7. The situation concerning the Democratic Republic of the Congo

Overview

During the period under review, the Council held thirteen meetings and adopted four resolutions and two statements by the President on the situation concerning the Democratic Republic of the Congo. The Council considered the agenda item mostly through briefings by the Special Representative of the Secretary-General for the Democratic Republic of the Congo and Head of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, and once by the Secretary-General and the Special Envoy of the Secretary-General for the Great Lakes Region of Africa. There were no debates held on this item, and invitations under rule 37 were limited to the Democratic Republic of the Congo and to Rwanda. After initially considering the November 2011 elections, the Council shifted its attention to the violence in the eastern part of the country, which led to the appointment of the Special Envoy for the Great Lakes Region, and to the installation of an Intervention Brigade in MONUSCO. Security sector reform and the transfer of tasks to the United Nations country team were discussed in close connection to the events in the eastern part of the country.

In 2012 and 2013, the Council renewed and modified the mandate of MONUSCO twice, by resolutions 2053 (2012) and 2098 (2013). The sanctions regime as well as the

1 For more information, see part X, sect. I, with regard to the mandate of MONUSCO.
mandate of the Group of Experts established pursuant to resolution 1533(2004) were renewed through resolution 2078 (2012) until February 2014.²

The table at the end of the section lists the meetings at which this item was considered, and gives information on, inter alia, invitees, speakers and decisions adopted.

**Reform between two elections**

On 7 February 2012, the Special Representative of the Secretary-General and Head of MONUSCO briefed the Council on the national presidential and legislative elections of 28 November 2011. He reported that the campaign period had been increasingly marked by political and inter-community tensions in some areas of the country, including Kinshasa. On 26 November, these tensions culminated in violent incidents resulting in the deaths of several Congolese. The Special Representative for the Democratic Republic of the Congo announced a thorough investigation of all reports of electoral violence as well as the issuance of a detailed report in the near future. Furthermore, he also enumerated various logistical problems during and in the immediate aftermath of the elections and stressed the need to address the electoral process in a thorough and open review. He added that MONUSCO had provided all support possible to the electoral process consistent with its mandate.³

While regretting the negative consequences of election-related violence for the security of individuals and their property, the representative of the Democratic Republic of the Congo, concluded that the country was resolutely determined to follow a process of returning to normality and peace. She quoted head of State Joseph Kabila Kabange in saying that for the first time in the history of the Democratic Republic of the Congo, a

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² For more information on the sanction measures concerning the Democratic Republic of the Congo, see part VII, sect. III, with regard to measures in accordance with Article 41. For more information on the Committee established pursuant to resolution 1533 (2004) and the mandate of the Group of Experts established pursuant to resolution 1533 (2004), see part IX, sect. B, with regard to committees established under Chapter VII of the Charter.
³ S/PV.6712, pp. 2-3.
presidential term of office had ended without an institutional crisis, with 95 per cent of electoral costs funded by the own resources of the Republic.4

In his briefing to the Council on 12 June 2012, the Special Representative of the Secretary-General for the Democratic Republic of the Congo expressed concern about the challenges ahead for ensuring the successful conduct of future provincial and local elections. He anticipated that a review and recommendations by the Independent National Electoral Commission (INEC), together with recommendations by the National Assembly, would be critical to an assessment by donors, the Council and other partners in terms of engagement with, and support for, the future provincial and local elections. He underscored that the Government would need to do everything possible to ensure free conditions for all to participate.5 In the same briefing, the representative of the Democratic Republic of the Congo said that the Independent National Electoral Commission had adopted a series of measures to restore its credibility and had published on 6 June the timetable for provincial, senatorial and gubernatorial elections: 25 February 2013 for provincial elections, 5 June 2013 for senatorial elections, and 22 June 2013 for elections for governors and vice-governors of provinces.6

On 21 November 2012, the Special Representative of the Secretary-General for the Democratic Republic of the Congo informed the Council about a special commission established to seek to identify appropriate compromises between majority and opposition members to allow for the necessary election commission reform legislation to go forward with broad support.7 On 22 February 2013, he reported on decisions taken by the National Assembly to facilitate reform of INEC.8 Finally, on 21 October 2013, he said that the electoral process seemed to be revived, and that consultations with donor partners and national stakeholders had brought forward a consensus on a road map and subsequent

4 Ibid., pp. 6-7.
5 S/PV.6785, p. 5.
6 Ibid., p. 9.
7 S/PV.6868, p. 5.
8 S/PV.6925, p. 5.
sequencing of the different elections. In the same meeting, the Special Envoy of the Secretary-General for the Great Lakes Region of Africa told the Council that she would engage the Democratic Republic of the Congo Government on electoral reform and the calendar for local elections.

