PV.4317 (Resumption 1), p. 2.

¹⁵¹ S/PV.4317, p. 22 (Russian Federation); S/PV.4317 (Resumption 1), p. 4 (Colombia); pp. 4-5 (Norway); and pp. 13-14 (Sweden on behalf of the European Union).

¹⁵² S/PV.4317 (Resumption 1), p. 6.

¹⁵³ *Ibid.*, pp. 15-16.

¹⁵⁴ S/2001/357; the report was submitted pursuant to the statement by the President of 2 June 2000 (S/PRST/2000/20).

¹⁵⁵ S/2001/416.

¹⁵⁶ S/PRST/2001/13.

¹⁵⁷ S/2001/572, submitted pursuant to resolutions 1332 (2000) and 1341 (2001).

required for the Secretariat to be able to recommend specific adjustments to the mandate and the force structure of MONUC. Nevertheless, though incomplete, the substantial progress made in the disengagement of forces, which constituted phase II of MONUC deployment, demanded an appropriate follow-up. He therefore recommended to the Council that it authorize a transition to phase III of MONUC deployment. During the transitional stage, he recommended expanding considerably the civilian components of MONUC, including a new civilian police component, as well as its logistical capabilities. Lastly, he welcomed the preparatory meeting for the inter-Congolese dialogue, set to begin on 16 July 2001, as well as the reopening of the Congo River, which would revitalize economic activity.

At the meeting, the President (Bangladesh) drew attention to the report of the Security Council mission to the Great Lakes region, 15 to 26 May 2001.¹⁵⁸

The Council was briefed by the Under-Secretary-General for Peacekeeping Operations and the Special Representative of the Secretary-General for Children and Armed Conflict. Statements were made by all members of the Council, as well as by the representatives of Burundi, the Democratic Republic of the Congo,¹⁵⁹ Egypt, Japan, Namibia, Rwanda, Sweden (on behalf of the European Union¹⁶⁰) and Uganda.

In his briefing, the Under-Secretary-General for Peacekeeping Operations, reiterating the recommendations in the Secretary-General's report, made it clear that, while the Secretary-General was not seeking to exceed the authorized troop strength of 5,537 approved by resolution 1291 (2000), it was

envisaged to continue building up the military contingent of MONUC within that figure. He also noted that since the completion of the report there had been several new developments, including allegations from RCD that the Congolese armed forces had occupied positions vacated by RCD, which MONUC would investigate. In addition, he reported that Ugandan and Zimbabwean troops continued to withdraw from the Democratic Republic of the Congo.¹⁶¹

The Special Representative of the Secretary-General for Children and Armed Conflict informed the Council about the direct and indirect impact of the war on children who were affected by malnutrition and preventable diseases, subjected to child labour and prostitution, and recruited and used as child soldiers. Emphasizing the urgency of addressing the situation of war-affected children in the Democratic Republic of the Congo, he informed the Council about the five-point programme accepted by the parties, which included (1) prevention of recruitment of children under 18 as soldiers; (2) establishment of a mechanism to monitor and report on the application of that commitment; (3) a major public-awareness campaign to sensitize the military, civil society and local communities; (4) joint visits by MONUC, the United Nations Children's Fund (UNICEF) and military authorities to military camps where children were suspected of being housed; and (5) establishment of the necessary capacity and structures for the demobilization, rehabilitation and reintegration of child soldiers. Furthermore, noting that the presence of MONUC on the ground had brought confidence and reassurance to the local population, he strongly recommended the expansion and strengthening of the humanitarian role played by MONUC.¹⁶²

At the meeting, the majority of speakers concurred with the Secretary-General that cautious optimism had emerged, although the irreversibility of the peace process was still uncertain. They also deplored the situation in the Democratic Republic of the Congo with regard to humanitarian need, and expressed their concern in particular about the situation of children in that country. In that regard, several speakers expressed their support for the five-point programme laid out by the Special Representative of

¹⁵⁸ S/2001/521 and Add.1. In the report, the Council mission found that, *inter alia*, in spite of the fact that the ceasefire had continued to hold in the previous four months, serious obstacles remained for achieving peace, such as the reluctance of the leader of the Front de libération du Congo to disengage his forces and the slow finalization of the plans for the withdrawal of foreign troops and the disarmament, demobilization, repatriation, resettlement and reintegration of armed groups.

¹⁵⁹ The Democratic Republic of the Congo was represented by its Minister for Foreign Affairs and International Cooperation.

¹⁶⁰ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

¹⁶¹ S/PV.4327, pp. 2-5.

¹⁶² *Ibid.*, pp. 5-7.

the Secretary-General for Children and Armed Conflict.¹⁶³ Stressing the importance of economic recovery of the Democratic Republic of the Congo, several speakers saluted the reopening of the Congo River for commerce and the establishment of the Congo River Basin Commission.¹⁶⁴

A few representatives expressed concern at the reports of eastward movement of armed groups and their recent incursions into the neighbouring countries, given the implications for the peace process in the Democratic Republic of the Congo and the region.¹⁶⁵ Following the announcement made by the representative of the Democratic Republic of the Congo regarding his Government's intention to open direct contacts, "at the highest level", with the leaders of the neighbouring countries,¹⁶⁶ a number of speakers encouraged such bilateral and regional contacts.¹⁶⁷

Several representatives believed that there could be no lasting peace in the Democratic Republic of the Congo without a comprehensive settlement of the situation in Burundi.¹⁶⁸ According to the representative of Burundi, peace would be regional or there would be no peace. He asked the Council not to allow the Lusaka and Arusha processes to destroy each other, to find a formula that could ensure a deterrent presence at the borders of Burundi with the Democratic Republic of the Congo and the United Republic of Tanzania, and to provide for enforcement measures if the rebels refused a negotiated solution. The representative reiterated his Government's willingness to continue bilateral consultations, in particular with the Democratic Republic of the Congo and the United Republic of Tanzania.¹⁶⁹

A number of speakers expressed concern at the refusal of RCD to cooperate in the demilitarization of Kisangani and of the Front de libération du Congo and MLC to disengage to the agreed positions.¹⁷⁰ The representative of the Democratic Republic of the Congo asked the Council to determine a specific date for the effective and complete demilitarization of the city.¹⁷¹

Speaking on behalf of the European Union, the representative of Sweden called on the Governments of the Democratic Republic of the Congo and Zimbabwe to cease all support to armed groups, and on Rwanda to honour its commitment with regard to the repatriation and reintegration of rebel groups.¹⁷² In that respect, the representative of Rwanda believed that the Council was "duty-bound" to assist his country and the entire region in disarming rebel groups, in accordance with the Lusaka Agreement.¹⁷³

Stressing that the peace process had not yet become irreversible, the majority of the speakers expressed their support for the extension of the mandate of MONUC for 12 months. A number of representatives agreed with the Secretary-General's assessment that for the Secretariat to prepare phase III of the Mission's deployment, detailed information on the location and composition of foreign forces and on their withdrawal routes was necessary.¹⁷⁴ While welcoming the transition phase, the representative of Mauritius held that the full phase III of the Mission's deployment should not be delayed "unduly", which was echoed by the representative of Mali.¹⁷⁵ Similarly, acknowledging that there were "essential" prerequisites that had to be met before the deployment of phase III of MONUC, such as the provision by the parties of relevant information on their forces, the representative of Egypt hoped that the transitional phase would not be prolonged and stressed that the United Nations had to be ready to address the challenges and risks it might

¹⁶³ *Ibid.*, p. 21 (Mauritius); and p. 22 (Singapore); S/PV.4327 (Resumption 1), p. 3 (Norway); p. 4 (Colombia); and p. 15 (Bangladesh).

¹⁶⁴ S/PV.4327, p. 11 (France); p. 14 (Ukraine); p. 17 (China); and p. 24 (United States); S/PV.4327 (Resumption 1), p. 3 (Mali); p. 7 (Namibia); and p. 10 (Japan).

¹⁶⁵ S/PV.4327, p. 23 (United States); S/PV.4327 (Resumption 1), p. 2 (Norway); and p. 4 (Colombia).

¹⁶⁶ S/PV.4327, p. 9.

¹⁶⁷ *Ibid.*, p. 12 (France); p. 14 (Ukraine); pp. 16-17 (China); and p. 19 (Russian Federation); S/PV.4327 (Resumption 1), p. 4 (Colombia); and p. 8 (Egypt).

¹⁶⁸ S/PV.4327, p. 18 (United Kingdom); and p. 22 (Singapore); S/PV.4327 (Resumption 1), p. 2 (Norway); p. 3 (Mali); and p. 9 (Japan).

¹⁶⁹ S/PV.4327 (Resumption 1), pp. 10-11.

¹⁷⁰ S/PV.4327, pp. 11-12 (France); p. 13 (Ukraine); p. 15 (Jamaica); p. 18 (United Kingdom); and p. 24 (Ireland); S/PV.4327 (Resumption 1), p. 3 (Mali).

¹⁷¹ S/PV.4327, p. 8.

¹⁷² S/PV.4327 (Resumption 1), p. 6.

¹⁷³ *Ibid.*, p. 12.

¹⁷⁴ S/PV.4327, p. 12 (France); p. 13 (Ukraine); p. 20 (Mauritius); p. 25 (Ireland); and p. 26 (Tunisia); S/PV.4327 (Resumption 1), p. 2 (Norway); and p. 4 (Colombia).

¹⁷⁵ S/PV.4327, p. 20 (Mauritius); S/PV.4327 (Resumption 1), p. 3 (Mali).

face in such an expanded operation.¹⁷⁶ The representative of the Democratic Republic of the Congo called on the Council to approve the transition and requested that the mandate of MONUC be redefined to endow it with a clear enforcement capacity. Moreover, he indicated that the withdrawal activities of foreign troops called for increased civilian, military and associated staff, so that the Mission could successfully carry out its tasks. Lastly, he invited MONUC to intensify its deployment in the eastern part of the Democratic Republic of the Congo.¹⁷⁷

A number of speakers endorsed the proposal to expand substantially the civilian components of MONUC.¹⁷⁸ Noting that the Mission did not have either the mandate or the resources to protect civilians, the representative of Singapore held that MONUC could “at the very minimum” perform a monitoring role, by alerting the Council of any serious threat to the security of civilians.¹⁷⁹ The representative of Ireland welcomed the proposal to deploy a civilian component to advise and assist the local authorities in discharging their duty to ensure the security of the population.¹⁸⁰ The representative of the Russian Federation believed that the new MONUC civilian police contingent would have to play a useful role in planning the Mission’s future tasks.¹⁸¹

Regarding the existing limit for the number of MONUC personnel, the representative of Namibia expressed hope that the threshold would be set higher, taking into account the many functions entrusted upon the Mission.¹⁸² Similarly, the representative of Uganda believed that the MONUC force was too small for the area which it was expected to cover.¹⁸³ On the other hand, the representative of the Russian Federation expressed support for extending the mandate of MONUC while maintaining the existing level of the maximum agreed strength of the Mission’s military component, which would allow for adequate

preparation for the onset of phase III.¹⁸⁴ In addition, the representative of Mauritius held the view that during the transition to phase III, MONUC should attain the ceiling of 5,537 set under phase II.¹⁸⁵

At its 4329th meeting, on 15 June 2001, the Council again included in its agenda the eighth report of the Secretary-General on MONUC, dated 8 June 2001.¹⁸⁶ The President (Bangladesh) again drew attention to the report of the Security Council mission to the Great Lakes region, 15 to 26 May 2001.¹⁸⁷

The President then drew the attention of the Council to a draft resolution;¹⁸⁸ it was put to the vote and adopted unanimously and without debate as resolution 1355 (2001), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Reiterated its urgent call on all parties to the Lusaka Ceasefire Agreement to implement this agreement, as well as the agreements reached in Kampala and Harare and all relevant Security Council resolutions; decided to extend the mandate of MONUC until 15 June 2002, and also decided to review progress at least every four months based on reporting by the Secretary-General;

Requested the Secretary-General to submit to the Council, once all necessary information had been provided by the parties to the Lusaka Ceasefire Agreement, and subject to the continuing cooperation of the parties, proposals concerning the way MONUC could assist in, monitor and verify the implementation by the parties of the plans referred to above;

Approved the updated concept of operations put forward by the Secretary-General in paragraphs 84 to 104 of his report of 8 June 2001, including, for further planning purposes, the creation of a civilian police component and of an integrated civilian/military section to coordinate disarmament, demobilization, repatriation and reintegration operations, the strengthening of the MONUC presence in Kisangani, and the strengthening of the MONUC logistic support capability to support current and foreseen future deployment, with a view to preparing the transition towards the third phase of the deployment of MONUC after the necessary information had been provided by the parties;

Requested the Secretary-General to expand the civilian component of MONUC in order to assign to areas in which MONUC was deployed human rights personnel, so as to establish a human rights monitoring capacity, as well as civilian political affairs and humanitarian affairs personnel.

¹⁷⁶ S/PV.4327 (Resumption 1), p. 8.

¹⁷⁷ S/PV.4327, pp. 10-11.

¹⁷⁸ *Ibid.*, p. 13 (Ukraine); p. 18 (United Kingdom); p. 25 (Ireland); and p. 26 (Tunisia); S/PV.4327 (Resumption 1), p. 2 (Norway); p. 10 (Japan); and p. 15 (Bangladesh).

¹⁷⁹ S/PV.4327, p. 22.

¹⁸⁰ *Ibid.*, p. 25.

¹⁸¹ *Ibid.*, p. 19.

¹⁸² S/PV.4327 (Resumption 1), p. 6.

¹⁸³ *Ibid.*, p. 14.

¹⁸⁴ S/PV.4327, p. 19.

¹⁸⁵ *Ibid.*, p. 20.

¹⁸⁶ S/2001/572.

¹⁸⁷ S/2001/521 and Add.1.

¹⁸⁸ S/2001/587.

**Decision of 24 July 2001 (4349th meeting):
statement by the President**

At its 4348th meeting,¹⁸⁹ on 24 July 2001, the Council included in its agenda a briefing by Mr. Kamel Morjane, Special Representative of the Secretary-General in the Democratic Republic of the Congo and Head of MONUC.

The Council was briefed by the Secretary-General and his Special Representative. In addition to all Council members, the representatives of Belgium (on behalf of the European Union¹⁹⁰), the Democratic Republic of the Congo, Namibia, Rwanda and Zimbabwe made statements.

