REPORT OF THE SECRETARY GENERAL
ON THE PREPARATION OF THE
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1. INTRODUCTION

1. At its 74th Ordinary Session held in Lusaka, Zambia, from 5 to 8 July 2001, the Council of Ministers was informed about the development of the situation in the Democratic Republic of the Congo (DRC), in the light of the new dynamics generated in the Peace process in that country. With regard particularly to the Inter-Congolesse Dialogue which constituted one of the essential elements of the Lusaka Ceasefire Agreement, the new disposition of the Congolese authorities enabled the Facilitator, Sir Ketumile Masire, to resume his consultations with the Congolese parties and with all those who could assist him.

2. The Central Organ would recall that the Facilitator had organised in Lusaka on 4 May 2001 a meeting at the end of which the Congolese Parties, particularly the DRC Government, the Liberation Movement of the Congo (MLC) and the RCD-ML (Liberation Movement) signed a Declaration of Fundamental Principles to serve as Framework for the Inter-Congolesse Dialogue. In that Declaration, the Congolese Parties particularly reaffirmed the following principles:

- respect for all the provisions of the Lusaka Agreement;
- sovereignty and territorial integrity of the DRC;
- national reconciliation and establishment of a new political order as the basis for rebuilding a new Congo;
- inclusion of the political opposition and the representatives of the Forces Vives of the nation in the Inter-Congolesse negotiation process;
- consensus as the means for adopting all decisions;
- organization of free, democratic and fair elections after the transitional period;
- the formation of a restructured and integrated national army;
- utilization of the natural resources of the DRC in its interests of the whole country and for the improvement of the living conditions of the Congolese people;
3. For its part, the Council of Ministers, at its Lusaka Session, adopted Decision CM/Dec.592(LXXIV) in which it reiterated its support for the Lusaka Ceasefire Agreement as the sole negotiated framework and accepted by all the Parties to arrive at a solution to the conflict in the DRC and guarantee the respect for the sovereignty, unity and territorial integrity of the country. In that same decision, Council commended the efforts of Sir Ketumile Masire and signing of a Declaration of Fundamental Principles; appealed to all the Congolese Parties to cooperate fully with the Facilitator and participate in the national dialogue in a spirit of tolerance and compromise; and to OAU Member States and the International Community as a whole to continue to lend their support to the peace process in the DRC, particularly the Inter-Congolese National Dialogue;

4. In the period which followed the session of the Council, the Facilitator intensified his efforts. Thus he convened in Gaberone, Botswana, from 20 to 25 August 2001, a Preparatory meeting at which the Congolese Parties agreed that the Inter-Congolese Dialogue would be held in Addis Ababa as from 15 October 2001.

II. PREPARATORY MEETING FOR THE INTER-CONGOLES DIALOGUE (GABERONE, 20 – 25 AUGUST 2001)

5. The Preparatory meeting for the Inter-Congolese Dialogue, initially scheduled from 16 July 2001, was finally held from 20 to 25 August 2001 in Gaberone, after the Facilitator had held a number of consultations on, particularly, the appointment of the representatives of the Civil Society. The formal opening was chaired by President Festus Mogae of Botswana, in the presence of President Frederick Chiluba of Zambia, current Chairman of the OAU and the Facilitator. The representatives of the following Congolese Parties participated in the meeting: the DRC Government, the MLC, the RCD, the RCD-ML, the political opposition and the “Forces Vives” (economically active forces). President Joseph Kabila, Mr. Jean-Pierre Bemba of the MLC and Dr. Alphonse Omuumba of the RCD participated in the opening session. In their statements, Presidents Mogae and Chiluba urged the Congolese to show tolerance and place the general interest above personal interests and to work for the establishment of a new Congo. On his part, the Facilitator stressed that national reconciliation was
first and foremost the responsibility of the Congolese themselves who, in all independence, should take decisions that they believed were the best for their own country. For the Congolese parties, their dispute

centred on the question of the rule of law, their will to promote genuine peace and establish a new order of law respecting the fundamental freedom and rights.