The deteriorating security situation in the East and the appearance of M23

On 7 February 2012, the Special Representative of the Secretary-General for the Democratic Republic of the Congo expressed his concern about renewed activity by the Forces démocratiques de libération du Rwanda (FDLR) movement, including a massacre of an estimated 54 civilians in South Kivu province. In addition, the increased activity of existing armed groups and the emergence of new ones in the east of the country represented a significant threat to civilians and to general security. The representative of the Democratic Republic of the Congo said peacebuilding and the fight against armed groups were the top priorities for her country.

In his briefing on 12 June 2012, the Special Representative of the Secretary-General for the Democratic Republic of the Congo informed the Council on considerable progress made on the issue of the security challenges posed by the FDLR, but at the same time reported on a mutiny in the ranks of the regular armed forces of the Democratic Republic of the Congo, the Forces armées de la République démocratique du Congo (FARDC), as well as on the emergence of the M23 movement, started in part by soldiers from that mutiny. The fight against this new threat had produced major displacements of civilians. In addition, in the context of the general increase in instability, the FDLR and numerous Congolese groups had stepped up their own activity. The representative of the Democratic Republic of the Congo also reported on the mutiny, and added that

9 S/PV.7046, p. 5.
10 Ibid., p. 10.
11 S/PV.6712, pp. 3-4.
12 Ibid., 8.
13 S/PV.6785, pp. 2-3.
elements recruited, trained and deployed from Rwanda had fought within the ranks of the M23 movement.\textsuperscript{14}

**Extension of the mandate of MONUSCO**

By resolution 2053 (2012), adopted on 27 June 2012, the Council extended the mandate of MONUSCO until 30 June 2013, reaffirmed that the protection of civilians remained the priority of the Mission, and underlined the importance of security sector reform. It also welcomed the steps taken by the Congolese Government to investigate the violence in the context of the 28 November 2011 elections and decided that MONUSCO should support the organization and conduct of provincial and local elections. In the same resolution, the Council condemned the mutiny and all outside support to all armed groups and urged the Government of the Democratic Republic of the Congo, with support from MONUSCO, to sustain its action against armed groups, restore order and bring the perpetrators to justice.

**Further destabilization and creation of a Special Envoy and an intervention brigade**

In its presidential statement S/PRST/2012/22 of 19 October 2012, the Council expressed deep concern regarding the deteriorating security and humanitarian crisis in the eastern Democratic Republic of the Congo and condemned the M23 for all its attacks on the civilian population, United Nations peacekeepers and humanitarian actors, as well as its abuses of human rights, including summary executions, sexual and gender-based violence and large scale recruitment and use of child soldiers. The Council also condemned the attempts by the M23 to establish a parallel administration and external support to the M23 by neighbouring countries. In the same statement, the Council called on the Secretary-General to explore further high-level diplomatic mechanisms to facilitate enhanced dialogue between relevant parties. It welcomed the establishment of the Expanded Joint Verification Mechanism (EJVM) on 14 September as an important starting point for rebuilding confidence between the Democratic Republic of the Congo and Rwanda and took note of

\textsuperscript{14} Ibid., p. 7.
ongoing coordination efforts between ICGLR, the AU and the United Nations to clarify the objectives, modalities and means of a proposed ‘Neutral International Force’ in the eastern Democratic Republic of the Congo in relation to MONUSCO.

On 20 November 2012, the Council adopted resolution 2076 (2012), in which it expressed its deep concern regarding the entry of the M23 into the city of Goma on that same day. The Council also reiterated its demand that any outside support to M23 cease immediately. With regard to the role of MONUSCO in countering the threat posed by M23, the Council requested the Secretary-General to report on options for the possible redeployments of MONUSCO contingents and additional force multipliers, which could improve the ability of MONUSCO to protect civilians and report on flows of arms across the borders of the eastern Democratic Republic of the Congo, as well as on options for high-level dialogue between relevant parties, including the option of the possible designation of a special envoy.