The Secretary-General outlined several positive developments in the Democratic Republic of the Congo, but cautioned that the peace process was not yet irreversible. He elaborated on the various challenges that remained, which included the outcome of the inter-Congolese dialogue. He further underlined the need for progress in the disarmament, demobilization, repatriation, resettlement and reintegration process and called attention to the “appalling” humanitarian and human rights situation. He commended the efforts of the Facilitator of the inter-Congolese dialogue. He called for the continued resolve of the Council in support of the peace process.¹⁹¹

In his briefing, the Special Representative concurred that peace was not yet certain in spite of great prospects and real opportunities for a successful conclusion to the efforts to restore peace and security in the Democratic Republic of the Congo. As positive signs, he pointed to the respect for the ceasefire, the disengagement and redeployment of forces even if not yet fully accomplished, the political changes in Kinshasa, preparations for the inter-Congolese dialogue, and the deployment of military contingents of MONUC. Citing the recalcitrance of certain parties and the temptation to preserve the status quo as indications of threats to the peace, he underlined the

importance of confidence-building and continued dialogue among the parties. He further declared that the countries in the region had to reconcile their security concerns and requirements for regional stability with the need to respect the territorial integrity of the Democratic Republic of the Congo. He indicated that the preparations for the disarmament, demobilization, repatriation, resettlement and reintegration plan for armed groups, as well as for the withdrawal of foreign forces, required the total cooperation of the parties with MONUC and the Joint Military Commission. Lastly, he welcomed the initiatives of the Governments of Uganda and Namibia to withdraw their troops from the Democratic Republic of the Congo.¹⁹²

Most speakers deplored the lack of progress in the demilitarization of Kisangani and the fact that RCD, which was required to withdraw from Kisangani under resolution 1304 (2000), had not done so. In that regard, the representative of the Russian Federation, echoed by others, held that the refusal of RCD to comply with its obligations had reached a point where the Council had to consider additional measures to ensure the demilitarization of Kisangani, such as the denial of entry visas to the leadership of RCD.¹⁹³ The argument made by RCD that its military presence was necessary to protect citizens was refuted by the representatives of the United States and Zimbabwe.¹⁹⁴ A number of representatives concurred that a demilitarized Kisangani would require a strengthened MONUC contingent.¹⁹⁵ The representative of the Democratic Republic of the Congo believed that, in order to preserve its credibility and prevent the peace process from being called into question, the Council had to implement the measures it had proposed, so that the reluctant parties which had not yet complied with the relevant Council resolutions would be induced to do so, including by taking measures as authorized by Articles 39 to 42 of the Charter.¹⁹⁶

Most speakers stressed the need to make progress in the disarmament, demobilization, repatriation,

¹⁸⁹ For more information on the discussion at this meeting, see chap. XII, part I, sect. B, case 4, with regard to Article 2 (4) of the Charter.

¹⁹⁰ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

¹⁹¹ S/PV.4348, pp. 2-3.

¹⁹² *Ibid.*, pp. 3-5.

¹⁹³ *Ibid.*, p. 18 (Russian Federation); S/PV.4348 (Resumption 1), p. 2 (Namibia); and p. 3 (Zimbabwe).

¹⁹⁴ S/PV.4348, p. 19 (United States); S/PV.4348 (Resumption 1), p. 3 (Zimbabwe).

¹⁹⁵ S/PV.4348, p. 10 (Bangladesh); p. 11 (Mali); p. 19 (United States); and p. 26 (China).

¹⁹⁶ *Ibid.*, p. 31.

resettlement and reintegration process, highlighting the role of MONUC in facilitating it, and some representatives called for enhancing the Mission's role in that regard.¹⁹⁷ The representative of the United States declared that the first step of the disarmament process would be the cessation of giving arms to the various groups and called on the Government of the Democratic Republic of the Congo to immediately cease support to "negative forces". He further insisted that the remedy for the lack of progress was not for the United Nations to assume a greater role, but for the parties to recognize their common interests and make that progress a reality.¹⁹⁸

A number of representatives believed that MONUC should be expanded, so that it could properly carry out its tasks.¹⁹⁹ The representative of China believed that phase III of the deployment of MONUC represented a crucial step in consolidating durable peace in the Democratic Republic of the Congo.²⁰⁰

The representative of Singapore pointed out that one way of expediting the move to phase III was for the parties concerned to show a greater commitment to the process. Recalling that the Mission's mandate did not permit it to assume responsibility for the safety of civilians, he stressed that the Congolese parties had to assume their responsibility for the maintenance of law and order and for the safety and security of civilians under their de facto control.²⁰¹ The representative of Bangladesh questioned whether the Council could continue to say that MONUC could not provide security to civilians with respect for resolutions 1265 (1999) and 1296 (2000) and stressed that entry into the third phase of the Mission could not be delayed.²⁰² The representative of the Democratic Republic of the Congo hoped that the Council would increase the military personnel of MONUC devoted to monitoring the withdrawal of foreign troops.²⁰³

During the course of the discussion, the speakers noted, inter alia, their satisfaction with the progress made so far in the peace process; called on all the

parties to respect the Lusaka Ceasefire Agreement; reiterated their demand for the full and orderly withdrawal of foreign troops from Congolese territory; emphasized the importance of the inter-Congolese dialogue; saluted the recent meeting of the Presidents of the Democratic Republic of the Congo and Rwanda; expressed concern at the resumption of activities of armed groups in the eastern part of the Democratic Republic of the Congo; expressed serious concern at the humanitarian situation and urged the parties to allow freedom of movement and access to humanitarian agencies and non-governmental organizations; condemned the violations of human rights and called for an end to impunity; and voiced support for the organization of an international conference on peace, security and development in the Great Lakes region.

At the 4349th meeting, on 24 July 2001, the President (China) made a statement on behalf of the Council,²⁰⁴ by which the Council, inter alia:

Stated that it was unacceptable that, more than one year after the adoption of its resolution 1304 (2000) containing the demand to completely demilitarize Kisangani, reiterated in resolution 1355 (2001), RCD had thus far failed to comply with it;

Called on RCD to implement fully and immediately its obligation under resolution 1304 (2000), and noted that continued failure to do so might have future implications;

Urged the relevant parties to expedite the conclusion of their investigation into the killing of six staff of the International Committee of the Red Cross (ICRC) in the eastern Democratic Republic of the Congo, to report their findings to ICRC and to bring the perpetrators to justice;

Stressed the importance of the work of the United Nations Humanitarian Coordinator;

Expressed serious concern over the activities of the armed groups in the east of the country; requested the donor community, in particular the World Bank and the European Union, to provide financial and in-kind contributions as soon as possible to MONUC in the implementation of the mission.

Decision of 5 September 2001 (4365th meeting): statement by the President

At its 4361st meeting, on 30 August 2001, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations. Statements were made by all Council members, as well as by the representatives

¹⁹⁷ Ibid., p. 8 (Tunisia); and p. 22 (Jamaica).

¹⁹⁸ Ibid., p. 19.

¹⁹⁹ Ibid., p. 10 (Bangladesh); p. 12 (Mali); and p. 15 (Mauritius); S/PV.4348 (Resumption 1), p. 2 (Namibia); and p. 4 (Zimbabwe).

²⁰⁰ S/PV.4348, p. 26.

²⁰¹ Ibid., p. 17.

²⁰² Ibid., p. 10.

²⁰³ Ibid., p. 29.

²⁰⁴ S/PRST/2001/19.

of Belgium (on behalf of the European Union²⁰⁵), the Democratic Republic of the Congo, Namibia and Rwanda. The President (Colombia) drew attention to a number of communications.²⁰⁶

In his briefing, the Assistant Secretary-General indicated that the situation in the Democratic Republic of the Congo continued to be favourable in many respects, although some warning signs persisted. On the positive side, he drew attention to the continuation of the ceasefire along the confrontation line since January; the disengagement of forces from that line and their redeployment to new defensive positions; the continued withdrawal of Namibian and Ugandan forces; and the new agreement reached at the preparatory meeting in Gaborone that the inter-Congolese dialogue was to be convened in Addis Ababa in October 2001. On the negative side, he outlined several issues of concern: the continued fighting in the east; the need to demilitarize Kisangani; serious human rights violations; and poor humanitarian conditions. With respect to the disarmament, demobilization, repatriation, resettlement and reintegration process, he stressed that its success depended on the parties' willingness to reach an agreement on a clear and predictable political framework. Lastly, he indicated that the Secretary-General would make proposals on the measures necessary for the deployment of phase III of MONUC at a later date.²⁰⁷

²⁰⁵ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

²⁰⁶ Letter dated 1 August 2001 from the representative of the Democratic Republic of the Congo to the President of the Council transmitting a press release issued by his Government denouncing the decision of the Executive Committee of RCD-Goma to establish so-called "federalism" in Congolese territories under Rwandan and Ugandan occupation (S/2001/759); letter dated 8 August 2001 from the representative of Rwanda to the President of the Council in response to the letter dated 1 August from the representative of the Democratic Republic of the Congo (S/2001/774); and letter dated 17 August 2001 from the representative of Belgium to the Secretary-General transmitting a statement on the opening of the inter-Congolese dialogue issued on 17 August 2001 by the Presidency of the European Union on behalf of the European Union (S/2001/815).

²⁰⁷ S/PV.4361, pp. 2-5.

The majority of speakers took note of the Gaborone meeting and welcomed the parties' decision to convene the inter-Congolese dialogue. At the same time, many speakers emphasized that priority should be given to the disarmament, demobilization, repatriation, resettlement and reintegration process. The representative of the United Kingdom urged MONUC to be as proactive as possible and to make use of opportunities that might arise to advance that process.²⁰⁸

A number of speakers reiterated calls for the full and speedy withdrawal of foreign troops and in that regard welcomed the ongoing withdrawal of Namibian and Ugandan troops.²⁰⁹ The representative of Namibia declared that the withdrawal of Namibian troops was on schedule and proceeding well.²¹⁰ The representative of Singapore, praising the withdrawal of troops by Uganda and Namibia as a step forward, drew attention to reports that those forces continued to operate through rebel groups and militia proxies.²¹¹

A number of representatives again urged the Council to launch the deployment of phase III of MONUC.²¹² The representative of France was of the view that only once the parties agreed on the political framework, the international community should provide assistance to the disarmament, demobilization, repatriation, resettlement and reintegration programme, and then the Council would be able to reflect on and provide support for phase III.²¹³ Several speakers also reiterated their appeal to the Council to consider an increase in MONUC personnel, so that the Mission could carry out the tasks assigned to it.²¹⁴ In the view of the representative of Singapore, MONUC should be given the means to carry out its duties, as mandated under resolution 1291 (2001).²¹⁵ The representative of Tunisia also maintained that MONUC in phase III would require all the resources necessary to carry out

²⁰⁸ *Ibid.*, p. 18.

²⁰⁹ *Ibid.*, p. 11 (Jamaica, Russian Federation); p. 12 (Ireland); p. 17 (Tunisia); p. 19 (Ukraine); p. 21 (Colombia); and p. 23 (Democratic Republic of the Congo).

²¹⁰ *Ibid.*, p. 27.

²¹¹ *Ibid.*, p. 15.

²¹² *Ibid.*, p. 8 (Mali); p. 23 (Democratic Republic of the Congo); and p. 27 (Namibia).

²¹³ *Ibid.*, p. 6.

²¹⁴ *Ibid.*, p. 6 (France); p. 9 (Mauritius); p. 15 (Bangladesh); and p. 19 (Ukraine).

²¹⁵ *Ibid.*, p. 16.

the “very complex and often dangerous tasks” assigned to it.²¹⁶ A number of speakers considered it essential that the parties continued to cooperate with MONUC, in view of threats and attacks against MONUC personnel, including the firing at a MONUC helicopter in the eastern part of the Democratic Republic of the Congo.²¹⁷

The majority of representatives deplored the lack of progress in demilitarizing Kisangani, which had been demanded in resolution 1304 (2000). While calling for the demilitarization of the city, the representative of France contended that this obligation would not affect the civilian presence of RCD-Goma, which could continue to administer the city until the crisis was resolved, and demanded that RCD-Goma withdraw its military force.²¹⁸ The representative of the United States reinforced this view, noting that the Kampala disengagement plan gave RCD-Goma the right to administer the town until new national structures could assume that function, and requested the Secretary-General to launch the process of implementing resolution 1304 (2000), in cooperation with the RCD leadership.²¹⁹

The representative of France believed that the Council should implement appropriate measures to end the illegal exploitation of natural resources.²²⁰ Other speakers also expressed their concern at the illegal exploitation of natural resources.²²¹

At the 4365th meeting,²²² on 5 September 2001, the President (France) made a statement on behalf of the Council,²²³ by which the Council, *inter alia*:

Welcomed the success of the preparatory meeting of the inter-Congolese dialogue, held in Gaborone from 20 to 24 August 2001;

Reiterated its strong support for the inter-Congolese dialogue and for the efforts of the Facilitator and his team in the field;

²¹⁶ *Ibid.*, p. 17.

²¹⁷ *Ibid.*, p. 6 (France); p. 8 (Norway); pp. 9-10 (Mauritius); p. 15 (Bangladesh); p. 16 (Singapore); and p. 26 (Belgium).

²¹⁸ *Ibid.*, p. 6.

²¹⁹ *Ibid.*, p. 20.

²²⁰ *Ibid.*, pp. 6-7.

²²¹ *Ibid.*, p. 9 (Mauritius); p. 13 (China); and p. 17 (Tunisia).

²²² At the 4364th meeting, held in private on 5 September 2001, the Council was briefed by the Facilitator of the inter-Congolese dialogue.

²²³ S/PRST/2001/22.

Called on all the Congolese parties to further cooperate with each other and the Facilitator in the constructive spirit of Gaborone to ensure the successful outcome of the inter-Congolese dialogue starting on 15 October 2001, in Addis Ababa;

Stressed the importance for the dialogue to be free from outside interference, open, representative and inclusive, and emphasized the need to ensure adequate representation of Congolese women in the process.

**Decision of 24 October 2001 (4396th meeting):
statement by the President**

At its 4395th meeting, on 24 October 2001, the Council included in its agenda the ninth report of the Secretary-General on MONUC, dated 16 October 2001.²²⁴ In his report, the Secretary-General indicated that, despite difficulties, the overall situation in the Democratic Republic of the Congo continued to be favourable. The ceasefire along the confrontation lines had continued to hold since January and the disengagement of forces and their redeployment to the new defensive position was almost complete. Welcoming the withdrawal of Namibian and many of the Ugandan troops, he encouraged Uganda to complete the repatriation of its remaining forces from the Democratic Republic of the Congo. Noting that outbreaks of fighting still occurred in the east, he emphasized that any military and logistical support provided to armed groups had to cease without delay. He saluted the announcement made by the Government of Rwanda that it was prepared to reintegrate the Rwandan former combatants. Commending the neutral Facilitator of the inter-Congolese dialogue for the success of the Gaborone meeting, he stressed that the Congolese parties had to demonstrate their continuing commitment to the dialogue and cooperate fully with the Facilitator and his team. He further recommended that the Council authorize MONUC to enter phase III of its deployment. Noting that the initial deployment would remain within the limit authorized by resolution 1291 (2000), he reported that preparations were under way for the recruitment and deployment of adequate numbers of United Nations civilian personnel to accompany the military deployment. Taking into consideration the complex situation in the eastern part of the Democratic Republic of the Congo where Burundian armed groups were present, he believed that it was time for the parties to the Lusaka process to

²²⁴ S/2001/970, submitted pursuant to resolution 1355 (2001).

explore means of associating Burundi more closely with the peace process in the Democratic Republic of the Congo.

At the meeting, the President (Ireland) drew attention to a letter dated 23 October 2001 from the representative of the Democratic Republic of the Congo.²²⁵ The Council was briefed by the Special Representative of the Secretary-General. Statements were made by all Council members, the representatives of Belgium (on behalf of the European Union²²⁶), the Democratic Republic of the Congo,²²⁷ Mozambique, Namibia, Zambia and Zimbabwe.