6. The agenda of the Preparatory meeting composed particularly the release of all political detainees and free movement of persons and goods throughout the Congolese territory; the immediate withdrawal of all foreign troops; the determination of the total number of participants in the Dialogue; the adoption of the Draft Agenda and the Rules of Procedure for the Dialogue and the date and venue of the Dialogue. All the Congolese Parties were given a similar status and all the decisions on the Dialogue were taken by consensus.

7. The Preparatory meeting was held in a serene atmosphere where the spirit of compromise and tolerance prevailed. In general and as pointed out above, the Congolese Parties expressed their firm will to put an end to the state of belligerence, to have the departure of the foreign troops, reconcile between themselves and to establish a new political order in a united and sovereign Congo and their determination to work for the establishment of the rule of law. In that regard, Professor Albert Tevoedjre, General Rapporteur, underscored the positive and constructive spirit that imbued the Congolese Parties.

8. Nevertheless, the discussions were sometimes bitter. Even before considering the agenda proposed by the Facilitator, there were discussions particularly on the representation of the RCD-ML, which had gone through a leadership crisis. Furthermore, the RCD requested the political parties and the economically active forces to sign a Declaration of Accession to the Lusaka Agreement. Then parties signed it while the other parties and the “Forces Vives” rejected that proposal stating that they were not belligerents and the Lusaka Agreement was essentially a Ceasefire Agreement.

9. The RCD and MLC raised the issue of the representativity of some political parties called the opposition parties, stressing that the latter should necessarily and really be opposed to the Congolese Government. The issue of the release of political detainees and the liberalisation of political activities were raised by the political parties and the “Forces Vives”, which affirmed that the Government and, especially, the RCD, impeded their activities and that the Dialogue would not be a healthy one if the political prisoners were not released.
10. Finally, it should be noted that almost all the delegates spoke in favour of the immediate withdrawal of foreign troops, considering that no one is any longer needed to secure the peace that ought to be achieved by a strong and sound management of peace forces by the Joint Military Committee (JMC) and the UN Mission in the DRC (MONUC).

11. The meeting ended on 25 August with the adoption by the Congolese Parties, of an Act of Commitment. (Acte d'Engagement) Draft Agenda and Rules of Procedure for the Dialogue and Final Communiqué. In the Act of Commitment, the Congolese Parties especially committed themselves, solemnly and unconditionally, to implement, across the entire territory of the DRC, the following provisions:

- Immediate, effective and total Liberalization of political and associative activities, abstention from any behaviour likely to impede the said liberalization and promotion of tolerance in the exercise of political and associative activities;

- Protecting fundamental human rights and freedoms, particularly, the right to life and physical integrity, freedom of press, speech and opinion as well as access to all public media;

- Releasing, under the auspices of the ICRC and Congolese NGOs dealing with human rights, immediately and unconditionally, of all political detainees and prisoners of conscience, hostages and those detained or imprisoned on account of their origin or their past political and/or legal activities,

- Protecting the free movement of persons and legal goods, the freedom to enter and get out of the national territory and the provision to all the citizens, upon request, of immigration,

- Authorization or re-establishment of air, railway, river lack, road, telephone and postal communication links,

- Return, immediately and unconditionally, all property illegally confiscated for political reasons or consideration as well as the buildings occupied without title deeds or right,

- Protecting the civilian population against arbitrary arrests, seizures and forced hard labour, massacres.
blind bombardment, torture raping of women, mutilation of children, deportation and insuring a definitive stop to collaboration with the genocide agents.