Speaking after the vote, the representative of the Democratic Republic of the Congo accused Rwanda of supporting the military operations of the M23 against Goma and hence of a serious and persistent violation of the principles enshrined in the Charter of the United Nations, and suggested that the Council ascertain all the consequences of the behaviour of Rwanda and take whatever steps are necessary to restore peace and security.\(^\text{15}\) The representative of Rwanda refuted the accusation and said that several times since the fighting had resumed, Rwanda had suffered rocket and mortar attacks originating in the Democratic Republic of the Congo.\(^\text{16}\)

On 21 November 2012, in his briefing to the Council, the Special Representative of the Secretary-General for the Democratic Republic of the Congo reported on a seriously deteriorated security situation, in addition to the large-scale humanitarian crisis. He informed that since the occupation of Goma by the M23, violent and spontaneous demonstrations had targeted both the Congolese symbols of power and United Nations personnel and

\(^{15}\) S/PV.6866, pp. 2-3.
\(^{16}\) Ibid., pp. 4.
installations. Furthermore, the M23 had effectively occupied a significant portion of North Kivu province, and it had been establishing a formal administrative or governing structure. Numerous reports of human rights abuses had been received. In response to the situation, MONUSCO supported the regional efforts of the International Conference of the Great Lakes Region (ICGLR) to develop a neutral international force to confront the M23 and other armed groups, and the establishment of an enlarged Joint Verification Mechanism.\(^{17}\)

In **resolution 2078 (2012)**, adopted on 28 November 2012, the Council demanded that the M23 and other armed groups ceased immediately all forms of violence, and reiterated its concern at reports indicating external support to the M23.\(^ {18}\) Speaking after the adoption, the representative of the Democratic Republic of the Congo said that the final report of the Group of Experts\(^ {19}\) established that the Rwandan Government had continued to violate the arms embargo by providing direct military assistance to the M23.\(^ {20}\) Conversely, the representative of Rwanda stated that these accusations were false and that his country had placed its trust in the Joint Verification Mechanism set up by the ICGLR, which had concluded that at that stage there was no proof that Rwanda had provided any military or logistical support to the M23.\(^ {21}\)

On 22 February 2013, the Special Representative of the Secretary-General for the Democratic Republic of the Congo briefed the Council on a continuously deteriorating security situation in the eastern part of the Democratic Republic of the Congo. While the M23 had in the meantime retreated from the provincial capital of Goma, it had maintained significant military positions just outside of the city and continued to consolidate its own administrative structures in the portion of North Kivu it was occupying, with reports of widespread violence and continuing recruitment of new combatants, including through the

\(^{17}\) [S/PV.6868](http://www.un.org), pp. 2-3.  
\(^ {18}\) In the same resolution, the Council also renewed the sanctions regimes, namely the arms embargo, the measures on transport, as well as the financial and travel measures. For more information on the sanction measures concerning the Democratic Republic of the Congo, see part VII, sect. III, with regard to measures in accordance with Article 41.  
\(^ {19}\) [S/2012/843](http://www.un.org)  
\(^ {20}\) [S/PV.6873](http://www.un.org), pp. 2.  
\(^ {21}\) Ibid., pp. 5-6.
use of force and widespread recruitment of minors. He also reported on a general increase in Congolese militia activity throughout the province. MONUSCO had sought to respond to these threats using all available resources. To further improve the capabilities of MONUSCO, unmanned aerial vehicles (UAVs) would be deployed at the earliest possible time. Regarding the proposal for an additional military force or brigade within MONUSCO equipped with a peace enforcement authority going beyond a traditional United Nations peacekeeping mandate, he was convinced that a peace enforcement capability on the ground was a necessary component to permit a durable peace.\textsuperscript{22} The representative of the Democratic Republic of the Congo concurred and said that the deployment of an intervention force would intend to respond to a real and urgent security need in the eastern part of his country. He therefore urged the Council to adopt a resolution to change the mandate of MONUSCO as soon as possible.\textsuperscript{23}

On 5 March 2013, the Secretary-General reported to the Council on the signing by eleven countries of the region and four co-guarantors of the Framework for Peace, Security and Cooperation for the Democratic Republic of the Congo and the Region (PSC Framework) on 24 February in Addis Ababa, intended to address the root causes of violence in the region. He announced that he would appoint a special envoy to support the implementation of the Framework. To further support the political objectives of the Framework, he also proposed the establishment, within MONUSCO, of an intervention brigade with the ability to conduct offensive operations against all armed groups that threatened the peace, neutralizing those groups and disarming them.\textsuperscript{24}

**New mandate for MONUSCO, including creation of an intervention brigade**

By resolution 2098 (2013), while condemning the continued presence of the M23 in the immediate vicinity of Goma and its attempts to establish an illegitimate parallel administration, the Council also decided to extend the mandate of MONUSCO in the

