Central Organ/MEC/AMB/2 (LXXIII)

REPORT OF THE SECRETARY GENERAL ON THE
DEMOCRATIC REPUBLIC OF CONGO

ADDIS ABABA, ETHIOPIA
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THE DEMOCRATIC REPUBLIC OF CONGO

1. Since the meetings of the Council and Summit in Lomé, Togo, the peace process in the DRC continued to face difficulties emanating from the combined effects of continuous violations of the Ceasefire, the blockage of the National dialogue as recommended by the Lusaka Ceasefire Agreement and the problem linked to the deployment of Phase II of the UN Mission in the Congo (MONUC).

2. In order to give a new lease of life to the process, many initiatives were taken at the level of the Region and outside the Region. Thus at the invitation of President Frederick T.J. Chiluba, Coordinator of the Peace Process in the DRC, a Summit was held in Lusaka from 14 and 15 August 2000. It brought together the Leaders and Representatives of the Party Signatories of the Lusaka Ceasefire Agreement and other SADC countries. The Secretary General represented the OAU. Representatives of the UN and SADC also participated.

3. The Summit reviewed the implementation of the Lusaka Ceasefire Agreement particularly the points related to the ceasefire violations, the Inter-Congolese Political dialogue and the deployment of MONUC. It should be recalled that by Note Verbale of 13 June 2000, the Government of the DRC, had expressed its position to the OAU stating that it was withdrawing its trust in Sir Ketumile Masire as the Facilitator of the Inter-Congolese Dialogue. On the other hand MONUC felt that it had not been offered the necessary freedom of Movement for a full deployment in the country particularly in the areas under the control of the DRC Government Forces. In addition the Congolese Government considered that the Lusaka Agreement should be revised in the light of the adoption of Resolution 1304 (2000) of 16 June 2000 by the UN Security Council.

4. In the communiqué issued at the end of its deliberations, the Summit reaffirmed its support for the Lusaka Ceasefire Agreement as the only basis accepted by all the Parties for the resolution of the conflict in the DRC as well as for the disengagement and redeployment plan adopted in Kampala on 8 April 2000, as the most appropriate solution to end the violations of Ceasefire. It urged the DRC Government to cooperate fully with MONUC and meet the necessary conditions for its speedy deployment. Finally, with
the exception of the DRC, the Summit reaffirmed its support for Sir Ketumile Masire as Facilitator of the Inter-Congolese Dialogue.

5. It was in that same spirit that a SADC Summit was held in Maputo, Mozambique, on 16th October 2000, under the Chairmanship of President Thabo Mbeki of South Africa. The Heads of State of the DRC, Zimbabwe, Angola, Namibia, Mozambique, Zambia, Uganda, Rwanda, Burundi participated in that Summit whose main objective was to provide momentum for the peace process. The Summit discussed the problems related to the disengagement of forces, the inability of MONUC to deploy its peacekeeping forces, the problem of the Interhamwe and Ex Far, the Inter-Congolese Dialogue, and the JMC. It took decisions, particularly on the implementation of the Kampala Plan for the disengagement and redeployment of forces, the establishment of a Committee of Defense Ministers from the DRC, Zimbabwe, Rwanda and South Africa to work out a Mechanism for dealing with the problem of the Interhamwe and the EXFAR and requested the Secretary General to urgently appoint a new Chairman for the JMC.

6. Another Summit, bringing together the Heads of State of the Central Africa Region, was held in Kinshasa on 27 October 2000. The Heads of State of Angola, the Republic of the Congo, Gabon, the Democratic Republic of Congo and the Prime Ministers of Equatorial Guinea and the Central African Republic participated in it. At the end of its discussions, the Summit expressed support for the Lusaka Ceasefire Agreement. It also expressed solidarity with the Congolese people and pledged to do everything to ensure the speedy restoration of peace in the Democratic Republic of Congo. The Summit also demanded the unconditional withdrawal of the « aggressors » from the DRC.

