EIGHTY SIXTH ORDINARY SESSION OF
THE CENTRAL ORGAN OF THE MECHANISM
FOR CONFLICT PREVENTION,
MANAGEMENT AND RESOLUTION

29 October 2002
Addis Ababa, Ethiopia

Central Organ/ MEC/ AMB/ 2 (LXXXVI)

REPORT OF THE INTERIM CHAIRPERSON OF
THE COMMISSION OF THE AFRICAN UNION ON
THE SITUATION IN THE DEMOCRATIC
REPUBLIC OF THE CONGO (DRC)
REPORT OF THE INTERIM CHAIRPERSON OF
THE COMMISSION OF THE AFRICAN UNION ON
THE SITUATION IN THE DEMOCRATIC
REPUBLIC OF THE CONGO (DRC)

I. INTRODUCTION

1. At the 76th Ordinary Session of the OAU Council of Ministers held in Durban, South Africa, from 4 to 6 July 2002, I reported on the development of the Peace Process in the DRC and on the efforts made by the OAU, the UN and the International Community to implement the Lusaka Ceasefire Agreement. In Decision CM/Dec. 663 (LXXVI) Council had, among others, urged the Parties to the Peace Process to fulfill their obligations issuing from the Lusaka Agreement, expressed its concern about the delay in the process of the withdrawal of foreign troops, encouraged the signatories to the Lusaka Agreement to continue their contacts in order to establish the conditions conducive to its implementation, requested the United Nations to strengthen the capacity and expand the mandate of MONUC to enable it carry out successfully the tasks assigned to it in Phase III of its deployment and appealed to the International Community to continue to support the Peace Process in the DRC.

2. This Report gives an account of the developments that have taken place within the framework of the Peace Process since the Durban Summit.

II. PRETORIA AGREEMENT

3. The meeting in Durban, in July 2002, held concurrently with the Assembly of Heads of State and Government of the OAU between Presidents Joseph Kabila and Paul Kagame, in the presence of President Thabo Mbeki and the UN Secretary General, led to the establishment of a Committee of Experts of the two countries. That Committee had prepared a Memorandum of Understanding which the two Presidents signed on 30 July 2002 in Pretoria, in the presence of President Thabo Mbeki, a representative of the UN Secretary General and myself.

4. The Agreement centred on the withdrawal of Rwandese troops from the DRC territory and the disbanding of the ex–FAR forces and the Interhamwe by the DRC and was accompanied by an Implementation Programme spread over 90 days as from the date of its signing. The programme stipulates, among others, that:

- The DRC Government would continue the process of tracking down and disarming the Interhamwe and the ex–FAR on the DRC territory which it controlled; within that framework it would
cooperate with the MONUC and the Joint Military Committee (JMC);

− The Rwandese Government pledged to withdraw its troops from the DRC territory as soon as effective measures meeting its concerns about security, particularly the disbanding of the ex-FAR forces and Interhamwe, were agreed upon;

− A bilateral team, whose task would be facilitated by South Africa and the UN Secretary General, should work out a detailed implementation schedule;

− The two Parties accepted that the commitments made and the Agreements concluded under the Peace Agreement were binding.

5. The Agreement further provided for a Follow-up Mechanism called “Third Party” comprising South Africa, in its dual capacity as Current Chairman of the African Union and Facilitator of the Peace Process and the UN Secretary General. The Third Party would have, during the process of the implementation of the programme agreed upon by the Parties, to exercise authority on the management of the Programme.

6. To monitor and verify the Agreement Implementation Programme, the Third Party established on 21 August in Kinshasa a “Permanent Secretariat” comprising 4 staff members appointed by South Africa and 2 representatives of the United Nations. The Secretariat set up a Liaison Group in Kigali. At the outset, it divided itself into two working groups operating from the headquarters of the JMC and the Embassy of South Africa in Kinshasa. On 26 and 27 August, the Permanent Secretariat held meetings with the Governments of the Democratic Republic of the Congo and Rwanda, to consider the steps to be followed for the Agreement Implementation Process. It requested the two Parties to appoint Contact Groups which would constitute its main interlocutors during the process.

7. The UN Security Council met on 8 August in a Special Session to consider the Agreement. On that occasion, it listened to the Ministers of Foreign Affairs of South Africa and the Democratic Republic of the Congo as well as to a representative of the Government of Rwanda. On 30 August 2002, Presidents Kabila and Kagame were to meet in Kinshasa in the presence of the Third Party, for their monthly summit of assessment of the implementation of the Agreement. However, that meeting did not take place.

8. On 13 September 2002, President George Bush met, Presidents Joseph Kabila and Paul Kagame in New York, in the presence of Presidents Thabo Mbeki and Yoweri Museveni and the UN Secretary General. President Bush
held talks with his guests on the implementation of the Pretoria Agreement and Peace in the Region in general.