In his briefing, the Special Representative detailed that the Secretary-General's plan for the third phase was to deploy MONUC personnel in the east of the Democratic Republic of the Congo. Envisaged to remain within the strength authorized by resolution 1291 (2000), MONUC would establish a secure base from which civilian personnel dealing with disarmament, demobilization, repatriation and reintegration, human rights issues and humanitarian assistance could carry out their work. MONUC would also continue to work on plans for the withdrawal of foreign forces and assist efforts to open the Congo River. It was expected that the Mission's presence would have a normalizing and stabilizing effect on the situation in the eastern part of the Democratic Republic of the Congo. Regarding the inter-Congolese dialogue that had begun in Addis Ababa on 15 October, he informed the Council of objections raised by the Government of the Democratic Republic of the Congo regarding the reduced number of participants, which led to a postponement of the discussion until a later date.²²⁸

The representative of the Democratic Republic of the Congo, *inter alia*, called on the Council to take measures to ensure that Rwanda and RCD met their

obligations under the Lusaka Agreement and resolution 1355 (2000) to demilitarize Kisangani and assured that his Government would not to occupy the city once it was demilitarized. Noting that the national dialogue had lost its inclusive character in the format used at Addis Ababa, he reaffirmed his Government's commitment to resume peace talks in the upcoming weeks in South Africa and implement both the political and military chapters of the Lusaka Agreement. He expressed support for the Secretary-General's recommendation that the Council authorize MONUC to start phase III of its deployment and insisted on the need for an increase in the number of MONUC personnel beyond the number set by resolution 1291 (2000). He announced that his Government, for its part, was unilaterally trying to find a solution for the disarmament, demobilization, repatriation, resettlement and reintegration of Rwandan citizens and, in that connection, had started to disarm and canton 3,000 individuals from armed groups of Rwandese origin in Kamina. Lastly, he declared that his Government would continue to commit itself to the Arusha process for Burundi.²²⁹

The majority of speakers expressed their support for the deployment of the third phase of MONUC and the revision of its concept of operations. The representative of China held that such a step-by-step deployment would not only have symbolic value for peace in the Democratic Republic of the Congo and the region, but also have practical significance.²³⁰ In contrast, the representative of Namibia believed that the step-by-step approach proposed by the Secretary-General was too cautious and too limited in scope given the size of the country and the demands of the peacekeeping operation itself. He and the representative of Mozambique argued for a full-fledged deployment of phase III with an adequate level of force and resources.²³¹

Several representatives expressed concern at the continued fighting in the east of the Democratic Republic of the Congo and welcomed the MONUC deployment to that region.²³² While the representative of France believed that the Mission's presence in the eastern part of the country should be increased so that

²²⁵ S/2001/998, transmitting the position expressed by the Government of the Democratic Republic of the Congo at the end of the meeting in Addis Ababa on national dialogue.

²²⁶ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

²²⁷ The Democratic Republic of the Congo was represented by its Minister for Foreign Affairs and International Cooperation.

²²⁸ S/PV.4395, pp. 2-4.

²²⁹ *Ibid.*, pp. 4-9.

²³⁰ *Ibid.*, p. 17.

²³¹ *Ibid.*, p. 27 (Namibia); and p. 30 (Mozambique).

²³² *Ibid.*, p. 11 (Tunisia); p. 14 (Mauritius); p. 18 (Jamaica); p. 22 (Singapore); and p. 30 (Mozambique).

it could better support the disarmament, demobilization, repatriation, resettlement and reintegration programme, the representative of Singapore stressed that before MONUC was to establish such a presence, it should be given the appropriate means, and conditions conducive to achieving its objectives should be in place.²³³ The representatives of China and the Russian Federation believed it was the responsibility of the parties to the conflict to create an enabling environment for MONUC and to cooperate with the Mission.²³⁴ In that respect, the representative of Belgium urged the parties to provide MONUC the necessary information on the number, composition and exact positions of the armed groups in the field.²³⁵ Similarly, the representative of France observed that MONUC had to establish contact, and then a regular and trustworthy relationship, with those armed groups about which information was still lacking.²³⁶ The representative of Colombia stated that the parties should take the deployment of phase III of MONUC as a sign of the Council's intention to move forward despite the difficulties.²³⁷

Most speakers reiterated the necessity that foreign troops withdraw from the territory of the Democratic Republic of the Congo. Several representatives noted that the withdrawal of the Namibian troops should be an example for other States and appealed to the Governments of Uganda and Rwanda to accelerate the withdrawal of their troops.²³⁸ With the deployment of phase III of MONUC, the representative of Tunisia expected the process of withdrawal to take place at an accelerated pace.²³⁹

The majority of representatives held that the disarmament, demobilization, repatriation, resettlement and reintegration process required the cooperation of all parties and encouraged continued dialogue between the leadership of the Democratic Republic of the Congo and that of Rwanda. Several representatives added that, for that process to be successful, all support to armed groups had to end.²⁴⁰

²³³ Ibid., pp. 9-10 (France); and p. 22 (Singapore).

²³⁴ Ibid., p. 17 (China); and p. 23 (Russian Federation).

²³⁵ Ibid., pp. 25-26.

²³⁶ Ibid., p. 10.

²³⁷ Ibid., p. 19.

²³⁸ Ibid., pp. 23-24 (Bangladesh); p. 26 (Belgium); and p. 29 (Zambia).

²³⁹ Ibid., p. 11.

²⁴⁰ Ibid., p. 12 (United Kingdom); p. 16 (United States); and

Noting the heightened tension in Burundi and between Rwanda and Uganda, the representative of France agreed with the Secretary-General's view that the situation in Burundi should be associated more closely with the Congolese peace process.²⁴¹ The representative of Tunisia encouraged "intensified" dialogue between the Democratic Republic of the Congo and Burundi.²⁴²

At its 4396th meeting, on 24 October 2001, the Council again included in its agenda the ninth report of the Secretary-General on MONUC, dated 16 October 2001.²⁴³

The President (Ireland) made a statement on behalf of the Council.²⁴⁴ by which the Council, *inter alia*:

Welcomed the recommendations of the Secretary-General on the next phase in the deployment of MONUC;

Supported the initiation of phase III within the current mandated ceiling;

Reminded the parties to the conflict that it was up to them to create and to maintain the conditions conducive to the start of phase III of MONUC and a decision on the future of phase III of MONUC would be taken after ascertaining that the parties were advancing the peace process;

Recalled the importance it placed on the implementation of the Lusaka Ceasefire Agreement and the relevant resolutions of the Council.

Decision of 9 November 2001 (4412th meeting): resolution 1376 (2001)

At its 4410th meeting, on 9 November 2001, the Council was briefed by the Secretary-General. Statements were made by the representative of Angola, in his capacity as Chairman of the Political Committee on the Implementation of the Lusaka Ceasefire Agreement, and the President of the Security Council (Jamaica).²⁴⁵

p. 20 (Norway).

²⁴¹ Ibid., p. 10.

²⁴² Ibid., p. 11.

²⁴³ S/2001/970.

²⁴⁴ S/PRST/2001/29.

²⁴⁵ The representatives of Angola, Burundi, the Democratic Republic of the Congo, Namibia, Rwanda, Uganda, Zambia and Zimbabwe were invited to participate but did not make statements. Angola, Zambia and Zimbabwe were represented by their respective Ministers for Foreign Affairs; Burundi by its Minister for Foreign Affairs and Cooperation; the Democratic Republic of the

Recalling his proposal for the commencement of phase III deployment of MONUC, the Secretary-General stressed that a number of issues had to be addressed for the deployment to be successful: ending the fighting in the east of the Democratic Republic of the Congo; enabling the voluntary return of all former combatants to their homes; reaching an understanding on the disarmament, demobilization, repatriation, resettlement and reintegration process; and demilitarizing Kisangani. He indicated that the deployment of MONUC in Kindu was aimed at creating a climate of security to encourage the armed groups to disarm, and noted with concern the decision of RCD and MLC to establish a special joint force based in Kindu. He further stated that the withdrawal of the Namibian and Ugandan troops from the territory of the Democratic Republic of the Congo was encouraging and urged the Governments of Angola, Zimbabwe and Rwanda to speed up preparations for the rapid withdrawal of their respective troops. He saluted the reopening of the Congo River and urged the members of the Political Committee to support the Facilitator of the inter-Congolese dialogue. Lastly, he urged the Congolese parties to continue efforts to improve human rights in the areas under their control.²⁴⁶

Speaking in his capacity as Chairman of the Political Committee, the representative of Angola noted that the upholding of the ceasefire, despite some setbacks, demonstrated the will of the parties to end the conflict in the Democratic Republic of the Congo. Nonetheless, the ongoing military activities in the east threatened the ceasefire and risked igniting a new round of hostilities. He believed that the solution should not be limited to the suspension of military aid to armed groups, but should provide also the conditions and guarantees for the disarmament, demobilization, repatriation, resettlement and reintegration of all armed groups living in the Democratic Republic of the Congo. As the implementation of the Lusaka Agreement progressed, he believed that the United Nations would need to become more involved in the

Congo by its Minister for Foreign Affairs and International Cooperation; Namibia by its Deputy Minister for Foreign Affairs, Information and Broadcasting; Rwanda by the Special Envoy of the President of Rwanda; and Uganda by its Deputy Prime Minister and Minister for Foreign Affairs.

²⁴⁶ S/PV.4410, pp. 2-3.

Democratic Republic of the Congo, in order to accelerate the return of peace.²⁴⁷

The President (Jamaica), speaking on behalf of the Council, remarked that MONUC had had an important effect on the peace process and announced that the concept of operations for the deployment of phase III was under the Council's serious consideration. Pointing out the interlinkages between the conflicts in Burundi and the Democratic Republic of the Congo, he held that a solution to the conflict in the Democratic Republic of the Congo had to be pursued at the regional level. He believed that there were several key issues which needed to be resolved in order to achieve sustainable peace: developing a credible plan for disarmament, demobilization, repatriation, resettlement and reintegration; creating a comprehensive plan for the full withdrawal of all foreign forces; demilitarizing Kisangani; making progress in the inter-Congolese dialogue; and addressing the illegal exploitation of natural resources.²⁴⁸

At the 4412th meeting,²⁴⁹ on 9 November 2001, the representative of Belgium (on behalf of the European Union²⁵⁰) made a statement, in which he emphasized the importance of the coordinating meeting between the Council and the Political Committee in view of the disappointing developments on the ground. At a time when the United Nations was preparing to enter phase III deployment of MONUC and to mobilize additional resources, the parties to the conflict had to show their firm commitment to the peace process. He emphasized that the disarmament, demobilization, repatriation, resettlement and reintegration programme had to be carried in a systematic way and on a voluntary and peaceful basis. Noting that disengagement was the first step in the process of withdrawal of foreign forces, he emphasized the need to demilitarize Kisangani. He further expressed satisfaction at the withdrawal of Namibian troops and

²⁴⁷ *Ibid.*, pp. 3-4.

²⁴⁸ *Ibid.*, pp. 5-6.

²⁴⁹ At the 4411th meeting, held in private on 9 November 2001, the members of the Council and the members of the Political Committee had a frank and constructive discussion.

²⁵⁰ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

encouraged the other Governments to expedite preparations for withdrawing their troops in accordance with resolution 1304 (2000). Regarding the inter-Congolese dialogue and the “poor” result of the Addis Ababa meeting, he urged the parties to hold further meetings to revive the peace process. Lastly, he deplored the violations of human rights and urged the signatory parties to the Lusaka Agreement to continue the peace process.²⁵¹

The President (Jamaica) drew the attention of the Council to a draft resolution;²⁵² it was put to the vote and adopted unanimously as resolution 1376 (2001), by which the Council, determining that the situation in the Democratic Republic of the Congo continued to pose a threat to international peace and security in the region, *inter alia*:

Demanded once again that Kisangani be demilitarized rapidly and unconditionally in accordance with Security Council resolution 1304 (2000);

Stressed that progress in the peace process and the economic recovery and development of the country were interdependent, and in that regard underlined the urgent need for increased international economic assistance in support of the peace process;

Reiterated its condemnation of all illegal exploitation of the natural resources of the Democratic Republic of the Congo, demanded that such exploitation cease and stressed that the natural resources of the Democratic Republic of the Congo should not be exploited to finance the conflict in that country;

Supported the launching of phase III of the deployment of MONUC and stressed, in that regard, the importance it attached to the deployment of MONUC in the east of the Democratic Republic of the Congo, in conformity with the new concept of operation and within the overall ceiling, including in the cities of Kindu and Kisangani;

Stressed that appropriate conditions would be necessary to allow MONUC to fulfil its role in Kindu and to ensure that discussions on the voluntary disarmament and demobilization of concerned armed groups took place in a neutral environment;

Affirmed that the implementation of phase III of the deployment of MONUC required steps from the parties and requested the Secretary-General to report on progress thereon.

Decision of 19 December 2001 (4441st meeting): statement by the President

At its 4437th meeting, on 14 December 2001, the Council included in its agenda a letter dated

10 November 2001 from the Secretary-General to the President of the Council, transmitting the addendum to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo.²⁵³

In the addendum to the report, the Panel noted that the primary and fundamental reason for the continuing and systematic exploitation of natural resources was the collapse of all State institutions and structures of the Democratic Republic of the Congo. While the conflict continued, the ceasefire was generally respected on the front line, leaving the exploitation of natural resources as the main activity of foreign troops and different armed groups. The Panel concluded that the military operations and presence in the Democratic Republic of the Congo had been transformed into self-financing activities, whereby no real budgetary burden was borne by the parties concerned and that the initial political and security-related motivation of foreign countries to intervene in the Democratic Republic of the Congo had been replaced by the motivation to extract the maximum commercial and material benefits. In that context, the Panel made a number of institutional recommendations, including that all concessions, commercial agreements and contracts signed since 1997 in rebel-held areas be reviewed and revised under the auspices of a special body created by the Council, and that MONUC accelerate the disarmament, demobilization and reintegration process in order to reduce the security concerns expressed by a number of States in the region. The Panel also made recommendations of a financial and technical nature, proposing that the World Bank, the International Monetary Fund (IMF) and other international donors consider submitting to the Council their assessment of the role of their assistance in helping to finance the continuation of the conflict and the maintenance of the status quo in the Great Lakes region; a moratorium be imposed, temporarily banning the purchase and importing of certain natural resources; and revenues from the resources of the Democratic Republic of the Congo be channelled through States’ budgets and tax collection and use be rigorously controlled, transparent and accountable. The Panel suggested that the Council consider the imposition of sanctions to deter the illegal

²⁵¹ S/PV.4412, pp. 2-3.

²⁵² S/2001/1058.

²⁵³ S/2001/1072; the addendum to the final report was submitted pursuant to the statement by the President of 3 May 2001 (S/PRST/2001/13).

exploitation of natural resources. Pending any action from the Council, a monitoring and follow-up mechanism which would report regularly to the Council on the progress made in the exploitation activities should be established.

At the meeting, the President (Mali) drew the attention of the Council to a number of communications to the President of the Council.²⁵⁴

The Council was briefed by the Chairman of the Panel of Experts. Statements were made by all of the Council members, as well as by the representatives of Angola, Belgium (on behalf of the European Union),²⁵⁵

²⁵⁴ Letter dated 14 November 2001, by which the representative of Uganda transmitted the interim report of the Judicial Commission of Inquiry set up following a previous report of the Panel of Experts, S/2001/357 (S/2001/1080); letters dated 21 November and 10 December 2001, by which the representative of Uganda transmitted the reactions of the Government of Uganda to the addendum to the report of the Panel of Experts (S/2001/1107 and S/2001/1163); letter dated 20 November 2001, by which the representative of the Sudan conveyed the comments of his Government on the statement made on 9 November 2001 to the Council by the Minister for Foreign Affairs of Uganda (S/2001/1113); letters dated 23 November and 7 December 2001, by which the representative of Rwanda communicated his Government's reactions to the addendum to the report of the Panel of Experts (S/2001/1102 and S/2001/1161); letter dated 10 December 2001, by which the representative of Rwanda transmitted the response of his Government to the communiqué issued by the Government of the Democratic Republic of the Congo on 3 December 2001 (S/2001/1168); letter dated 3 December 2001, by which the representative of the Democratic Republic of the Congo informed the Council of the latest developments in his country which could jeopardize the peace process (S/2001/1143); letter dated 5 December 2001, by which the representative of the Democratic Republic of the Congo transmitted a note of his Government on the report and addendum to the report of the Panel of Experts (S/2001/1156); letter dated 6 December 2001, by which the representative of the Democratic Republic of the Congo conveyed the report of the National Experts Commission on the illegal exploitation of natural resources and other wealth of the Democratic Republic of the Congo (S/2001/1175); and letter dated 13 December 2001, by which the representative of Burundi transmitted the position of his Government on the report of the Panel of Experts (S/2001/1197).