7. The Leader of the Libyan Revolution, Colonel Muammar M. Gaddafi, also organized from 7 and 8 November 2000, in Sirte, a Summit in which the Presidents of Uganda, Rwanda, Zimbabwe, Mali and the Representatives of Angola, Namibia, the DRC and South Africa participated. Among other decisions, the Summit recommended the establishment of a neutral African force to be deployed in the DRC to guarantee the security of the borders of Rwanda and Uganda and to determine the size and number of the Interhamwe and other armed groups operating inside the DRC in order to dismantle and re-group them and work for their integration. According to the Sirte proposals, after the above operations,
Rwanda and Uganda should withdraw their forces from the DRC followed by the withdrawal of all foreign forces from that country.

8. On 27 November 2000, another Summit bringing together the Presidents of Rwanda, Uganda, Zimbabwe, South Africa, Namibia, Mozambique and the DRC, as well as the Minister of Defense of Angola, was held in Maputo under the Chairmanship of President Thabo Mbeki. The conference produced encouraging results. Indeed the Summit reached an Agreement on the implementation of the Kampala Plan for the disengagement and redeployment of forces and obtain from the DRC government assurances for the deployment of MONUC.

9. The agreement reached in Maputo by the Heads of State, enabled the Joint Military Commission and the Political Committee to convene in Lusaka on 17 and 18 November and 29 November 2000 respectively to adopt the Sub-Plans of disengagement and deployment necessary for the implementation of the Kampala Plan. The adoption of those sub-Plans, whose official signing by the Army Chiefs of Staff of the Parties, was held on 6 December 2000 in Harare, was aimed at paving the way for the disengagement of each force on the ground by at least 15 kms in order to establish Disengagement Zone (DZ) of at least 30 kms between the belligerent forces.

10. At its seventy second Session at Ambassadorial level, held on 8 December 2000, the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, while expressing its concern about the continued violation of the ceasefire Agreement urged the Parties to comply with the provisions of the Lusaka Ceasefire Agreement. It « expressed satisfaction at the Disengagement Plans for the Redeployment of Forces adopted by the JMC on 28 November 2000, approved by the Political Committee on 29 November 2000 and signed by the Chiefs of Staff of the Parties on 6 December 2000 in Harare ».

PROBLEMS LINKED TO THE DEPLOYMENT OF MONUC

11. The United Nations had laid down a certain number of conditions for the effective deployment of its forces including in particular, the need for a total Freedom of movement for its observers and its means of transportation. In particular, MONUC had complained that, one of the difficulties it faced was related to the fact that the DRC Government was
limiting freedom of movement of its personnel particularly in the areas controlled by the Congolese Armed Forces.

12. In order to explain the position of the United Nations on the implementation of the Ceasefire Agreement and with a view to working out with the Congolese Government, the ways and means to facilitate the deployment of MONUC, the UN Secretary General appointed on 18 August 2000, the former President of Nigeria, General Abdulsalami Abubakar, as his Special Envoy to the DRC, with the mandate of holding consultations with the Congolese authorities and the other leaders on the Region. Within that framework, he was in the DRC from 20 to 24 August 2000 and was received on 22 August 2000, by the President Laurent Désiré Kabila. On the next day, 23 August 2000, the Ministers of Foreign Affairs and of Interior jointly informed the UN Special Representative of the intention of the Government authorize the deployment of UN Battalions in the areas of Mbandaka, Katanga, Kindu and Kisangani. It was also agreed that the UN could deploy in Kinshasa, a small military Unit to support the MONUC Headquarters. However, at the same time, the Government rejected the deployment of the special logistics units from one contributing country which action further delayed the deployment of the MONUC troops. The same day, another Minister of the Government announced publicy the suspension by the DRC of the implementation of the Lusaka Agreement and called for direct negotiations between the DRC, Burundi, Rwanda and Uganda under the auspices of the UN and the OAU and direct talks between the Government and the rebels.

13. It was that context that while presenting his fourth Report to the Security Council dated 21 September 2000, the UN Secretary General stressed the lack of progress in the implementation of the Ceasefire Agreement by the Parties. The Council, at the end of the deliberations of its August 2000 Session, adopted Resolution 1316 (2000) of 23 August 2000, authorizing the extension of the mandate of MONUC by two months only, until 15 October 2000. On the eve of the expiry of that extension, the Council, noting the same fact, on 13 October 2000, renewed the mandate of MONUC for a new period of two months until 15 December 2000 with the hope that the Parties would take advantage of that period to show their good will and commitment to the implementation of the Ceasefire Agreement.
14. In a letter dated 5 October 2000, President Frederick Chiluba also informed the Secretary General of his concern about the continuous violations of the Ceasefire Agreement which were a real threat to the peace process and expressed his fears about the renewal of the mandate of MONUC which was to be discussed in the Security Council at its Session of 13 October 2000.