9. In the afternoon of 13 September, at the UN Security Council, meeting in a Special Session with the Heads of State Signatories of the Pretoria Agreement, concurrently with the 57th Session of the UN Special Assembly, President Kagame announced that the troops of his country would begin withdrawing from the DRC as from the following week. Furthermore, he committed himself to comply with the provisions of the Peace Agreement signed on 30 July 2002 in Pretoria. President Joseph Kabila also reiterated the determination of his Government to take up its part of responsibility in the implementation of the Pretoria Agreement and requested the International Community to involve itself further in the ongoing Peace Process. On its part, the Security Council expressed satisfaction at the commitment made by the two Presidents and stressed its intention to take the necessary measures to review the mandate of MONUC in order to facilitate the implementation of the Peace Agreement by the two parties.

10. The first batch of the Rwandese army left Kindu on 17 September for Kigali. Since then, the withdrawal of Rwandese troops continued from the other provinces of the DRC. On 5 October 2002, Rwanda announced the complete withdrawal of its 23000 troops from the Congolese territory. The departure of the Rwandese troops from the DRC was carried out in the presence of MONUC and observers of South Africa. On 7 October, the Commission received a Note from the Embassy of Rwanda in Addis Ababa by which the Rwandese government informed about the completion, on 5 October, of the withdrawal of its troops from the DRC in conformity with the Lusaka and Pretoria Agreements.

11. On 24 September 2002, the Congolese government announced that it was putting an end to the activities of the Rwandese armed movements on the DRC territory and had declared “persona non grata” the 25 political leaders of the Democratic Forces for the Liberation of Rwanda (FDLR), called upon to leave the Congo within 72 hours. Furthermore, it arrested and transferred to the International Criminal Tribunal for Rwanda (ICTR), Colonel Tharcisse Renzaho, former prefect of Kigali, suspected to have committed acts of genocide.

12. Even though, overall, the withdrawal of Rwandan troops from the DRC took place without any major incident, it should be pointed out, nevertheless, that the Mai-Maï have repeatedly tried to take advantage of the departure of the Rwandan troops to occupy the territories under RCD/G control. On 12 October 00, the town of Uvira was occupied by the Mai-Mai. Reacting to the capture of the town by the Mai-Mai, the RCD/G authorities decided to suspend
their participation in the on-going negotiations with the Government and announced that they were preparing a counter-attack to liberate the town.

13. Since then, the military, security and humanitarian situation had deteriorated considerably in the eastern part of the DRC. On 6 October 2002, I issued a Communiqué in which I underscored the need for all parties concerned to show maximum restraint and to refrain from any action that might jeopardize the current momentum in the peace process. I also informed my Special Representative in Kinshasa of the immediate action to be undertaken vis-à-vis all the parties to the peace process in order to bring the situation to normal.

14. On 16 October 2002, I received from the Embassy of Rwanda in Addis Ababa a copy of a Press release issued by the Rwandese Government, on the situation in Uvira. In the said Press Release the government made mention of the forces engaged in the battle in Uvira, particularly the ex-Rwandese Armed Forces (ex Far) and the Interhamwe, and of the threats posed by their action to the security of Rwanda and the entire region. The Press release denounced the violation of the Lusaka Agreement, reminded the International Community that Rwanda had fulfilled its obligations under the Lusaka and Pretoria Agreements and called on the Third Party to ensure that all the parties to the conflict honour their commitments. The Press Release also called on the Third Party to condemn the violation of the Agreements signed and deplored the silence and lack of appropriate response on the part of the International Community in the face of the situation.

15. On 18 October the Maï-Maï announced the intention to pull out of Uvira. On 19 October the RCD/G troops reoccupied the town and their authorities declared that they would continue the war in order to restore peace in the region. They also reiterated the suspension of the negotiations with the Government.

III. LUANDA AGREEMENT

16. On 15 August 2002, the Governments of the Democratic Republic of the Congo and Uganda concluded in Luanda an Agreement on “the withdrawal of Ugandan troops from the DRC territory, the resumption of cooperation and establishment of diplomatic relations” between the two countries. The Agreement was signed on 6 September in Luanda by Presidents Joseph Kabila and Yoweri Museveni in the presence of President dos Santos, President of the Republic of Angola in his capacity as Facilitator (“Third Party” in the Agreement).
17. The Agreement, among others, provided for:

− the Government of the Republic of Uganda to commit itself to pursue the withdrawal of all its troops from the DRC territory according to the schedule agreed upon by the two parties;

− the Agreement by the Parties that the Ugandan troops remain in the Ruwenzori mountains until the establishment of a security mechanism constituted by the Parties at the common border, including joint patrols and training of troops;

− the Agreement by the Parties, in order to respect the national sovereignty, territorial integrity, political independence and the inviolability of borders, to

  • Work for the restoration of the dignity and sovereignty of the DRC and meeting the security concerns of Uganda;
  
  • Abstain from giving military and logistics support to the armed groups, ethnic militia and all rebel movements against the interests of the Parties;
  
  • Solve all disputes in future through dialogue.