²⁵⁵ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia,

Burundi, Canada, the Democratic Republic of the Congo, Japan, Namibia, Nigeria, Rwanda, South Africa, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe.²⁵⁶

In his briefing, the Chairman of the Panel of Experts observed that the Lusaka Agreement had not addressed the issue of economic profits derived from the occupation of the territory of the Democratic Republic of the Congo. However, in the light of the link between the exploitation of natural resources and the continuation of the conflict, he emphasized that laying the foundation for lasting peace required progress in drastically curbing the increasing exploitation of resources and redirecting the use of those resources to peaceful development for the benefit of the Congolese people. Through the establishment of a monitoring body, the United Nations could continue the international community's scrutiny of the exploitation activities. He further noted that the proposed moratorium, by stemming the profits from the exploitation of resources, would reduce what had become a powerful incentive to continue to fuel the conflict and thus legitimize the presence of thousands of foreign troops and the strengthening of rebel armies. Imposed on selected and easily detectable products, the moratorium would not have a significant impact on the Congolese people and would be implemented on a voluntary or mandatory basis, to be decided by the Council. As institutional reforms were critical to ensuring a strong State administration with the capacity and authority to safeguard and regulate its territory and reaches, he indicated that the Panel recommended that the international community assist the Democratic Republic of the Congo intensively in that area. The risks to the peace process posed by the low-intensity conflict in the eastern part of the country being considerable, the Chairman stressed the importance of disarmament, demobilization, repatriation, resettlement

Slovenia and Turkey associated themselves with the statement.

²⁵⁶ The Democratic Republic of the Congo was represented by its Minister for Foreign Affairs and International Cooperation; Rwanda by its Adviser to the President; the United Republic of Tanzania by its Deputy Minister for Foreign Affairs and International Cooperation; Uganda by its Third Deputy Prime Minister and Minister for Foreign Affairs; and Zimbabwe by its Minister for Foreign Affairs.

and reintegration as a key element of the Lusaka Agreement.²⁵⁷

The majority of speakers agreed that the plundering of natural resources had become a driving force of the conflict and that the illegal exploitation of resources was incompatible with the peace process.

The representative of the Democratic Republic of the Congo noted that the addendum to the report had confirmed the systematic large-scale pillaging and illegal exploitation of his country's mineral resources. He observed that the illegal economic activities were self-sustaining and involved almost no financial burden on the countries concerned and expressed support for the implementation of the recommendations contained in the report.²⁵⁸

The representative of China stated that it was imperative for the Council to take appropriate measures to stop the illegal exploitation.²⁵⁹ The representative of Belgium, echoed by the representative of Nigeria, believed that the international community had to take action and set up control mechanisms and appropriate measures to halt the smuggling.²⁶⁰

A number of speakers expressed their discontent with the report's allegations of their nationals being involved in the illegal exploitation of natural resources and asked the Panel to present the evidence supporting its conclusions.²⁶¹ The representatives of the Democratic Republic of the Congo and Zimbabwe believed that the addendum inaccurately reflected the motives held by the members of SADC which had sent troops into the Democratic Republic of the Congo and their involvement in the illegal exploitation of natural resources.²⁶² The representative of Zambia contested the report's finding that military training was being conducted in refugee camps established in his country and announced that his Government had taken measures to disarm ex-combatants.²⁶³ Several

representatives expressed their disappointment with the report's claims that their Governments had not cooperated fully with the Panel.²⁶⁴ While noting that the addendum to the report completely cleared Burundi of any suspicion of involvement in the illegal exploitation of the resources of the Democratic Republic of the Congo, the representative of Burundi expressed concern at the allegation in the report that the Burundian armed groups, the front pour la défense de la démocratie (FDD) and the Forces nationales pour la libération (FNL) were receiving foreign assistance. He further reiterated his Government's willingness to negotiate a ceasefire with the FDD and FNL forces and to pursue dialogue with all neighbouring countries.²⁶⁵

Emphasizing the imperative of preserving momentum in the peace process, a number of speakers believed that the Council should first study the implications, humanitarian and economic, of imposing the moratorium suggested by the Panel.²⁶⁶ The representative of Uganda stated that the Council should move very cautiously on the issue, as such a measure would have the effect of sanctions against small farmers and artisan miners.²⁶⁷ Pointing out that a moratorium of resources from specific areas would likely be unenforceable because of the difficulty of tracking such commodities, the representative of the United States expressed doubts about the measure.²⁶⁸

The representative of Ireland declared that a voluntary moratorium on the import on specific goods might have an impact on consumers and persuade them to pressure companies that purchased the commodities to seek alternative sources.²⁶⁹ The representative of Jamaica noted that the moratorium should be targeted not only at the countries and groups in the region, but also at the end users.²⁷⁰ The representative of Nigeria favoured the imposition of a moratorium for a specific period of time, in addition to the standardization of certificates of origin for mineral resources.²⁷¹

²⁵⁷ S/PV.4437, pp. 3-5.

²⁵⁸ *Ibid.*, pp. 5-10.

²⁵⁹ *Ibid.*, p. 36.

²⁶⁰ S/PV.4437 (Resumption 1), p. 4 (Belgium); and p. 9 (Nigeria).

²⁶¹ S/PV.4437, pp. 12-13 (Uganda); pp. 15-16 (United Republic of Tanzania); and p. 17 (Rwanda); S/PV.4437 (Resumption 1), pp. 2-3 (South Africa).

²⁶² S/PV.4437, p. 7 (Democratic Republic of the Congo); and pp. 37-42 (Zimbabwe).

²⁶³ S/PV.4437 (Resumption 1), pp. 10-11.

²⁶⁴ S/PV.4437, p. 15 (United Republic of Tanzania);

S/PV.4437 (Resumption 1), pp. 2-3 (South Africa); and p. 11 (Zambia).

²⁶⁵ S/PV.4437 (Resumption 1), pp. 6-8.

²⁶⁶ S/PV.4437, p. 25 (Bangladesh); p. 27 (Mauritius); and p. 36 (Mali); S/PV.4437 (Resumption 1), p. 14 (Japan).

²⁶⁷ S/PV.4437, p. 14.

²⁶⁸ *Ibid.*, p. 31.

²⁶⁹ *Ibid.*, p. 23.

²⁷⁰ *Ibid.*, p. 25.

²⁷¹ S/PV.4437 (Resumption 1), p. 9.

Several speakers agreed with the Panel's recommendation that all concessions and commercial agreements signed since 1997 should be reviewed and revised with international assistance.²⁷² While supporting the recommendation, the representative of the United States maintained that there was no need to establish a new mechanism to carry out the review, pointing to organizations such as the World Bank and IMF which had the necessary expertise to assist.²⁷³ The representative of Uganda agreed that the contracts should be negotiated under the auspices of the Security Council, while stressing that the transitional government, which would be established as a result of the inter-Congolese dialogue, should have the sovereign responsibility to handle all matters relating to the review of contractual obligations.²⁷⁴ Similarly, the representative of the Russian Federation maintained that the process lay fully within the competence of the national authorities of the Democratic Republic of the Congo and that, if necessary, there could be discussion of involving expert assistance from IMF and the World Bank.²⁷⁵

The representative of Angola argued that the renegotiation of concessions would constitute interference in the internal affairs of that country.²⁷⁶ Similarly, the representative of Namibia declared that his Government could not support the report's recommendation on the topic which, in his view, attempted to question or discredit sovereign decisions taken by the legitimate Government of the Democratic Republic of the Congo and characterized it as "unacceptable".²⁷⁷ The representative of Mauritius noted that some of the contracts had been contracted by the legitimate and sovereign Government of the Democratic Republic of the Congo, and believed that any review of those concessions could be made only after the full implementation of the Lusaka Agreement and with the full agreement of the Government of the Democratic Republic of the Congo.²⁷⁸ The representative of Zimbabwe held that the proposal to review all concessions was introducing the concept of

"unequal treaties" and pointed out that its joint ventures in the Democratic Republic of the Congo had been a Congolese initiative.²⁷⁹

With respect to the Panel's recommendation of imposing sanctions, the representative of Bangladesh expressed hope that the parties would cooperate with the Council to avert the imposition of such measures.²⁸⁰ The representative of Mauritius believed that the Panel's recommendation to the Council to consider sanctions required thorough study.²⁸¹ In contrast, the representative of Nigeria urged the Council to consider the imposition of sanctions on any country that violated the Council resolution on the exploitation of mineral resources in the Democratic Republic of the Congo.²⁸²

Many speakers recommended the renewal of the Panel's mandate. The representative of Bangladesh held that such an extension would enable the Panel to further investigate reactions and complaints of those named in the report, as well as to examine the feasibility and possible impact of the proposed measures.²⁸³ The representative of the United States opined that, during the extension, the Panel should provide recommendations for specific actions to address the issues noted in the addendum.²⁸⁴ The representative of the Democratic Republic of the Congo was of the opinion that the Council should also strengthen the Panel's expertise to enable it to better define, mainly at a purely technical level, the responsibilities related to the illegal exploitation of natural resources in his country.²⁸⁵

At its 4441st meeting, on 19 December 2001, the Council again included in its agenda the letter dated 10 November 2001 from the Secretary-General addressed to the President of the Security Council.²⁸⁶

At the meeting, the President (Mali) made a statement on behalf of the Council,²⁸⁷ by which the Council, *inter alia*:

²⁷² S/PV.4437, p. 23 (Ireland); p. 25 (Jamaica); and p. 26 (Bangladesh); S/PV.4437 (Resumption 1), p. 5 (Belgium on behalf of the European Union).

²⁷³ S/PV.4473, p. 31.

²⁷⁴ *Ibid.*, p. 14.

²⁷⁵ *Ibid.*, p. 32.

²⁷⁶ S/PV.4437 (Resumption 1), p. 5.

²⁷⁷ *Ibid.*, pp. 12-13.

²⁷⁸ S/PV.4473, p. 27.

²⁷⁹ *Ibid.*, p. 41.

²⁸⁰ *Ibid.*, p. 26.

²⁸¹ *Ibid.*, p. 27.

²⁸² S/PV.4437 (Resumption 1), p. 9.

²⁸³ S/PV.4473, p. 26.

²⁸⁴ *Ibid.*, p. 30.

²⁸⁵ *Ibid.*, p. 9.

²⁸⁶ S/2001/1072.

²⁸⁷ S/PRST/2001/39.

Strongly condemned those activities, which were perpetuating the conflict in the country, impeding the economic development of the Democratic Republic of the Congo and exacerbating the suffering of its people, and reaffirmed the territorial integrity, political independence and sovereignty of the Democratic Republic of the Congo, including over its natural resources;

Thanked the Panel of Experts for its recommendations on the institutional, financial and technical aspects of the issue, and for its advice on possible measures to be imposed by the Security Council;

Requested the Secretary-General to renew the mandate of the Panel of Experts for a period of six months at the end of which the Panel should report to the Council;

Urged the Governments named in the previous reports to conduct their own inquiries, cooperate fully with the Panel of Experts and take the necessary steps to end all illegal exploitation of the natural resources of the Democratic Republic of the Congo, by their nationals or others under their control.

Decision of 25 February 2002 (4476th meeting): statement by the President

At its 4476th meeting,²⁸⁸ on 25 February 2002, the Council included in its agenda the tenth report of the Secretary-General on MONUC, dated 15 February 2002.²⁸⁹ In his report, the Secretary-General informed the Council that the Mission was facing difficulties in implementing the third phase of its deployment, including obstructions and delays in deploying to Kisangani and Kindu, as well as in its efforts to repatriate a group of combatants from Kamina. No major change had been observed in the positions of the countries with foreign troops stationed in the Democratic Republic of the Congo and not much progress had been achieved on the demilitarization of Kisangani. Noting that careful assessments showed that MONUC would not be able to fulfil its tasks with its existing troop strength, the Secretary-General recommended that the Council consider increasing the authorized military strength by 850 and the civilian police strength by 85 and endorse the revised concept of operations for MONUC as proposed in the report.

²⁸⁸ At the 4459th meeting, held in private on 29 January 2002, the Council and the Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo had a constructive discussion.

²⁸⁹ S/2002/169, submitted pursuant to resolution 1355 (2001).

At the meeting, the President (Mexico) made a statement on behalf of the Council,²⁹⁰ by which the Council, *inter alia*:

Welcomed the tenth report of the Secretary-General on MONUC;

Stressed the importance of the inter-Congolese dialogue, which was an essential element to achieve lasting peace; and reiterated its call for the withdrawal of all foreign troops from the territory of the Democratic Republic of the Congo;

Also stressed that the disarmament, demobilization, repatriation, resettlement and reintegration process of the armed groups mentioned in chapter 9.1 of annex A to the Lusaka Ceasefire Agreement was another key element for the settlement of the conflict in the Democratic Republic of the Congo; expressed its concern at the persistent human rights violations, in particular in the east of the country and called on all parties to put an end to those violations.

Decision of 19 March 2002 (4495th meeting): resolution 1399 (2002)

By a letter dated 18 March 2002 to the President of the Council²⁹¹, the representative of the Democratic Republic of the Congo reported that, in flagrant violation of the ceasefire, troops of the Rwandan Patriotic Army (APR), assisted by elements of RCD-Goma, had besieged the town of Moliro, in Katanga province, on 16 March 2002. In that context, the Government of the Democratic Republic of the Congo called on the Council to meet urgently to, *inter alia*, demand the cessation of hostilities, the strict implementation of the Lusaka Ceasefire Agreement and the immediate and unconditional withdrawal of Rwandan troops.

The 4495th meeting of the Council was held on 19 March 2002, in response to that request and included the letter in the agenda.

At the meeting, at which no statements were made and the representative of the Democratic Republic of the Congo was invited to participate, the President (Norway) drew attention to a letter dated 18 March 2002 from the representative of Rwanda to the President of the Council.²⁹²

²⁹⁰ S/PRST/2002/5.

²⁹¹ S/2002/286.

²⁹² S/2002/287, transmitting the reactions of Rwanda to the attitude of the Government of the Democratic Republic of the Congo regarding the inter-Congolese dialogue in Sun City, and a statement by the Government of Rwanda

The President also drew attention to a draft resolution;²⁹³ it was adopted unanimously as resolution 1399 (2002), by which the Council, determining that the situation in the Democratic Republic of the Congo posed a threat to international peace and security in the region, *inter alia*:

Condemned the resumption of fighting in the Moliro pocket, and the capture of Moliro by RCD-Goma, and stressed that that was a major violation of the ceasefire;

Demanded that RCD-Goma troops withdraw immediately and without condition from Moliro and also demanded that all parties withdraw to the defensive positions called for in the Harare disengagement sub-plans;

Demanded also that RCD-Goma withdraw from Pweto and that all other parties also withdraw from locations they occupied in contravention of the Kampala and Harare disengagement plan;

Called on Rwanda to exert its influence on RCD-Goma so that RCD-Goma implemented the demands of the resolution.