\textsuperscript{22} S/PV.6925, pp. 2-4.
\textsuperscript{23} Ibid., p. 7.
\textsuperscript{24} S/PV.6928, pp. 2-3.
Democratic Republic of the Congo until 31 March 2014, and to include in MONUSCO, on an exceptional basis and without creating a precedent, an Intervention Brigade with headquarters in Goma, with the responsibility of neutralizing armed groups and with the objective of contributing to reducing the threat posed by armed groups to state authority and civilian security in the eastern Democratic Republic of the Congo. By the same resolution, the Intervention Brigade received the mandate to protect civilians, neutralize armed groups, monitor the implementation of the arms embargo, and support national and international judicial processes. The resolution also called on the newly designated Special Envoy for the Great Lakes Region to lead, coordinate and assess the implementation of national and regional commitments under the PSC Framework.

Speaking after the adoption, several delegations underlined that the protection of civilians remained at the heart of the mandate of MONUSCO. The exceptional and non-precedential nature of the creation of the Intervention Brigade was also emphasized. Some speakers cautioned that the neutrality and impartiality of the United Nations must not be compromised by the nature of the brigade.

Implementation of the PSC Framework and end of M23 rebellion

On 6 May 2013, the newly appointed Special Envoy of the Secretary-General for the Great Lakes Region of Africa briefed the Council on her recent visit to various countries of the region, where she had discussed the commitments of each country under the PSC Framework with its leaders. She reported that President Kabila had informed her that his Government was working on a plan of action for the implementation of the commitments of the Democratic Republic of the Congo under the Framework, and that she had stressed the importance of the inclusiveness of such a national mechanism, which should involve civil society representatives and have the necessary expertise to play an effective supervisory role. She also said that while the overwhelming majority of the

25 S/PV.6943, p. 5 (United Kingdom); p. 6 (Argentina); p. 6 (Luxembourg); p. 8 (United States); p. 9 (France).
26 Ibid., p. 5 (Argentina); p. 7 (Pakistan); p. 8 (China); p. 11 (Democratic Republic of the Congo).
27 Ibid., p. 3 (Rwanda); p. 4 (Guatemala); p. 6 (Argentina); p. 7 (Pakistan); p. 8 (China).
Congolese she had spoken to were enthusiastic about the deployment of the Brigade, she had stressed that the Intervention Brigade, while an important tool, should be seen as one element of a much larger political process aimed at finding a comprehensive solution to the crisis in the eastern part of the Democratic Republic of the Congo.28

In his briefing to the Council on 21 October 2013, the Special Representative of the Secretary-General for the Democratic Republic of the Congo reported on the ongoing peace talks in Kampala, which were convened with the objective of concluding a comprehensive agreement between the Democratic Republic of the Congo and the M23 to end the rebellion, disband the M23 and allow its transformation into a political movement within the limits of the Constitution and the laws of the Democratic Republic of the Congo. Regardless of the progress in Kampala, he expressed concern with the situation on the ground, where a considerable military build-up on both sides of the front line could be observed. At the same time, the M23 had fired twice at unarmed United Nations helicopters, and had strengthened its offensive positions threatening United Nations peacekeepers. He added that the M23 was not the only concern, but that also the FDLR, the Allied Democratic Forces, and many Mayi-Mayi groups were terrorizing the population and continued to represent a threat to civilians and to the State authority.29

The Special Envoy of the Secretary-General for the Great Lakes Region, speaking in the same meeting, reported on the difficulties encountered in the negotiations to agree on certain contentious and difficult issues, namely, amnesty, disarmament and integration of M23 fighters. She also gave an overview of the implementation of the PSC Framework both at national and at regional levels.30

On 14 November 2013, the Council adopted Presidential Statement S/PRST/2013/17, by which it welcomed the announcement by the M23 to put an end to its rebellion, the acceptance by the Government of the Democratic Republic of the Congo of this announcement and the cessation of hostilities between the Democratic Republic of

28 S/PV.6960, pp. 3-4.
29 S/PV.7046, pp. 3-4.
30 Ibid., pp. 8-11.
the Congo and the M23. In the same statement, the Council called for the swift conclusion and implementation of a final, comprehensive and agreed outcome that provided for the disarmament and demobilization of the M23 and demanded accountability for human rights abusers. At the same time, the Council also stressed the importance of neutralizing the FDLR and all armed groups, including the ADF, the LRA and various Mayi Mayi groups.