− the Parties, to commit themselves to restore good diplomatic relations;

− the parties, in cooperation with the Facilitation, agreed to hold regular meetings of evaluation of the Agreement for its actual implementation;

− with regard to the situation in the Ituri region, the two parties agreed to establish, with the assistance of MONUC, a Joint Committee of Pacification comprising, in addition to the representatives of the two governments, various leaders of the region.

18. Towards the end of September, the meeting of Experts of the Joint Commission in-charge of pacifying the Ituri Region was held in Kinshasa. The Commission, comprising the experts of the two countries and representatives of the Civil Society and the armed groups of the Region, considered the implementation of the item related to the Agreement and prepared a Report to be submitted to the “Third Party”.

19. As from 28 August, Uganda started the withdrawal of its troops from the DRC. The withdrawal would have been completed in Gbadolite and Beni. At the request of MONUC, the Congolese and Ugandan Governments agreed to maintain in Bunia some troops of the Ugandan Armed Forces to maintain law and order in the town.

IV. OTHER WITHDRAWALS OF FOREIGN TROOPS FROM THE DRC

20. Pursuant to the Lusaka Ceasefire Agreement, Zimbabwe and Angola began the withdrawal of their troops from the DRC. The two countries proposed to complete the process before the end of October.

21. A Congolese delegation led by the Minister of Foreign Affairs stayed in Bujumbura on 12 and 13 October 2002. The Communiqué issued at the end of the visit stated:

- the commitment of the Government of Burundi to withdraw its two battalions which were still on the DRC territory;

- the commitment of the Congolese Government not to allow its territory to be used as rear base by the Burundian rebels;

- the signing of an Agreement in due form by the Presidents of the two countries at a date and venue to be agreed upon, under the auspices of a third party.

V. ROLE OF THE MONUC AND THE DDRRR PROCESS

22. In a Special report on MONUC in September, the UN Secretary General recommended a new concept of Operations meant to build the military capacity of the Mission to ensure the DDRRR operations of the foreign armed groups in the DRC. The new concept of operation presupposed the establishment of two operational forces of about 700 men each, supported by appropriate logistics and based in Kindu and Kisangani. The Secretary General also recommended to Council to increase the number of MONUC troops to 8,700 of all categories and enhance their equipment to enable it carry out its mission within the framework of the DDRRR. It would be recalled that the Phase III of the ongoing MONUC deployment provided for 5,537 troops as against only 3,800 who are on the ground.

23. In anticipation of the Security Council Decision on his requests, the UN Secretary General gave instructions to the Department of Peace Keeping Operations to hold consultations with the countries likely to provide MONUC with future contingents.
24. The major tasks to be carried out by the Parties and which required the assistance of MONUC during that phase comprised the total evacuation of foreign forces from the DRC territory, the disarmament and demobilisation of armed groups. The programme also provided for the search for lasting solutions to the problem of armed groups, particularly, their repatriation, reinstallation and reintegration in the Rwandese society. The purpose of the DDRRR was, furthermore, to establish an environment in the East DRC which encouraged former armed combatants and their families to move towards a better life without arms.

25. Within the framework of the implementation of the DDRRR process, the exploratory mission to Rwanda by 79 ex-combatants of the Democratic Forces for the Liberation of Rwanda (FDLR) began in Kigali on 30 September 2002. Accompanied by the troops of MONUC, the 79 emissaries of the 2000 ex-combatants and families grouped in Kamina, carried out their mission in Rwanda freely. Four of them remained behind in the country. The 75 who returned to Kamina gave a report full of praise on the conditions offered by the Rwandese authorities to those who would return. That report motivated 138 others to be voluntarily repatriated on 12 October. MONUC hoped that the dynamism would have positive effects on the continuation of the DDRRR process.

26. During the period under review, the Chairman of the Joint Military Commission (JMC) visited the signatory countries to the Lusaka Agreement within the framework of consultations for the harmonization of the implementation of the Lusaka and Pretoria Agreements. The JMC members carried out their patrol, verification and humanitarian convoy escort activities. It should be pointed out the JMC cooperated very actively with MONUC, particularly, in the preparation for the execution of joint tasks to be assigned to them in the Pretoria Agreement implementation programme.

27. Within the framework of the efforts of the International Community to implement the DDRRR programme, it should be pointed out that:

- At the request of the United Nations, the Government of South Africa confirmed its commitment to provide 1,500 troops to strengthen MONUC. The schedule and details about the availability of the troops would be specified later on;

- The American Government proposed to offer 2 million US$ to the CMM, which is disbursable immediately.