**Decision of 24 May 2002 (4544th meeting):
statement by the President**

At the 4544th meeting, on 24 May 2002, the President (Singapore) made a statement on behalf of the Council.²⁹⁴ by which the Council, *inter alia*:

Strongly condemned the killings, in particular of civilians, that had recently taken place in Kisangani;

Called for an immediate cessation of all violations of human rights and international humanitarian law;

Reiterated its demand that the city be demilitarized in accordance with relevant resolutions and called on the parties to cooperate to the full reopening of the Congo River, including to commercial traffic;

Stressed the importance of MONUC assisting, within the current mandate, in the full demilitarization of Kisangani and welcomed the proposal by the Secretary-General to reinforce the civilian police unit of MONUC with 85 officers to assist in the training of the local police.

**Decision of 5 June 2002 (4548th meeting):
statement by the President**

At the 4548th meeting, on 5 June 2002, in which the representative of the Democratic Republic of the Congo was invited to participate, the President

concerning the accusations made by France in the Security Council regarding the Moliro attack.

²⁹³ S/2002/290.

²⁹⁴ S/PRST/2002/17.

(Singapore) made a statement on behalf of the Council.²⁹⁵ by which the Council, *inter alia*:

Condemned in the strongest terms the acts of intimidation and unfounded public statements against MONUC, in particular attempts by RCD-Goma to “ban” the Special Representative of the Secretary-General and the “expulsion” of several MONUC and other United Nations personnel from areas under its control;

Reaffirmed its full support for the Special Representative and for the dedicated staff of MONUC;

Reiterated its condemnation of the killings and attacks against civilians and soldiers that had followed the events that had taken place on 14 May and thereafter in Kisangani; called upon Rwanda to exert its influence to have RCD-Goma meet without delay all its obligations under the resolutions of the Council and the presidential statement;

Encouraged the Government of the Democratic Republic of the Congo, MLC and RCD-Goma to hold new discussions as soon as possible and in good faith in order to reach an all-inclusive agreement on the political transition.

**Decision of 14 June 2002 (4554th meeting):
resolution 1417 (2002)**

At its 4554th meeting, on 14 June 2002, the Council included in its agenda the eleventh report of the Secretary-General on MONUC, dated 5 June 2002.²⁹⁶ In his report, the Secretary-General noted that, in spite of several positive developments, the peace process in the Democratic Republic of the Congo faced considerable difficulties, including intensified fighting in the east, human rights violations and a lack of dialogue between the Democratic Republic of the Congo and Rwanda on their respective security concerns. He deplored the violence that had afflicted the city of Kisangani and stressed that, while the reduction in the number of foreign forces in the territory of the Democratic Republic of the Congo was encouraging, the conflict could not be resolved without the total withdrawal of all foreign forces. He pointed out that MONUC did not have the means to provide broader protection to civilians at large. He asked the Council to consider adjusting the strength of MONUC with a view to reconfiguring and re-equipping contingents in order to permit them both to protect more effectively civilians under imminent threat of physical violence and to intervene more actively. Continued unrest in the east, and difficulties in

²⁹⁵ S/PRST/2002/19.

²⁹⁶ S/2002/621, submitted pursuant to resolution 1355 (2001).

identifying a militarily capable troop-contributing country that would enable MONUC to establish an effective presence there, had limited the prospects of making rapid progress in the disarmament, demobilization and reintegration process. Consequently, he invited the Government of the Democratic Republic of the Congo to fully support the process by, inter alia, ensuring that no military supplies reached armed groups operating in the east, investigating reports that persons suspected of crimes against humanity might be present on its territory, cooperating with the International Tribunal for Rwanda, and taking steps to ensure that its territory was not used as a base for attacking neighbouring countries.²⁹⁷

At the meeting, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Syrian Arab Republic) drew attention to a draft resolution;²⁹⁸ it was adopted unanimously and without debate as resolution 1417 (2002), by which the Council, determining that the situation in the Democratic Republic of the Congo continued to pose a threat to international peace and security in the region, inter alia:

Decided to extend the mandate of MONUC until 30 June 2003;

Called upon Member States to contribute personnel to enable MONUC to reach its authorized strength of 5,537, including observers, within the time frame outlined in its concept of operation;

Condemned ethnically and nationally based calls for violence and the killings and attacks against civilians and soldiers that had followed the events that had taken place on 14 May and thereafter in Kisangani;

Condemned the exploitation of ethnic differences in order to incite or carry out violence or human rights violations;

Reiterated its full support for the Special Representative of the Secretary-General and for all the dedicated MONUC personnel who operated in challenging conditions; demanded that RCD-Goma provide full access and lift all restrictions on MONUC personnel, and fully cooperate with MONUC in the implementation of its mandate, and urged Rwanda to exert its influence to have RCD-Goma meet without delay all its obligations;

Requested MONUC to proceed expeditiously in the deployment of the additional 85 police trainers to Kisangani;

Supported the role of MONUC in disarmament, demobilization, repatriation, resettlement and reintegration;

Demanded the total and expeditious withdrawal of all foreign forces from the territory of the Democratic Republic of the Congo;

Requested all parties and relevant States to extend their full cooperation to the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo; requested the Secretary-General to report at least every four months to the Council on progress in the implementation of the resolution.

**Decision of 23 July 2002 (4583rd meeting):
statement by the President**

At the 4583rd meeting, on 23 July 2002, at which no statements were made and the representative of the Democratic Republic of the Congo was invited to participate, the President (United Kingdom) made a statement on behalf of the Council,²⁹⁹ by which the Council, inter alia:

Recalled the seriousness of the events that had taken place in Kisangani on 14 May 2002; stressed that RCD-Goma would be held accountable for any extrajudicial executions, including among members of the civil society or detainees at the detention centres of RCD in Kisangani;

Also stressed that Rwanda had a duty to use its strong influence to ensure that RCD-Goma took no such action;

Also reiterated that RCD-Goma had to demilitarize Kisangani without any further delay or condition and that RCD-Goma had to also cooperate with MONUC and the Office of the United Nations High Commissioner for Human Rights in their investigation to identify all the victims and perpetrators in Kisangani so that the latter would be brought to justice;

Expressed its deep concern at the strengthening of troops in eastern Democratic Republic of the Congo;

Called for cessation of the fighting;

Welcomed efforts and good offices of the Republic of South Africa to help the Democratic Republic of the Congo and Rwanda to reach an agreement to tackle the problem of armed groups and to take forward the withdrawal of Rwandan troops;

Called on all parties to recommit themselves to taking forward the progress for peace and refrain from any military action that would undermine it.

²⁹⁹ S/PRST/2002/22.

²⁹⁷ S/2002/621.

²⁹⁸ S/2002/665.

**Decision of 15 August 2002 (4602nd meeting):
statement by the President**

At the 4596th meeting,³⁰⁰ on 8 August 2002, at which the Council was briefed by the Secretary-General, statements were made by the representatives of the Democratic Republic of the Congo, Rwanda and South Africa.³⁰¹

The Secretary-General welcomed the signing of the peace agreement between the Governments of the Democratic Republic of the Congo and Rwanda in Pretoria on 30 July 2002,³⁰² as an important political milestone which could help pave the way towards a lasting resolution of the conflict. He applauded President Mbeki of South Africa for his contribution to the agreement in his capacity as Chairman of the African Union. The Secretary-General urged the parties to take the steps required to operationalize the agreement as soon as possible and called on the international community to provide support to the parties for its implementation. He reported that he had instructed MONUC to determine which actions it could take, within its mandate and resources, to assist the parties, and stressed that the parties needed to provide the necessary information to enable MONUC to define its role. He announced that he would revert to the Council in due course with specific recommendations for MONUC after the Secretariat undertook extensive consultations with the parties concerned.³⁰³

The representative of South Africa stated that the conflict could not be resolved until the issue of armed groups had been addressed. In that context, she welcomed the declared wish of the Democratic Republic of the Congo not to have the armed groups utilize its territory for launching attacks against its neighbours, as well as the commitment of Rwanda to withdraw its forces as soon as those armed groups ceased to be a threat to the people of Rwanda. In her view, the Pretoria Agreement was at the centre of the

peace process, complementing the Lusaka Agreement, and not supplanting it. The need for the Pretoria Agreement stemmed from the recognition that progress in establishing lasting peace in the Democratic Republic of the Congo could not be achieved without resolving the conflict between that country and Rwanda.³⁰⁴

The representative of the Democratic Republic of the Congo held that the Pretoria Agreement would facilitate and speed up the completion of the remaining phases provided for in the timetable for the implementation of the Lusaka Agreement. The new agreement, he noted, provided a response to the security concerns of Rwanda and created the conditions for the restoration of the national sovereignty and territorial integrity of the Democratic Republic of the Congo. On disarmament, demobilization, repatriation, resettlement and reintegration, the representative held that his Government had undertaken to faithfully implement its obligations under the Pretoria Agreement, including the demobilization and disarmament of Rwandese combatants in Kamina. On the withdrawal of foreign forces, he noted that Angola and Zimbabwe had withdrawn a large number of their troops, while Namibia had withdrawn completely. At the same time, with respect to the “uninvited forces”, withdrawal movements had been observed only on the part of Uganda and Burundi, while Rwanda had considerably increased its forces and was still engaged in large-scale military activities in his country. He further called for the beginning of demilitarization of Kisangani as well as an end to the illegal exploitation of natural resources. For its part, the United Nations could help by formulating a new concept of operations for MONUC that would effectively activate phase III of the Mission’s deployment and enable it to support the verification mechanism and to participate in the structure that the third party would put in place under the Pretoria Agreement. He underlined the need for his Government to sign similar agreements with the Governments of Uganda and Burundi.³⁰⁵

The representative of Rwanda observed that the Pretoria Agreement represented a solemn commitment by the Government of the Democratic Republic of the Congo to track, assemble and disarm ex-Rwandese

³⁰⁰ For more information on the discussion at this meeting, see chap. XII, part I, sect. B, case 4, with regard to Article 2 (4) of the Charter.

³⁰¹ The Democratic Republic of the Congo was represented by its Minister for Foreign Affairs and International Cooperation; Rwanda was represented by its Special Envoy of the President of Rwanda on the Great Lakes Region; and South Africa was represented by its Minister for Foreign Affairs.

³⁰² S/2002/914.

³⁰³ S/PV.4596, pp. 2-3.

³⁰⁴ *Ibid.*, pp. 4-8.

³⁰⁵ *Ibid.*, pp. 5-7.

Armed Forces and Interahamwe in collaboration with MONUC, the Joint Military Commission and the third party. For its part, Rwanda undertook to withdraw its troops as soon as the process got under way and was judged to be irreversible. He added that through the work of MONUC and the Joint Military Commission, Rwanda was aware of or would have an idea where the ex-Rwandese Armed Forces and Interahamwe were operating and how they were organized. His Government needed assistance from MONUC to make the assembly areas for those groups operational and secure.³⁰⁶

At the 4602nd meeting,³⁰⁷ on 15 August 2002, in which the representatives of the Democratic Republic of the Congo and Rwanda were invited to participate, the President (United States) made a statement on behalf of the Council,³⁰⁸ by which the Council, *inter alia*:

Expressed its appreciation to the Foreign Ministers of South Africa and the Democratic Republic of the Congo, and to the Special Envoy of the President of Rwanda, who had participated in its meeting on the Democratic Republic of the Congo on 8 August 2002;

Expressed its full support for the implementation of the Peace Agreement;

Commended the Government of the Republic of South Africa for its facilitation of the Peace Agreement;

Stressed in particular the responsibilities of the two parties set out in the Peace Agreement and Implementation Plan and called upon the international community to assist and expedite the carrying out of those responsibilities;

Reiterated its support for the mandate of MONUC, as established by its resolution 1417 (2002).

Decision of 18 October 2002 (4626th meeting): statement by the President

At the 4626th meeting,³⁰⁹ on 18 October 2002, in which the representative of the Democratic Republic of

³⁰⁶ *Ibid.*, pp. 8-9.

³⁰⁷ At the 4597th meeting, held in private on 8 August 2002, the members of the Council, the Minister for Foreign Affairs of the Democratic Republic of the Congo, the Minister for Foreign Affairs of South Africa and the Special Representative of the President of Rwanda on the Great Lakes Region had a constructive discussion.

³⁰⁸ S/PRST/2002/24.

³⁰⁹ At the 4608th meeting, held in private on 13 September 2002, the Secretary-General, the members of the Council, the President of the Democratic Republic of the

Congo was invited to participate, the President (Cameroon) made a statement on behalf of the Council,³¹⁰ by which the Council, *inter alia*:

Welcomed the withdrawal of foreign forces from the territory of the Democratic Republic of the Congo and called for the implementation of all agreements signed by parties and all relevant resolutions of the Security Council;

Condemned the continuing violence in the east of the country and noted with great concern that those actions added to instability in the east of the country, threatened regional stability and had severe humanitarian consequences; called on all parties to the conflict to cease hostilities immediately and without preconditions;

Urged all Congolese parties to accelerate efforts to reach an agreement on an all-inclusive transitional government; called on all parties and armed groups involved in the conflict in the Democratic Republic of the Congo to commit themselves to achieving a peaceful settlement for the region and condemned any attempt to use military action to influence the peace process.

Deliberations of 24 October and 5 November 2002 (4634th and 4642nd meetings)

At its 4634th meeting, on 24 October 2002, the Council included in its agenda a letter dated 15 October 2002 from the Secretary-General to the President of the Council, transmitting the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo.³¹¹

In the report, the Panel noted that an embargo or a moratorium banning the export of raw materials originating in the Democratic Republic of the Congo was not a viable means for improving the situation of the country's Government, citizens or natural environment. Restrictive measures, nevertheless, had to be taken *vis-à-vis* the role of companies and individuals involved in arms supply and resource plundering. The Panel concluded that the establishment of a transitional government in Kinshasa should be accompanied by: the disarmament of all rebel groups; phased withdrawal of foreign troops; measures to drastically curb the illegal exploitation of natural resources and encourage legal exploitation; the

Congo, the President of Rwanda and the Minister for Foreign Affairs of South Africa had a constructive discussion.

³¹⁰ S/PRST/2002/27.

³¹¹ S/2002/1146; the final report was submitted pursuant to the statement by the President of 19 December 2001 (S/PRST/2001/39).

application of serious leverage on the parties through multilateral pressures and incentives; and a dynamic monitoring process. To readjust the existing process of illegal exploitation and encourage legal activities, the Panel proposed the imposition of forceful disincentives and incentives, monitored through a proactive monitoring body. In the light of the new dynamic and progress created by the signing of the political and military agreements in Sun City, Pretoria and Luanda, the Panel believed that a set of agreements or initiatives on reconstruction and sustainable development were needed to address the economic dimension of the Lusaka peace process and provide incentives for continuing progress, and detailed those incentives. The Panel also suggested a number of institutional reforms, including the reconstruction and reform of State institutions; professionalizing the national security apparatus; promoting legitimate and accountable civil administrations in the eastern Democratic Republic of the Congo; and reviewing all concession and contracts signed during the wars. In the event of non-compliance with the recently signed agreements and continuing illegal exploitation of natural resources, the Panel recommended a series of financial and technical measures, such as: the assumption of responsibility by the Governments of the countries of individuals and entities involved in illicit activities; the reduction of official development assistance with the goal of making aid disbursements to Burundi, Rwanda, Uganda and Zimbabwe conditional on their compliance with the agreements; restrictions on business enterprises and individuals; and adherence of business enterprises to the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises. The Panel also recommended that a monitoring body be established to, inter alia, report to the Council on any State or company that might be involved in the illegal exploitation of natural resources.