15. The adoption of the Sub-Plans of disengagement and redeployment in Harare on 6 December 2000 and the commitment by the Parties during the second Maputo Summit to implement the Kampala Plan, made it possible to the Security Council to adopt, at the end of the consideration of the Fifth Report of the UN Secretary General on the DRC, Resolution 1322 (2000) of 14 December 2000, which extended for six months, that is up to 15 June 2001. By that same Resolution, the Security Council called upon the UN Secretary General to consult with the OAU and all the Parties concerned on the possibility of organizing in February 2001, a follow-up meeting the signatories of the Lusaka Ceasefire Agreement and the members of the Security Council. The Resolution called once more for the withdrawal from the territory of the DRC of the Uganda and Rwandans Forces and other foreign forces in conformity with Resolution 1304 (2000) of 16 June 2000 and the Lusaka Ceasefire Agreement.

THE JOINT MILITARY COMMISSION

16. Since the adoption of the disengagement and redeployment of forces, in Kampala on 8 April 2000, the Joint Military Commission, could not make substantial progress in its work. At its 8th Plenary Session, held on 26 and 27 July 2000, the Joint Military Commission was not able either to consider the Reports of the Ceasefire violations nor to prepare and adopt the Sub-Plans for the disengagement and redeployment of forces supplementing the Kampala Plans.

17. Since September 2000 the Joint Military Commission was also facing a financial crisis due to the depletion of the funds contributed by the OAU and the donors. Indeed, the General Secretariat received from the Commission, many letters drawing attention to the desperate financial situation of the JMC and the threat of the suspension of its activities. In fact, the members of the Regional JMCs and the OAU neutral investigators had not received their allowances for two months while the latter were to return to their respective countries within the framework of the tradition of
the normal rotation of OAU Military Observers after one year of service in the field.

18. At its seventieth ordinary Session, held at Ambassadorial level, on 2 October 2000 in Addis Ababa, the Secretary General informed the members of the Central Organ of the poor financial situation of the Joint Military Commission and the general situation of the implementation of the Lusaka Ceasefire Agreement. The Central Organ expressed its concern about the lack of progress in the implementation of the Agreement and appealed to the Parties to cooperate with efforts to ensure its implementation. In that regard, the Central Organ urged the Parties and particularly the Government of DRC to cooperate fully with the United Nations for the speedy deployment of MONUC and also to cooperate with the efforts for the convening of the Congolese Political negotiations. Finally, the Central Organ expressed its concern about the financial situation of the JMC and appealed to the OAU Member States and the International Community for a financial and logistic support for its activities.

19. In his letter dated 5 October 2000, President Frederick Chiluba also drew the attention of the Secretary General to the deplorable financial situation of the JMC. In order to enable the JMC to pay the neutral investigators who were about to leave as well as the other members of the Regional JMCs and enable the JMC to carry out some of its operational activities, the Secretary General authorized the release from the OAU Peace Fund, of an amount of US$ 400,000. On 9 November 2000 in Lusaka a solemn ceremony was held in honor of the OAU neutral observers who, on that occasion, received medals and certificates for their service to the OAU.

20. Subsequently, the Secretary General also received a letter from Mr. Stan Mudenge, Minister for Foreign Affairs of the Republic of Zimbabwe, and Current Chairman of the Political Committee, drawing his attention to the same financial problems of the JMC. Indeed, at its 8th Session held on 29th November in Lusaka, Zambia, the Political Committee had mandated him to contact the OAU Secretary General. In his letter dated 15 December 2000, the Minister referred to the non-payment of the salaries of the members of the JMC and a debt of US$ 320,000. Finally, he urgently appealed to the OAU and its Member States for contributions to be paid to the JMC to maintain its activities.
21. Considering the urgent nature of the situation, the Secretary General wrote to all Member States through the Ministers of Foreign Affairs to inform them of the financial situation of the JMC and request them for contributions in order to enable it pursue its activities. The General Secretariat also informed the traditional donors of the OAU about the same problems.