Safeguarding national heritage and resources and combat all sources of plundering,

- Implementation of the provisions of the Lusaka Ceasefire Agreement as well as the relevant resolutions of the UN Security Council in order to restore peace in the DRC,

- abstention from any activity likely to impede the national reconciliation process,

- guarantee access to victims by the humanitarian organizations,

- ensure a return to normal life by displaced people or refugees in their natural surroundings,

- not to use refugees for political or military purposes and abstain from provocation by any means before and during the Inter-Congolese political negotiations,

- obtain suspension of military jurisdiction as regards the action of civilians,

12. With regard the agenda for the Dialogue, it was agreed that it would focus, among others on the following teams:

- End of the war through nationally driven peace and security measures in the DRC and in the sub-region,

- Establishment of a new political dispensation and good governance in the DRC,

- Creating a New National Congolese Army,

- Resolution of Economic and Financial issues,

- Implementation of Emergency humanitarian and rehabilitation assistance programme,

- National Reconciliation, Truth and Reconciliation, Ethnic Co-existence, Protection of Minorities and principles of nationality,
13. The Draft Rules of Procedure provide for the establishment of a supreme organ, the Plenary and five committees emanating from the Plenary, mandated especially to consider the following issues: political and legal, defence and security, economic and financial, social and cultural and national reconciliation. These Committees would report to the plenary. The Office of the Facilitator, assisted by a bureau of his choice, would give technical assistance to the organs of the Inter-Congolese Dialogue.

14. There would be about 300 delegates representing the Congolese Parties to the Dialogue. The definite number of participants would be known after consultation with the Congolese Parties by the Facilitator.

15. The Congolese Parties decided that the Inter-Congolese Dialogue would be held in Addis Ababa as from 15 October 2001. The choice of the venue for the Dialogue was based on the following criteria: security guarantee for the participants, availability of necessary infrastructure and acceptance or invitation by the host country. In that vein, several African capitals were proposed. Furthermore, many delegates considered that the Dialogue should have been held on Congolese soil, in Kisangani. After protracted discussions and consultation, it was finally decided that the Dialogue would be held in Addis Ababa, capital of the African Union. It should be noted that the General Secretariat was consulted by the collaborators of the Facilitator about the choice of Addis Ababa as the town to host the dialogue. In reply, the General Secretariat strongly encouraged the Congolese Parties to accept Addis Ababa for the Inter-Congolese Dialogue.

16. At the closing session of the Preparatory Meeting the Minister for Foreign Affairs of the DRC, Mr. Leonard She Okitundu, pledged one million US Dollars on behalf of the Congolese Government to help finance the Dialogue.

17. In a Communiqué issued on 27 August, the Secretary General, on behalf of the OAU, expressed satisfaction at the conclusions of the Preparatory Meeting particularly at the spirit of dialogue and tolerance which prevailed during the discussions. He also expressed satisfaction at the unanimous decision of the Congolese Parties to hold the Inter-Congolese Dialogue in Addis Ababa. He finally stressed that the OAU, which had deployed tireless efforts to promote peace in the DRC, would give full support to the Facilitator and to all the Congolese Parties to ensure the success of the Dialogue.
II. BRIEFING OF THE UN SECURITY COUNCIL BY THE FACILITATOR

19. On 5 September 2001, the Facilitator held a private meeting with the members of the UN Security Council to brief them on the outcome of the Gaborone preparatory meeting, as well as on his plans for the forthcoming Dialogue. On that occasion, Sir Ketumile Masire expressed his optimism about the commitment of the parties. He stressed the important and critical role to be played by the Security Council in bringing its political weight to bear. He also raised other issues such as the level of women's representation, which he found too disappointing, and the involvement of the armed groups remaining outside the process, such as the Mai Mai. He indicated, in this respect, that there was a clear reluctance from the parities to include the Mai Mai, and the Congolese diaspora.

20. At the end of the meeting, the Security Council issued a presidential statement in which it welcomed the success of the preparatory meeting of the Inter-Congolese Dialogue. The Security Council reiterated its strong support for the Inter-Congolese Dialogue and for the efforts of the Facilitator and his team in the field. It 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. The Security Council 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. Finally, the Security Council encouraged donors to provide further support to the Facilitator and, in due course, the process of implementing a new political dispensation in the DRC.