At the meeting, the Council was briefed by the Chairman of the Panel of Experts and the representative of the Democratic Republic of the Congo made a statement.³¹²

Introducing the report, the Chairman reaffirmed that economic exploitation remained the most potent means for continued conflict in the Democratic

³¹² The Democratic Republic of the Congo was represented by its Minister for Foreign Affairs and International Cooperation.

Republic of the Congo. The Panel had identified three distinct groups, called “elite networks”, which had carved out separate spheres of economic control in various areas of the country controlled by the Rwandan army, the Ugandan army and the Kinshasa Government with the help of the Zimbabwean military, respectively. The war economy directed by those networks working in collaboration with organized criminal groups functioned under the cover of armed conflict and drained the public treasury of revenues, undermined the stability and the restoration of State authority, and led to more instability and violence. He warned that the networks’ core members, acting with impunity, had the capacity to subvert the peace process in order to protect their economic interests and to ensure continued control over revenue-generating activities. Stating the Panel’s conviction that reconstructing and reorienting the region’s economies was essential to peacemaking and peacebuilding, he stressed the need for decisive action by the Council to build on the momentum of military and political gains to consolidate what could become durable peace in the Great Lakes region and to begin rebuilding the region’s economies.³¹³

The representative of the Democratic Republic of the Congo noted that the Panel’s report had come at a time when real signs for peace had emerged. He commended the Panel for showing that the presence of Rwandan troops was based on the desire to pursue criminal activities in his country and for confirming the training by the Ugandan armed forces in Ituri region of young people for the purpose of perpetuating disorder once their troops left. He added that the report also confirmed that it was the large-scale, systematic and systemic exploitation that fuelled and perpetuated the armed aggression against and occupation of his country. In his view, the Council had to take into account the economic dimension of the war for its actions to be effective. Stressing that the people of the Democratic Republic of the Congo should benefit first and foremost from the country’s natural resources, he called on the Council to implement the recommendations made by the Panel. In particular, he believed it was necessary to increase the oversight capacity of the United Nations, stressing that the terms of reference for a monitoring body be established with his Government’s approval and in respect of the prerogatives of its national sovereignty. The

³¹³ S/PV.4634, pp. 2-5.

representative further called on the Council to consider the establishment of an ad hoc international criminal court for the Democratic Republic of the Congo to judge and convict those guilty of crimes against humanity. He also announced the creation by his Government of an ad hoc commission to consider the validity of agreements that could serve as a framework for the reconsideration of certain contracts and concessions signed during the war. Referring to accusations in the report directed at members of his Government, he noted that his country retained the legal ability to prosecute those individuals.³¹⁴

At its 4642nd meeting,³¹⁵ on 5 November 2002, the Council again included in its agenda the letter dated 15 October 2002 from the Secretary-General to the President of the Council, transmitting the report of the Panel of Experts.³¹⁶

The President (China) drew attention to a number of communications to the President of the Council.³¹⁷ Statements were made by all members of the Council, and the representatives of Angola, Belgium, Canada, Denmark (on behalf of the European Union³¹⁸), Oman, Rwanda, South Africa, Uganda and Zimbabwe.³¹⁹ The

³¹⁴ *Ibid.*, pp. 5-9.

³¹⁵ For more information on the discussion at this meeting, see chap. XI, part III, sect. B, with regard to Article 41.

³¹⁶ S/2002/1146.

³¹⁷ Letter dated 23 October 2002 from the representative of Rwanda transmitting the response of the Government of Rwanda to the report of the Panel of Experts (S/2002/1187); letter dated 25 October 2002 from the representative of South Africa transmitting the position of his Government with regard to the report (S/2002/1199); letter dated 25 October 2002 from the representative of Uganda transmitting a statement dated 23 October 2002 by the Government of Uganda on the report (S/2002/1202); letter dated 28 October 2002 from the representative of Rwanda sent in protest to the statement made by the Minister for Foreign Affairs of the Democratic Republic of the Congo on 24 October 2002 in the Council (S/2002/1207); and letter dated 4 November 2002 from the representative of Uganda transmitting the response, dated 1 November 2002, of the Government of Uganda to the final report (S/2002/1221).

³¹⁸ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

³¹⁹ The representative of the Democratic Republic of the Congo was invited to participate but did not make a statement. Uganda was represented by its Third Deputy

Chairman of the Panel of Experts responded to questions and comments made in the discussion.

Most speakers welcomed the work of the Panel and stated that its conclusions and recommendations merited close examination with a view to putting an end to the illegitimate exploitation of natural resources in the Democratic Republic of the Congo, which represented a serious obstacle to the peaceful resolution of the conflict.

While in agreement with the basic premises of the peaceful settlement of the conflict in the Democratic Republic of the Congo, a number of speakers, some representing States whose Governments or nationals and companies had been named in the report as being involved in the illegal exploitation, directly or through “elite networks”, denied the accusations against them and questioned the methodology used by the Panel, as well as the report’s conclusions and recommendations.³²⁰ The representative of South Africa urged the Council to require the Panel to further investigate and substantiate the allegations and recommendations made in the report, adding that the report contradicted the aims and intentions of the Council.³²¹ Pointing out that the Panel suggested that those companies and individuals named in the list annexed to the report be subjected to sanctions, the representative of the Syrian Arab Republic believed that there was an urgent need to re-evaluate the entire contents of the report.³²² The representatives of Uganda and Rwanda accused the Panel of ignoring their legitimate security concerns, while the representative of Rwanda further denounced the report as “biased”, “politically motivated” and “unsubstantiated”.³²³ The representative of Zimbabwe believed that the report deliberately misrepresented the nature of the conflict in the Democratic Republic of the Congo, portraying it as motivated by “the greedy desire of the African military and security leaders to loot, plunder and profiteer” from the riches of that country.³²⁴

Prime Minister and Minister for Foreign Affairs.

³²⁰ S/PV.4642, pp. 5-7 (Uganda); pp. 9-12 (South Africa); pp. 15-17 (Rwanda); pp. 18-19 (Oman); pp. 19-23 (Zimbabwe); S/PV.4642 (Resumption 1), pp. 5-6 (Syrian Arab Republic).

³²¹ S/PV.4642, p. 9.

³²² S/PV.4642 (Resumption 1), p. 6.

³²³ S/PV.4642, p. 4 (Uganda); and pp. 16-17 (Rwanda).

³²⁴ *Ibid.*, p. 20.

Several speakers supported in general the work of the Panel, but underlined the right of those cited in the report as allegedly involved in the illegal exploitation of natural resources to defend themselves.³²⁵ While affirming that the Panel's recommendations deserved the Council's serious consideration, the representative of Canada expressed disappointment that the Panel had named as violators of OECD Guidelines companies whose alleged violations, with a few exceptions, were neither specified nor substantiated in the body of the report, creating controversy for the companies concerned and attracting attention away from the other valuable information and conclusions in the report.³²⁶ The representative of the United Kingdom encouraged the Panel to share information with the companies and individuals named in the report to the extent possible so as to allow them to investigate and take any necessary action.³²⁷ To address concerns voiced by parties named in the report, the representative of France proposed that an addendum to the report be published.³²⁸

The representative of Ireland found the report compelling in its analysis and its general conclusions, characterizing its recommendations as measured and fair.³²⁹ The representative of Norway advocated the continued use of panels of experts to assist the Council and promoted more cross references between the reports of the Panel of Experts and those of MONUC.³³⁰

Turning to the specific recommendations of the Panel, a number of speakers expressed their support for the establishment of a monitoring body that would report on developments on the ground and make recommendations to the Council.³³¹ The representative of Belgium believed that such a body should, *inter alia*, continue the Panel's investigative efforts and update the relevant lists of individuals and companies, once it had heard all those who wished to be heard.³³² In

contrast, the representative of Rwanda firmly opposed the creation of such a body as, like the Panel, it would merely "foment, rather than reduce, tension and conflict in the region" and would be vulnerable to competing influences and other forms of foreign manipulation and only paralyse the economies of the region.³³³ The representative of the Russian Federation believed that the establishment of a new monitoring mechanism would require additional consideration by the Council.³³⁴ The representative of France stressed the need for the Council to receive periodic reports on the issue and, in that context, believed that a monitoring body was an option.³³⁵

With respect to the introduction of sanctions on individuals and organizations accused of illegal exploitation, the representative of Belgium viewed that as a possibility.³³⁶ Emphasizing the importance of due process, the representative of Singapore agreed with the Panel's recommendation that a grace period be given before the recommended restrictions were put in place.³³⁷ The representative of Mauritius declared that the recommendation should be implemented only after Governments had had an opportunity to respond to allegations.³³⁸ In contrast, the representative of the Russian Federation questioned the recommendation, since he held that combating economic crime fell in the purview of States and not of the Council. Furthermore, he believed that it would be extremely difficult to prove that activities of any type of commercial enterprise or individual posed a threat to international peace and security, pursuant to Chapter VII of the Charter, the determination required before imposing sanctions.³³⁹ The representative of Zimbabwe asserted that imposing sanctions only upon companies and individuals from non-OECD countries amounted to unequal treatment.³⁴⁰

In response, the Chairman of the Panel of Experts, *inter alia*, insisted that the findings included in the report were based on insider information and

³²⁵ *Ibid.*, p. 12 (Denmark); p. 14 (Belgium); p. 25 (France); S/PV.4642 (Resumption 1), p. 4 (Singapore).

³²⁶ S/PV.4642, p. 23.

³²⁷ S/PV.4642 (Resumption 1), p. 11.

³²⁸ S/PV.4642, p. 25.

³²⁹ S/PV.4642 (Resumption 1), pp. 8-9.

³³⁰ S/PV.4642, p. 26.

³³¹ *Ibid.*, p. 15 (Belgium); and p. 23 (Canada); S/PV.4642 (Resumption 1), p. 3 (Mauritius); p. 4 (Singapore); p. 7 (Guinea); p. 9 (Ireland); p. 11 (Cameroon); and p. 16 (Bulgaria).

³³² S/PV.4642, p. 15.

³³³ *Ibid.*, pp. 17-18.

³³⁴ *Ibid.*, p. 28.

³³⁵ *Ibid.*, p. 25.

³³⁶ *Ibid.*, p. 14.

³³⁷ S/PV.4642 (Resumption 1), p. 4.

³³⁸ *Ibid.*, p. 3.

³³⁹ S/PV.4642, pp. 27-28.

³⁴⁰ *Ibid.*, p. 22.

documentary evidence, samples of which could be shown to Council members, if they so desired.³⁴¹

Decision of 4 December 2002 (4653rd meeting): resolution 1445 (2002)

At its 4653rd meeting, on 4 December 2002, the Council included in its agenda the special report of the Secretary-General on MONUC dated 10 September 2002.³⁴² In the report, the Secretary-General acknowledged the importance of the bilateral agreements between the Government of the Democratic Republic of the Congo and the Governments of Rwanda and Uganda, respectively. Referring to reports of intensified military activities in the east, he called on the parties to achieve an immediate ceasefire and end all support to the armed groups, as a sign of good will. In the framework of the Luanda Agreement, he urged the Governments of the Democratic Republic of the Congo and Uganda to continue their consultations to address the situation in Ituri and ensure that there was no security vacuum in the region. He also called on the Government of Zimbabwe to cooperate with MONUC to ensure a transparent and orderly withdrawal of its troops, and emphasized that Rwanda should also demonstrate its willingness to withdraw its forces. He recommended that quick-impact project funding for MONUC be extended; MONUC shift the emphasis of its activity eastward, enhance its capacity with respect to disarmament, demobilization, repatriation, resettlement and reintegration and strengthen its presence; and the Council authorize an increase in the military strength of MONUC up to 8,700.

At the meeting, the President (Colombia) drew the attention of the Council to a draft resolution;³⁴³ it was adopted unanimously, and without debate as resolution 1445 (2002), by which the Council, determining that the situation in the Democratic Republic of the Congo continued to pose a threat to international peace and security in the region, inter alia:

Stressed the voluntary nature of the disarmament, demobilization, repatriation, reintegration or resettlement of the armed groups and called on leaders and members of the armed groups to enter that process;

Stressed the importance of early and substantial progress on the process of voluntary disarmament, demobilization, repatriation, resettlement and reintegration throughout the country to match the progress achieved on the withdrawal of foreign forces, and urged all parties concerned to cooperate fully with MONUC in that regard;

Stressed that the main responsibility for resolving the conflict rested with the parties themselves;

Stressed the crucial importance of preventing the situation in the Democratic Republic of the Congo from having a further destabilizing effect on the neighbouring States and called on all parties concerned to cooperate in good faith to that end and to facilitate continuing observation efforts by MONUC in the areas of its deployment.

Decision of 24 January 2003 (4691st meeting): resolution 1457 (2003)

At its 4691st meeting, on 24 January 2003, the Council again included in its agenda the letter dated 15 October 2002 from the Secretary-General to the President of the Council transmitting the report of the Panel of Experts³⁴⁴ and extended an invitation to the representative of the Democratic Republic of the Congo to participate in the discussion.

The President (France) drew attention to a draft resolution;³⁴⁵ it was adopted unanimously and without debate as resolution 1457 (2003), by which the Council, determining that the situation in the Democratic Republic of the Congo continued to constitute a threat to international peace and stability in the Great Lakes region, inter alia:

Strongly condemned the illegal exploitation of the natural resources of the Democratic Republic of the Congo;

Reiterated that the natural resources of the Democratic Republic of the Congo should be exploited transparently, legally and on a fair commercial basis, to benefit the country and its people;

Stressed that the completion of the withdrawal of all foreign troops from the territory of the Democratic Republic of the Congo as well as the early establishment of an all-inclusive transitional government in the country were important steps towards ending the plundering of the natural resources of the Democratic Republic of the Congo;

Stressed the importance of following up the independent findings of the Panel regarding the link between the illegal

³⁴¹ S/PV.4642 (Resumption 1), p. 22.

³⁴² S/2002/1005, submitted pursuant to the statement by the President of 15 August 2002 (S/PRST/2002/24).

³⁴³ S/2002/1309.

³⁴⁴ S/2002/1146; the report was submitted pursuant to the statement by the President of 19 December 2001 (S/PRST/2001/39).

³⁴⁵ S/2003/83.

exploitation of the natural resources of the Democratic Republic of the Congo and the continuation of the conflict, and stressed the importance of exerting the necessary pressure to put an end to such exploitation;

Stressed that the new mandate of the Panel should include further review of relevant data and analysis of information previously gathered by the Panel, as well as any new information; information on actions taken by Governments in response to the Panel's previous recommendations; an assessment of the actions taken by all those named in the reports; and recommendations on measures to ensure the resources of the Democratic Republic of the Congo were exploited legally and on a fair commercial basis to benefit the Congolese people;

Stressed the importance of dialogue between the Panel, individuals, companies and States;

Requested the Panel to provide information to the OECD Committee on International Investment and Multinational Enterprises and to the National Contact Points;

Urged all States to conduct their own investigations in order to clarify credibly the findings of the Panel;

Expressed its full support to the Panel and reiterated that all parties and relevant States had to extend their full cooperation to the Panel, while ensuring the necessary security for the experts.

**Decision of 20 March 2003 (4723rd meeting):
resolution 1468 (2003)**

At its 4705th meeting, on 13 February 2003, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations and the United Nations High Commissioner for Human Rights. Statements were made by a majority of the Council members³⁴⁶ and the representatives of the Democratic Republic of the Congo and Rwanda.