22. In the meantime, the Secretary General concluded the consultations he had initiated since the Lusaka Summit of 14 and 15 August 2000 as part of the efforts to appoint a new Chairman for the Joint Military Commission. Subsequently, the Parties accepted the nomination of Brig. Gen. Njuki Mwaniki of the Kenya Armed Forces whose appointment, the Secretary General officially announced on 23 January 2001. From 23 to 26 January 2001, the new Chairman undertook a familiarization visit to the OAU Headquarters, and had working sessions with the Departments of Political Affairs and Administration and Finance. As this report was being prepared, Brig. Gen. Mwaniki was getting ready to undertake further consultations with the Parties concerned before taking up his post in Lusaka.

DEATH OF PRESIDENT KABILA

23. While efforts were made in the search for a solution to the conflict in the DRC the whole world learnt, on 16 January, of the attempt on the life of President Laurent Désiré Kabila. His untimely death was officially announced on 18 January 2001 by the authorities of the DRC. The Secretary General issued a statement on the same day in which he condemned the assassination of President Laurent Désiré Kabila, an action he described as a senseless and tragic act which was in total violation of the principles of the Charter of the OAU. He appealed to the Congolese leaders and people for calm and expressed the hope that the tragic incident would not further complicate the efforts aimed at seeking a peaceful and lasting solution to the conflict in the DRC through the implementation of Lusaka Ceasefire Agreement. Finally, the Secretary General appealed to the Parties concerned to recommit themselves to the implementation of the Lusaka Ceasefire Agreement which aims at bringing about peace, security and reconciliation in the DRC as well as in the rest of the Great Lakes Region.
24. The official funeral of President Kabila took place in Kinshasa on 23 January 2001. In the absence of the Secretary General who was then on another official mission, Ambassador Mahamat Doutoum, Assistant Secretary General, represented him at that ceremony which was attended by some African Leader.

25. After the death the President Kabila, the Government of the DRC announced the appointment of his son, Major General Joseph Kabila, as his successor. The Transitional Parliament endorsed, on 24 January 2001, that appointment and the inauguration of the new President was held on 26 January 2001 in Kinshasa.

CONCLUSION

26. It is too early to draw conclusions from the latest developments in the DRC and their impact on the peace process in that country, particularly as they relate to the circumstances surrounding the assassination of President Kabila and the assumption of Office by his son, Major General Joseph Kabila, as President of the DRC. The reaction from within and outside Africa, has been one of hope that the tragedy that has befallen the people of Congo would be overcome and that an early opportunity would be provided to enable all the Parties to the conflict to relaunch the peace process in all its aspects. In this regard, the Central Organ should lend its strong support to the ongoing consultations involving leaders from within and outside the Continent to convene a meeting of all the Parties to the Lusaka Agreement so that they can firmly recommit themselves to the implementation of the Agreement, and take the necessary steps to move the process forward.

RECOMMENDATIONS

27. The Central Organ could, on the occasion of this Session:

a) **strongly condemn** the assassination of President Laurent Désiré Kabila which was in total violation of the principles of the OAU;

b) **convey its condolence** to the family, the Congolese Government and people and **congratulate** the leaders and the people of the
DRC for the calm and serenity they had shown during that harsh trial;

c) **express** the hope that the tragic events would not further complicate the efforts made to find a peaceful and lasting solution to the Conflict in the DRC through the Lusaka Ceasefire Agreement;

d) **reaffirm** its support for the Lusaka Ceasefire Agreement as the sole basis accepted by all the Parties for the resolution of the Conflict in DRC;

e) **appeal** to the Parties signatories of the Lusaka Ceasefire Agreement to re-commit themselves to implement the Lusaka Ceasefire Agreement in all its aspects and to comply with all its provisions particularly in implementing the Plan and Sub-Plans for the disengagement and redeployment of forces in the DRC.

f) **Appeal** once again urgently to the Member States and the International Community to give consistent political support to the Peace Process in the DRC and financial support for the activities of the JMC.