Security Sector Reform

In his briefing to the Council on 7 February 2012, the Special Representative of the Secretary-General for the Democratic Republic of the Congo said that reform and strengthening of the military were a key element to the achievement of durable security conditions in the eastern Democratic Republic of the Congo. The representative of the Democratic Republic of the Congo added that the reforms launched the previous year in the security sector would be continued, in order to train a police force and an army that were fully capable of ensuring security throughout the national territory and to enhance condition for a return to economic and social development.

In its resolution 2053 (2012), adopted on 27 June 2012, the Council stressed the importance of security sector reform for the achievement of the objectives of MONUSCO, and therefore urged the government of the Democratic Republic of the Congo to operationalize and implement, with the support of MONUSCO, a national and comprehensive vision and strategy for the security and justice sectors. On 20 November 2012, in resolution 2076 (2012), as well as on 28 November 2012 in resolution 2078 (2012), the Council urged the Government of the Democratic Republic of the Congo to increase efforts to reform the security sectors.

31 S/PV.6712, p. 4.
32 Ibid., p. 7.
On 21 November 2012, during his briefing to the Council, the Special Representative of the Secretary-General for the Democratic Republic of the Congo expressed confidence that there was broad recognition among Congolese authorities of the need for a full, comprehensive and strong military reform programme addressing multiple areas and needs.  

In his briefing to the Council on 22 February 2013, the Special Representative of the Secretary-General for the Democratic Republic of the Congo said that it was of vital importance to define a comprehensive strategy on security sector reform that provided the needed resources, engagements and expertise of all parties under the overall direction of the Congolese Government.  

In the same meeting, the representative of the Democratic Republic of the Congo said that legislation concerning the reorganization of the armed forces, the organization and functioning of the national police, and the military code for the Armed Forces of the Democratic Republic of the Congo had already been adopted. On 5 March 2013, he said that in the PSC Framework agreement, his country had renewed its commitment to continuing and deepening the reform of the security sector, particularly with regard to the army and the police.  

In resolution 2098 (2013), the Council decided that the duration of the presence of the Intervention Brigade would depend on the implementation of security sector reform for the creation of a Congolese “Rapid Reaction Force” able to take over responsibility for achieving the objective of the Intervention Brigade. By the same resolution, the Council also requested the Secretary-General to report to the Council every three months on the implementation of the commitments of the Democratic Republic of the Congo under the PSC Framework, which included continuing and deepening security sector reform, particularly with respect to the army and police. Speaking after the vote, speakers underlined the importance of security sector reform. 

33 S/PV.6868, p. 5.  
34 S/PV.6925, p. 6.  
36 S/PV.6928, p. 4.  
37 S/PV.6943, p. 6 (Luxembourg); p. 9 (United States); p. 10 (Russian Federation).
On 21 October 2013, the Special Representative of the Secretary-General for the Democratic Republic of the Congo reported on a meeting on 11 October, where international partners had agreed to coordinate their security sector reform initiatives via an expanded security sector reform coordination working group, to be chaired by the Congolese Minister of Defence and supported by MONUSCO.38

**Transfer of tasks to the United Nations country team**

In its resolution 2053 (2012), adopted on 27 June 2012, the Council requested MONUSCO to continue transferring tasks to the United Nations country team in provinces not affected by the conflict. In resolution 2098 (2013) it requested the Secretary-General to produce a report on the current division of labour between MONUSCO and the United Nations country team on tasks shared by the Mission, the United Nations country team and the Government of the Democratic Republic of the Congo, with a roadmap to transfer tasks to the United Nations country team or to the Government of the Democratic Republic of the Congo in provinces not affected by the conflict. The representative of the United Kingdom welcomed this decision and thought it would play an important role in guiding the way forward for the United Nations family to work together to build peace in the Democratic Republic of the Congo.39

In his briefing to the Council on 21 October 2013 the Special Representative of the Secretary-General for the Democratic Republic of the Congo said that MONUSCO would reduce its presence in the areas not affected by armed conflict and suggested that the weight of the country team should be increased.40

38 S/PV.7046, p. 5.
39 S/PV.6943, p. 5.
40 S/PV.7046, p. 6.
### Meetings: the situation concerning the Democratic Republic of Congo

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Part I – Overview of Security Council Activities in the Maintenance of International Peace and Security

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Congo and Special Envoy of the Secretary-General for the Great Lakes Region of Africa

S/PV.7058
14 November 2013

S/PRST/2013/17

*Argentina, China, France, Guatemala, Luxemburg, Morocco, Pakistan, Russian Federation, Rwanda, United Kingdom,*