In his briefing, the Under-Secretary-General for Peacekeeping Operations elaborated on the progress of the inter-Congolese dialogue, noting that the Special Envoy of the Secretary-General was preparing for the convening of two technical committees in Pretoria from 20 to 25 February to discuss the pending issues, namely finalizing the transitional constitution and military and security questions. Noting that the overall situation in the north-east was of growing concern and reiterating the key importance of a political solution, he reported that MONUC had been working hard to defuse tensions and was meeting political actors in Bunia to organize a local-level ceasefire leading to the

³⁴⁶ The representative of Guinea did not make a statement.

convening of the Ituri Pacification Commission, scheduled for 17 to 20 February. Touching on the human rights situation, the Under-Secretary-General observed that progress on the political front would be hard to achieve if there was no end to the existent culture of impunity. He suggested that the Council consider how to ensure that more attention was paid to human rights in the Democratic Republic of the Congo.³⁴⁷

The High Commissioner for Human Rights stated that all parties to the conflict continued, with impunity, to commit grave violations of human rights, therefore threatening the peace process. The most shocking violations found by the MONUC multidisciplinary team sent to the Beni region to investigate allegations of serious human right violations included some 220 extrajudicial executions, 122 cases of forced disappearances, 95 cases of rape and 32 cases of torture, acts of mutilation as well as cannibalism. The High Commissioner held that those responsible for such crimes should be immediately arrested and brought to justice, including those who continued to exercise military command functions. The High Commissioner urged the Council to, *inter alia*, call on the belligerents and their foreign supporters to put an immediate end to human rights violations and to the culture of impunity; call for the effective implementation of those sections of the Pretoria Agreement calling for a national observatory on human rights and a truth and reconciliation commission; consider the establishment of an international commission of inquiry to look into all serious human rights violations committed by all sides; and provide a clear mandate to strengthen the ability of human rights officers and MONUC to fully play their role in helping to find a peaceful solution in the Democratic Republic of the Congo.³⁴⁸

The majority of Council members condemned all abuses of human rights committed in the Democratic Republic of the Congo and stressed the need to end the culture of impunity and to bring the perpetrators of crimes to justice.

A number of speakers expressed support for the establishment of an international commission to investigate allegations of human rights violations by all

³⁴⁷ S/PV.4705, pp. 2-4.

³⁴⁸ *Ibid.*, pp. 4-7.

parties.³⁴⁹ A few representatives supported the High Commissioner's call for the implementation of the provision of the Pretoria Agreement on the establishment of a national observatory for human rights.³⁵⁰ In that regard, the representative of Mexico believed that the Council had to demand that the parties to the conflict respect human rights, and was in favour of sending a fact-finding commission to help determine where the responsibilities lay.³⁵¹

The representative of the Democratic Republic of the Congo argued that the Council had to assume its responsibilities and set up an international criminal tribunal capable of tracking down and punishing those responsible of crimes. In the absence of such a tribunal, the Council could opt for a special criminal court based on the models established in Sierra Leone and Cambodia. Furthermore, he stated that the demand for justice was an integral part of any lasting peace, and that the message of the international community and the Council was lacking in clarity in that regard.³⁵²

The representative of Rwanda denied all allegations directed against his country and reasserted that Rwanda had entered the Democratic Republic of the Congo for security reasons. Strongly condemning human rights violations in the Democratic Republic of the Congo, he requested that country to implement all peace agreements signed in Lusaka, Pretoria and Angola, as well as to put in place an all-inclusive Government which would address the humanitarian situation. He reaffirmed that the Rwandan defence forces had withdrawn completely from the Democratic Republic of the Congo on 5 October 2002, as confirmed by MONUC and the third-party verification mechanism.³⁵³

At the 4723rd meeting, on 20 March 2003, the President (Guinea) drew attention to the thirteenth report of the Secretary-General on MONUC, dated 21 February 2003³⁵⁴ and to a note by the President of

the Council transmitting the report of the United Nations High Commissioner for Human Rights.³⁵⁵

In his report, the Secretary-General observed that the prompt inauguration of the transitional Government would be critical if the political momentum created by the Pretoria Agreement was not to be lost. He further noted that, despite the declared withdrawal of most of the foreign forces and the commencement of the disarmament, demobilization, repatriation, resettlement and reintegration process, the military situation on the ground, in particular in the Ituri region and the Kivus, continued to be volatile. He stressed the importance of establishing the Ituri Pacification Commission for the peace process and urged all involved parties and States to engage constructively in establishing the Commission without delay. He indicated that MONUC was well placed to create conditions conducive to the holding of free and fair elections and urged the international community to remain engaged in addressing the fundamental problems affecting the Democratic Republic of the Congo.

The report of the High Commissioner for Human Rights, which was circulated in response to requests made by Council members at the 4705th meeting, detailed the human rights violations observed in the Democratic Republic of the Congo and emphasized the need for the Council to activate means to bring those responsible to justice. The High Commissioner recommended the establishment of an international commission of inquiry to investigate serious human rights violations committed by all sides and called for the creation of a national observatory on human rights and a truth and reconciliation commission, as provided for in the Pretoria Agreement.

The President drew attention to a draft resolution,³⁵⁶ it was adopted unanimously and without debate as resolution 1468 (2003), by which the Council, determining that the situation in the Democratic Republic of the Congo continued to pose a threat to international peace and security in the region, *inter alia*:

Welcomed the agreement reached by the Congolese parties in Pretoria on 6 March 2003 on the transitional arrangements;

Strongly encouraged the Congolese parties forming the Transitional Government to establish as soon as possible a Truth

³⁴⁹ Ibid., p. 11 (Chile); p. 12 (Bulgaria); and p. 15 (Cameroon).

³⁵⁰ Ibid., p. 11 (Chile); p. 12 (Bulgaria); and p. 13 (Mexico).

³⁵¹ Ibid., p. 13.

³⁵² Ibid., pp. 18-19.

³⁵³ Ibid., pp. 20-21.

³⁵⁴ S/2003/211, submitted pursuant to resolution 1417 (2002).

³⁵⁵ S/2003/216.

³⁵⁶ S/2003/334.

and Reconciliation Commission charged with determining responsibility for serious violations of international humanitarian and human rights law, as set forth in the resolutions adopted in the framework of the inter-Congolese dialogue in Sun City in April 2002;

Requested the Secretary-General to increase the presence of MONUC in the Ituri area, in particular military observers and human rights personnel, to monitor developments on the ground;

Demanded that all Governments in the Great Lakes region immediately cease military and financial support to all the parties engaged in armed conflict in the Ituri region;

Expressed its deep concern at the rising tensions between Rwanda and Uganda and their proxies on the territory of the Democratic Republic of the Congo, and stressed that the Governments of those two countries had to take steps to build mutual confidence, settle their concerns through peaceful means, and without any interference in Congolese affairs, and must refrain from any action that could undermine the peace process;

Demanded also that all the parties to the conflict in the Democratic Republic of the Congo, and in particular in Ituri, ensure the security of civilian populations and grant MONUC and humanitarian organizations full and unimpeded access to the populations in need.

**Decision of 16 May 2003 (4756th meeting):
statement by the President**

At the 4756th meeting, on 16 May 2003, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Pakistan) made a statement on behalf of the Council,³⁵⁷ by which the Council, *inter alia*:

Condemned the recent killings, the violence and other human rights violations in Bunia, as well as the attacks against MONUC and internally displaced persons;

Reiterated that perpetrators would be held accountable and demanded that all hostilities in Ituri cease immediately;

Fully supported the work of the Ituri Pacification Commission and called on all parties in the region to end all support to armed groups;

Expressed its concern at the deteriorating humanitarian situation in Bunia and demanded that all parties grant full and unimpeded access for humanitarian aid and guarantee the safety and security of humanitarian personnel;

Demanded that all Congolese parties and regional States refrain from any action that could undermine the possible deployment of an international force, and support it.

³⁵⁷ S/PRST/2003/6.

**Decision of 30 May 2003 (4764th meeting):
resolution 1484 (2003)**

At the 4764th meeting, on 30 May 2003, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Pakistan) drew attention to a draft resolution;³⁵⁸ it was adopted unanimously and without debate as resolution 1484 (2003), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Authorized the deployment until 1 September 2003 of an Interim Emergency Multinational Force in Bunia in close coordination with MONUC;

Stressed that the Interim Emergency Multinational Force was to be deployed on a strictly temporary basis, authorized the Secretary-General to deploy, within the overall authorized MONUC ceiling, a reinforced United Nations presence to Bunia, and requested him to do so by mid-August 2003;

Called on Member States to contribute personnel, equipment and other necessary financial and logistic resources to the multinational force;

Demanded that all the parties to the conflict in Ituri and in particular in Bunia cease hostilities immediately; strongly condemned the deliberate killing of unarmed MONUC personnel and staff of humanitarian organizations in Ituri and demanded that the perpetrators be brought to justice;

Demanded that all Congolese parties and all States in the Great Lakes region respect human rights, cooperate with the Interim Emergency Multinational Force and with MONUC in the stabilization of the situation in Bunia;

Requested the leadership of the Interim Emergency Multinational Force in Bunia to report regularly to the Council, through the Secretary-General, on the implementation of its mandate.

**Decision of 26 June 2003 (4780th meeting):
resolution 1489 (2003)**

At its 4780th meeting, on 26 June 2003, the Council included in its agenda the second special report of the Secretary-General on MONUC, dated 27 May 2003.³⁵⁹ In his report, the Secretary-General reported that the peace process had moved beyond the Lusaka framework and begun a new chapter that, more than ever, would require the comprehensive engagement and assistance of the United Nations and the international community at large. In his view, MONUC was well, if not uniquely, placed to play a

³⁵⁸ S/2003/578.

³⁵⁹ S/2003/566 and Corr.1, submitted pursuant to resolutions 1417 (2002) and 1468 (2003).

central catalytic role in assisting the parties through the transition process and recommended that the Mission be reconfigured and augmented accordingly. He noted that the immediate priority was to assist in the establishment of the Transitional Government and announced his intention to establish a small electoral assistance cell to commence planning the possible United Nations role in support of elections. He drew attention to the brutal conflict in Ituri and in the Kivus and stressed that there could be no justification for supplying weapons to armed groups. In that respect, he recommended that the Council consider imposing an arms embargo in those regions. He expressed concern at the Mission's limited presence in Ituri and appealed to the Council to urgently approve the deployment of a task force to Bunia, as well as the concept of operations for a MONUC brigade-size force. Emphasizing the importance of the disarmament, demobilization, repatriation, resettlement and reintegration process, he proposed that the mandate of MONUC should be expanded to assist the Transitional Government and to plan that process for Congolese combatants at its request. He also recommended that the mandate of MONUC be expanded for another year, with an increase in the authorized military strength to 10,800 and in the number of civilian personnel.

The President (Russian Federation) drew attention to a draft resolution;³⁶⁰ it was adopted unanimously and without debate as resolution 1489 (2003), by which the Council, *inter alia*, decided to extend the mandate of MONUC until 30 July 2003; and to remain actively seized of the matter.

**Decision of 28 July 2003 (4797th meeting):
resolution 1493 (2003)**

At its 4784th meeting, on 7 July 2003, the Council included in its agenda a letter dated 25 June 2003 from the Secretary-General to the President of the Council,³⁶¹ transmitting two reports, one from MONUC and the other from the United Nations High Commissioner for Human Rights, regarding the events which had occurred in the Democratic Republic of the Congo — in December 2002 and January 2003 in Mambasa, and on 3 April 2003 in Drodro, respectively.

At the meeting, at which statements were made by all Council members and by the representative of

the Democratic Republic of the Congo, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations and the Deputy United Nations High Commissioner for Human Rights.

Noting the breakdown of law and order in the Ituri region, the Under-Secretary-General stressed that the Democratic Republic of the Congo was in desperate need of an institutional framework whereby those guilty of crimes were held accountable. He called on the international community to support the establishment of a truth and reconciliation commission as well as a national observatory on human rights, as envisaged under the All-Inclusive Agreement of 17 December 2002. He remarked that the overall security situation in Bunia was stable and recalled that the rationale behind an enhanced security presence there had been to create sufficient political space for the Ituri interim administration to establish itself on a firmer footing. Noting that the deployment of the Interim Emergency Multinational Force in Bunia had benefited thousands of civilians, he believed it was vital that the MONUC brigade-size force recommended by the Secretary-General to replace it was configured with enough strength so that it could build on the achieved results of the current stabilizing presence of the Interim Force. He further announced that the problem regarding the distribution of military command posts had been finally resolved, and that President Kabila had issued a decree announcing the composition of the Transitional Government.³⁶²

The Deputy High Commissioner for Human Rights updated the Council on the human rights situation in the Democratic Republic of the Congo, and reported on specific cases of killings, torture, looting and destruction of property, mainly in Ituri. He declared that all parties in the eastern part of the country had continued to resort to human rights violations as a means of creating an atmosphere of terror and oppression in order to secure control over the population and natural resources, and that insecurity, terror and lack of cooperation from the parties had prohibited the conduct of thorough and comprehensive investigations into many cases of human rights violations in the Democratic Republic of the Congo. He emphasized that failure to take the necessary action to end the reign of impunity in the Democratic Republic of the Congo would encourage

³⁶⁰ S/2003/667.

³⁶¹ S/2003/674.

³⁶² S/PV.4784, pp. 2-5.

the perception of passivity and double standards on the part of the international community.³⁶³

The majority of speakers welcomed the establishment of the Transitional Government and expressed the hope that it would contribute to the settlement of the conflict and reconciliation, peace and economic rehabilitation in the Democratic Republic of the Congo. At the same time, speakers expressed their shock and revulsion at reports of continuing massacres, rapes and other atrocities. They agreed that putting an end to the culture of impunity and ensuring strict respect for human rights were essential for the peace process in the Democratic Republic of the Congo.

Several speakers believed that the Transitional Government should establish mechanisms to ensure that the perpetrators of serious human rights violations were brought to justice.³⁶⁴ In that context, the representative of Cameroon favoured setting up a national jurisdiction as part of the transitional institutions to which the international community would provide its support.³⁶⁵ Noting the positive role of the International Criminal Court in preventing impunity in the Democratic Republic of the Congo, the representative of Germany encouraged the Government of that country, a State party to the Court's statute, to seek assistance in addressing the shortcomings of its judicial system and to cooperate closely with the Court.³⁶⁶

A number of speakers also noted that the international community should assist the Congolese authorities in the establishment of a truth and reconciliation commission and a national observatory for human rights.³⁶⁷

At the 4790th meeting,³⁶⁸ on 18 July 2003, the President (Spain) drew attention to a letter dated

14 July 2003 from the representative of Italy to the President of the Council.³⁶⁹

At the meeting, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations and the former Special Representative of the Secretary-General for the Democratic Republic of the Congo. Statements were made by all Council members, the representatives of Bangladesh, Brazil, the Democratic Republic of the Congo, Egypt, Indonesia, Italy,³⁷⁰ Japan, Nepal, the Philippines, Rwanda and South Africa, and by the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union.

In his briefing, the Under-Secretary-General for Peacekeeping Operations focused on the situation in Bunia, where the security situation remained calm but tense, following a military operation undertaken by the Interim Emergency Multinational Force against the Union des patriotes congolais on 11 July. He reported that the increased return of internally displaced people to Bunia had required reinforced security measures and that the humanitarian situation, although much improved, remained a source of concern. Regarding the efforts of MONUC to operationalize the actions of the Ituri interim administration, he announced that the Mission, together with its partners, had taken a number of concrete measures, including human rights training, preliminary recruitment of Iturian police and preparing an interim operation plan for the disarmament, demobilization and reintegration of child soldiers. In spite of encouraging initial steps towards the normalization of life in Bunia, the Under-Secretary-General noted that many challenges remained, in particular the need to end the pervasive culture of war and impunity in the region. To that end, many efforts were under way to encourage armed groups in Ituri to engage in the political process. To dissuade further military action in Bunia, he declared that it was crucial to maintain the robust character of the troops stationed there and announced that the Department of Peacekeeping Operations and MONUC were working

³⁶³ Ibid., pp. 5-9.