IV. LOGISITICAL ASPECTS FOR THE CONVENING OF THE INTER-CONGOLESE DIALOGUE IN ADDIS ABABA

21. From 30 to 31 August 2001, the Facilitator dispatched a team led by his political adviser, Amb. Archibald Mogwe, to Addis Ababa for discussions on the logistical requirements for the Dialogue with the OAU Secretariat, as well as with the Ethiopian authorities and the ECA. Subsequently, on 13 and 14 September 2001, the Chief of
Cabinet of the Facilitator's Office in Gaborone, Mr. Philip Winter, traveled to Addis Ababa for further consultations. On that occasion, he met with the Assistant Secretary General of Political Affairs of the OAU to apprise him of the progress made on the issue of the Inter-Congolese Dialogue in Addis Ababa. He pledged the full logistical and political support of the OAU. He reminded the representative of the Facilitator of the role assigned to the OAU in the Lusaka Ceasefire Agreement particularly with regard to the Inter-Congolese Dialogue. A meeting was also held with officials of the Ethiopian Ministry of Foreign Affairs. In order to facilitate the preparations for the Dialogue, it has been agreed to establish a Task Force bringing together representatives from the Office of the Facilitator, the OAU, the UN and the Ethiopian authorities.

V. OBSERVATIONS

22. The Preparatory Meeting of Gaborone was an encouraging state in the efforts for the successful conclusion of the Inter-Congolese Dialogue. I am all the more encouraged as in spite of the difficulties faced, considerable progress had been made on the other aspects of the Peace Process in the DRC. I would like to seize this opportunity to congratulate Sir Kethumile Masire and his team on the remarkable work done. I would like also to commend the Congolese Parties for their maturity and open-mindedness. I urge them to continue to show the same disposition. The choice of Addis Ababa, Headquarters of the OAU/African Union, to host the Dialogue, symbolizes their will to put an end to the conflict tearing apart their country.

23. The OAU, which has played an important role in the conclusion and implementation of the Lusaka Ceasefire Agreement, was assigned the specific responsibility of conducting and concluding successfully the Inter-Congolese Dialogue. Besides, pursuant to the relevant provisions of the Lusaka Ceasefire Agreement that the OAU helped the Congolese Parties choose a Facilitator and contributed to the mobilization of the necessary financial resources for the organization of the Dialogue. I would like to assure the Facilitator and the Congolese Parties of the full support of the Secretariat which would do everything to facilitate the Inter-Congolese Dialogue. I appeal to all the Member States and the rest of the International Community to give full support to the Facilitator. In this connection, I express satisfaction at the support given by the Security Council of the Facilitator as expressed in the Presidential Statement of 5 September 2001.
24. I urge all the Parties to the Lusaka Ceasefire Agreement to strictly comply with the commitments they made. In that regard I have to reiterate the conclusion of the 12th Meeting of the Political Committee which, while commending the progress made in the disengagement and redeployment of forces, expressed concern about the occupation of positions vacated by some parties. The Political Committee, furthermore, appealed to all parties to honour the disengagement plans of Kampala and the sub plans of Harare with regard to intermediate defensive positions.

25. I also urge the Parties to comply with the relevant provision of the Lusaka Ceasefire Agreement and orderly withdrawal plan for all the foreign forces in the DRC, as adopted by the Political Committee at its 10th and 11th Sessions held respectively in Lusaka on 6 April and 30 May 2001. In this connection the 12th Meeting of the Political Meeting took note of the completion of the withdrawal of Namibian troops from the DRC and the withdrawal of the major part of Uganda forces. The Committee further welcomed the reaffirmation by all parties with forces in the DRC of their readiness to withdraw as soon as the UN peacekeeping force was deployed.