- The Minister for Foreign Affairs of France announced, on 23 September 2002, in Kinshasa, the offer of 2 million Euros by its Government to MONUC.
VI. FUTURE ROUND OF THE INTER-CONGOLESE DIALOGUE

28. There had also been positive developments in the process for the settlement of the internal aspect of the Congolese crisis. Soon after his appointment as Special Envoy of the United Nations Secretary General for the Inter-Congolese dialogue, Mr. Moustapha Niasse set out to convince the parties of the need to reach a global and all inclusive agreement.

29. However, even though all the parties to the dialogue were, from the outset, in favour of the principle, the approaches as to its implementation differed from one group to another. For the signatories to the Sun City Agreement, notably the MLC, this principle should constitute the basis for all future negotiations and could, if need be, be adjusted to accommodate the non-signatory parties. For the non-signatories to the Sun City Agreement, united within the ASD (Alliance for the Preservation of the Dialogue), the dialogue should be resumed within the framework of the Lusaka Agreement. A third group forming the OPC (the Congolese Political Opposition), is in favour of the principle of the resumption of the dialogue according to a tripartite arrangement, namely the signatories to the Sun City Agreement, ASD and OPC.

30. Mr. Niasse set out to obtain the consensus of all the parties on the format of the delegations to future negotiations, the number of the institutions to be put in place, the sharing of responsibilities and the duration of the transition period. President Thabo Mbeki received in Pretoria the representatives of the Government, the RCD, the MLC, the political parties and other parties to the dialogue.

31. I would like to point out that my Special Representative in the DRC, Mr. Martin Bongo, is in contact with the players of the Inter-Congolese dialogue, encouraging them to facilitate the on-going efforts.

VII. MILITARY AND SECURITY SITUATION

32. The military situation was generally calm and the ceasefire was respected by the parties. No clashes were reported between the signatories to the Arusha Agreement. However, within the territories under the control of some of the armed groups, the situation sometimes seriously deteriorated and was further compounded by rebellion and the formation of undisciplined small armed groups which did not facilitate the resolution of the conflict.

33. Mention should be made of the fighting that took place in the Kivus in recent weeks. A few months earlier, there was fighting in Bunia between a group of dissidents of the Congolese Rally for Democracy/Liberation
Movement (RCD/ML) and RCD/National troops. The fighting resulted in 90 deaths and the displacement in the neighbouring forests of tens of thousands of inhabitants. Furthermore, they roused and exacerbated the ethnic opposition between the Hema and Lendu groups of the region.

34. To initiate dialogue between the two groups and with the entire community of the Ituri region, the Congolese government tried to reconcile the two parties at a Conference, in Kinshasa, from 26 August to 6 September 2002. The meeting which had the merit of making the political actors and the civil society of the Ituri region meet and talk to each other, under the auspices of the government, was suspended with the commitment to resume as soon as possible.

VIII. HUMANITARIAN AND SOCIO-ECONOMIC SITUATION

35. The humanitarian and socio-economic situation in the Congo remains alarming. The humanitarian organizations, which had even been victims of pillage of food and vehicles, complained about not being able very often to accede to many displaced persons.

36. That situation demanded that the International Community give substantial assistance to the Congo to support the efforts of socio-economic recovery of the country. Within that framework, at the end of July, I wrote to the Presidents of the African Development Bank (ADB) and of the World Bank (WB) and to the Director of the International Monetary Fund (IMF) to draw their attention to the fact that the on-going peace process in the region needed to be supported by an economic and social recovery programme commensurate with what was at stake. I urged them to endeavour for the complete resumption of the economic and financial cooperation of their institutions with the DRC.

37. In reply, the President of the World Bank informed me of the resumption of the programmes of his institutions with the DRC, important programmes financed or being financed, the support to peace and reconciliation efforts in the region, his commitment, in cooperation with the International Monetary Fund, to draw up a strategic plan for poverty control which would enable the DRC to speedily accede to the initiative for Highly Indebted Poor Countries (HIPC) and to benefit from a substantial cancellation of its debt.

IX. OBSERVATIONS

38. I note with great satisfaction that the peace process in the DRC has evolved positively. This evolution, which is due to the political will of the measure actors and the sustained efforts of the international community, has to be commended. There is need to hail particularly the decisive contribution
to this process of Presidents Thabo Mbeki and dos Santos, Facilitators respectively of the Pretoria and Luanda Agreements.

39. However, for various reasons, the process is still fragile as evidenced by the situation obtaining in the East of the Congo. Hence, the need for a greater commitment of all the parties concerned and the international community. The AU would leave no stone and turn in that regard.

40. At the same time, I encourage all the Congolese parties to show the necessary political will for the conclusion of a consensual and all inclusive political agreement.