³⁶⁴ Ibid., p. 11 (Cameroon); p. 14 (France); p. 15 (Germany); and p. 18 (Bulgaria).

³⁶⁵ Ibid., p. 11.

³⁶⁶ Ibid., p. 15.

³⁶⁷ Ibid., p. 11 (Cameroon); p. 12 (Syrian Arab Republic); p. 14 (France); p. 16 (Chile); p. 17 (Guinea); p. 18 (Bulgaria); and p. 21 (Mexico).

³⁶⁸ For more information on the discussion at this meeting, see chap. XI, part III, sect. B, with regard to Article 41, and part IV, sect. B, with regard to Article 42.

³⁶⁹ S/2003/709. The representative of Italy requested that the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union be allowed to participate on behalf of the European Union in the Council's discussion.

³⁷⁰ On behalf of the Presidency of the Council of the European Union.

hard to ensure a seamless transition from the Interim Force to the MONUC force.³⁷¹

Focusing on the transitional process, the former Special Representative for the Democratic Republic of the Congo informed the Council that on 17 July several former opposition leaders had been formally sworn in as Vice-Presidents of the Transitional Government, which he termed a “landmark event” in the peace process. He pointed out that representatives of all entities of the inter-Congolese dialogue presently occupied ministerial positions in the Transitional Government. Noting that several challenges remained for the Transitional Government, he was encouraged by a Council draft resolution³⁷² containing wording for the deployment to Ituri of a robust force with an appropriate mandate. He stressed that additional action had to be taken to end the reign of impunity, not only in Ituri, but throughout the country, and called on the Council to maintain its active interest in moving the peace process forward.³⁷³

The Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union noted that the rapid deployment of the Interim Force, which marked the first time the European Union had sent military contingents outside Europe, had halted the massacres in Bunia, improved the security conditions and helped relaunch the peace process. He underlined the need to preserve the achievements made to date and expressed support for the Secretary-General’s recommendation to deploy a strengthened MONUC to Bunia within the planned time frame, with a mandate under Chapter VII of the Charter. In his view, security throughout the region could be achieved only by deploying more forces. At the same time, he stressed that strong pressure should be brought to bear on the warlords who were leading militias. In that connection, he noted that the European Union resolutely supported the proposal for an arms embargo aimed at the Kivus and Ituri. The European Union also intended to promote initiatives to prevent those responsible for war crimes, crimes against humanity and acts of genocide committed in the country from escaping punishment.³⁷⁴

³⁷¹ S/PV.4790, pp. 2-4.

³⁷² Not issued as a document of the Council.

³⁷³ S/PV.4790, pp. 4-5.

³⁷⁴ *Ibid.*, pp. 6-8.

The majority of speakers welcomed the establishment of the Transitional Government of national unity and paid tribute to the European Union, in particular to France, for the deployment of the Interim Force. They noted that the Transitional Government faced many challenges ahead, including the organization of free and fair elections.

Several speakers stressed that without having strong national human rights protection structures in place and putting an end to the widespread culture of impunity, there could not be genuine reconciliation or the consolidation of long-term, sustainable peace in the Democratic Republic of the Congo.³⁷⁵ Some speakers further noted with the interest the announcement made by the Prosecutor of International Criminal Court that the situation in Ituri had been designated as a most urgent situation to be followed.³⁷⁶ The representative of Germany welcomed the statement of the Prosecutor on the principle of complementarity of Court action and national actions.³⁷⁷

The representative of the Democratic Republic of the Congo declared that the issue of impunity would be among the priorities of the Transitional Government. He added that an “adequate institutional framework” was necessary and called for support by the international community for the establishment of a truth and reconciliation commission and the national observatory for human rights.³⁷⁸

Speakers shared the view that the enormous challenges facing the Transitional Government included the need to: extend its authority throughout the territory; reform and integrate the armed forces and the police; further promote the disarmament, demobilization and reintegration process; and dismantle the armed groups. The circulation of weapons was seen as a major obstacle to durable peace. A number of speakers therefore welcomed the imposition of an arms embargo against all rebel groups operating in eastern Congo and stressed the importance of establishing an effective monitoring mechanism of the proposed embargo.³⁷⁹

³⁷⁵ *Ibid.*, p. 25 (Pakistan); p. 26 (Bulgaria); and p. 33 (Brazil).

³⁷⁶ *Ibid.*, p. 9 (Germany); p. 11 (France); and p. 26 (Bulgaria).

³⁷⁷ *Ibid.*, p. 9.

³⁷⁸ *Ibid.*, p. 28.

³⁷⁹ *Ibid.*, p. 9 (Germany); p. 17 (United Kingdom); p. 19

The majority of speakers stated that in order to prevent a security vacuum in eastern Congo following the expiration of the mandate of the Interim Force on 1 September, it was of utmost importance that the personnel of MONUC was increased and that the Mission was given a more robust mandate under Chapter VII of the Charter. They, therefore, supported the draft resolution before the Council³⁷² and urged the Council to adopt it as soon as possible. Noting the special character of Chapter VII mandates, the representative of Japan opined that the draft resolution should establish under what conditions and in which geographical areas the mandate would be exercised. He stressed that such a mandate should be given to peacekeepers only in exceptional cases in which the urgency of the situation made it absolutely necessary and in which there were countries willing to contribute troops, as well as the clear prospect that the troops dispatched with such a mandate would contribute to the improvement of the situation. Furthermore, while acknowledging the need for strengthening MONUC to address the situation in Ituri, he considered it unrealistic to decide to send more troops in every region of the country.³⁸⁰ The representative of the Democratic Republic of the Congo called for the Council to adapt the mandate of MONUC to allow it not only to build on the achievements of the Interim Force, but to transform itself into a vast multidisciplinary operation for peacekeeping, operating throughout the entire national territory.³⁸¹

Speakers agreed that, beyond the support of the international community, a durable peace in the Democratic Republic of the Congo was largely dependent on cooperation of neighbouring States with the peace process and reiterated their support for the holding of a regional conference on the Great Lakes region.³⁸²

At its 4797th meeting, on 28 July 2003, the Council again included in its agenda the second special report of the Secretary-General on MONUC, dated 27 May 2003.³⁸³ The President (Spain) drew attention

(Chile); p. 24 (Pakistan); p. 25 (Bulgaria); p. 33 (Brazil); p. 34 (Japan); and p. 39 (Nepal).

³⁸⁰ Ibid., p. 34.

³⁸¹ Ibid., p. 27.

³⁸² Ibid., p. 11 (France); p. 16 (Russian Federation); p. 18 (United Kingdom); p. 19 (Chile); p. 21 (Cameroon); p. 24 (Pakistan); p. 32 (Egypt); and p. 37 (Philippines).

³⁸³ S/2003/566 and Corr.1.

to the report of the Security Council mission to Central Africa, 7 to 16 June 2003.³⁸⁴

At the meeting, at which the Secretary-General made a statement,³⁸⁵ the President also drew attention to a draft resolution;³⁸⁶ it was adopted unanimously as resolution 1493 (2003), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of MONUC until 30 July 2004;

Approved the temporary deployment of MONUC personnel; approved also the reconfiguration of the MONUC civilian police component; authorized MONUC to assist the Government of National Unity and Transition in disarming and demobilizing those Congolese combatants;

Demanded that all States and in particular those in the region, including the Democratic Republic of the Congo, ensure that no direct or indirect assistance, especially military or financial assistance, was given to the movements and armed groups present in the Democratic Republic of the Congo;

Decided that all States, including the Democratic Republic of the Congo, should, for an initial period of 12 months from the adoption of the resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri;

Decided that, at the end of the initial 12 months, the Council would review the situation in the Democratic Republic of the Congo and in particular in the eastern part of the country, with a view to renewing the measures stipulated in paragraph 20 if no significant progress had been made in the peace process, in particular an end to support for armed groups, an effective ceasefire and progress in the disarmament, demobilization, repatriation, reintegration or resettlement by foreign and Congolese armed groups;

Authorized MONUC to use all necessary means to fulfil its mandate in the Ituri district and, as it deemed it within its capabilities, in North and South Kivu.

In his statement, the Secretary-General congratulated the Council on adopting the resolution and giving MONUC the strong mandate it needed to fulfil its difficult mission. While pointing out the

³⁸⁴ S/2003/653.

³⁸⁵ The representative of the Democratic Republic of the Congo was invited to participate but did not make a statement.

³⁸⁶ S/2003/757.

inauguration of the Transitional Government, he stressed that the road ahead over the next two to three years towards free and fair elections would be difficult. He believed MONUC would play a key role in helping the Congolese achieve a sustainable peace leading up to a democratically elected Government. Lastly, he emphasized that there would be no substitute for the resolve of the Congolese leaders to implement their commitment to peace.³⁸⁷

**Decision of 13 August 2003 (4807th meeting):
resolution 1499 (2003)**

At its 4807th meeting, on 13 August 2003, the Council again included in its agenda the letter dated 15 October 2002 from the Secretary-General to the President of the Council,³⁸⁸ transmitting the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo. The Secretary-General also transmitted, as requested in resolution 1457 (2003), the reactions from individuals, companies and States named in the report.³⁸⁹

At the meeting, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Syrian Arab Republic) drew attention to a draft resolution;³⁹⁰ it was adopted unanimously and without debate as resolution 1499 (2003), by which the Council, inter alia:

Requested the Secretary-General to extend the mandate of the Panel until 31 October 2003 to enable it to complete the remaining elements of its mandate, at the end of which the Panel would submit a final report to the Council;

Reiterated its demand that all States concerned take immediate steps to end the illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of the Congo;

Requested the Panel to provide the necessary information to the Governments concerned as required in paragraphs 12 and 13 of resolution 1457 (2003), with due regard to safety of sources, in order to enable them, if necessary, to take appropriate action according to their national laws and international obligations;

Called on all States to respect the relevant Security Council resolutions in that regard; and decided to remain actively seized of the matter.

³⁸⁷ S/PV.4797, pp. 2-3.

³⁸⁸ S/2002/1146.

³⁸⁹ S/2002/1146/Add.1 and Corr.1.

³⁹⁰ S/2003/803.

**Decision of 26 August 2003 (4813th meeting):
resolution 1501 (2003)**

At its 4813th meeting, on 26 August 2003, the Council included in its agenda a letter dated 14 August 2003 from the Secretary-General to the President of the Council,³⁹¹ by which the Secretary-General announced that the preparations for the deployment by MONUC of a brigade-size force to Bunia were well under way. The preparedness of MONUC to take over from the Interim Emergency Multinational Force on 1 September notwithstanding, it was expected that the situation in Bunia could become volatile during the transition period. Informing that while it would begin to disengage following the transfer of authority on 1 September, the Interim Force would be ready to provide emergency support to MONUC, at the latter's request, to assist it in the performance of its mandated responsibilities in and around Bunia, if circumstances required. Taking into account that such support would contribute to the maintenance of international peace and security in the area during the transition period, the Secretary-General asked the Council to consider authorizing the Interim Force to provide assistance to the MONUC troops deployed in and around Bunia.

The President (Syrian Arab Republic) drew attention to a draft resolution;³⁹² it was adopted unanimously and without debate as resolution 1501 (2003), by which the Council, acting under Chapter VII of the Charter, inter alia:

Approved the recommendation contained in the Secretary-General's letter of 14 August 2003;

Authorized the States members of the Interim Emergency Multinational Force to provide assistance to the MONUC contingent deployed in the town and its immediate surroundings, if MONUC requested them to do so and if exceptional circumstances demanded it, during the period of the Force's disengagement which should last until 15 September 2003 at the latest;

Decided to remain actively seized of the matter.

**Decision of 19 November 2003
(4863rd meeting): statement by the President**

At its 4863rd meeting, on 19 November 2003, the Council included in its agenda a letter dated 23 October 2003 from the Secretary-General to the

³⁹¹ S/2003/821.

³⁹² S/2003/832.

President of the Council, transmitting the report of the Panel of Experts.³⁹³

In the report, the Panel of Experts noted that in the absence of a strong, central and democratically elected Government in control of its territory, the illegal exploitation of natural resources would continue and serve as motivation and fuel for continued conflict in the region. While the establishment of the Transitional Government was a significant step in the right direction, the Panel believed that the peace process was not yet irreversible. One of the most significant challenges was enabling the timely extension of the transitional authority throughout the national territory, in particular in such problematic areas as Ituri and the Kivus. Parallel to the extension of government authority, the Panel recommended that a number of institutional reforms be initiated to allow the democratically elected central Government, once in place, to ensure the legal exploitation of natural resources. Such institutional changes included the effective control of national borders, strengthening the accounting and auditing system, and breaking up the large State-owned resources enterprises. The Panel also believed that the most helpful factor in ensuring the reunification of the national territory would be the effective integration of the new armed forces. The Panel recommended the consideration of immediate interim measures to end the illegal exploitation of

natural resources, including stopping the flow of illegal arms to the Democratic Republic of the Congo. Stressing that the people of the Democratic Republic of the Congo needed to be quickly convinced that peace was better than conflict, the Panel recommended that specific quick-impact projects re-establishing social and economic infrastructure be undertaken to convince people of the advantages of peace. Lastly, the Panel believed that none of its recommendations could be sustained in the long term unless a regional solution was found.

At the meeting, in which to the representative of the Democratic Republic of the Congo was invited to participate, the President (Angola) made a statement on behalf of the Council,³⁹⁴ by which the Council, *inter alia*:

Condemned the continuing illegal exploitation of natural resources in the Democratic Republic of the Congo;

Reaffirmed the importance of stopping them by exerting, if need be, the necessary pressure on the armed groups, traffickers and all other actors involved;

Urged all States concerned, especially those in the region, to take the appropriate steps to end those illegal activities, by proceeding with their own investigations, on the basis, in particular, of information and documentation accumulated by the Panel during its work and forwarded to Governments, including through judicial means where possible, and, if necessary, to report to the Council.

³⁹³ S/2003/1027; the report was submitted pursuant to resolutions 1457 (2003) and 1499 (2003).

³⁹⁴ S/PRST/2003/21.

11. The situation in the Central African Republic

Decision of 10 February 2000 (4101st meeting): statement by the President

At its 4101st meeting, on 10 February 2000, the Security Council included in its agenda the ninth report of the Secretary-General on the United Nations Mission in the Central African Republic (MINURCA).¹ In his report, the Secretary-General observed that it appeared that the authorities of the Central African Republic had accepted the prospects of the withdrawal of MINURCA on 15 February 2000, despite their preference to have the drawdown delayed until December 2000. Noting that he had received a letter

from the President of Algeria and the Chairman of the Organization of African Unity² urging that more time be given to allow the new Government to consolidate peace, the Secretary-General noted that he had responded by stressing the importance of the determination of the parties to consolidate the progress made. The Secretary-General held that the people and Government of the Central African Republic had already demonstrated their strong commitment to democracy and peaceful development, but cautioned that the country remained vulnerable to the volatile situation in the subregion and that challenges remained, particularly with regard to the restructuring

¹ S/2000/24, submitted pursuant to Security Council resolution 1271 (1999).

² On 8 July 2002, the Organization of African Union ceased to exist and was replaced by the African Union.