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LETTER DATED 10 MARCH 1997 FROM THE CHARGÉ D'AFFAIRES A.I. OF
THE PERMANENT MISSION OF ZAIRE TO THE UNITED NATIONS ADDRESSED
TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit herewith the text of a memorandum that the Government of the Republic of Zaire gave Ambassador Mohammed Sahnoun, the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region, during his first visit to Kinshasa on 17 February 1997 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Khabouji N'zaji LUKABU
Chargé d'affaires a.i.
Minister Plenipotentiary
Deputy Permanent Representative

Annex

Memorandum dated 17 February 1997 from the Deputy Prime Minister of Zaire addressed to the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region

I. INTRODUCTION

1. The Government of Zaire is pleased to welcome you to the Republic of Zaire. It was delighted to learn of your appointment as joint United Nations/Organization of African Unity Special Representative for the Great Lakes region.

2. The Government of Zaire attaches great importance to your mission; first, because of the scope and complexity of the crisis in the Great Lakes region and, secondly, because this is the first time that the United Nations and the Organization for African Unity (OAU) have entrusted one person, representing the two organizations, with the responsibility of solving such a crisis.

3. As the President of Zaire informed you during your meeting with him in Gbadolite on Saturday, 15 February 1997, and as the Zairian Government also believes, if you perform your duties well, you may count on his full cooperation.

4. All that the Republic of Zaire, a State Member of the United Nations and a member of OAU, and a victim of unjustified and unprovoked aggression, is asking is that its case be treated fairly and equitably, in an objective and impartial manner, and without discrimination.

5. The Republic of Zaire is currently in transition because representatives of all the active political parties of the country, the entire political class and all the provinces met at the Sovereign National Conference, held in Kinshasa in 1991-1992, to reread Zairian history and draw lessons from it in order better to forge and direct their common future. No one was expressly excluded from this assembly of delegates of the Zairian people. At the end of the deliberations, they were all convinced that it was necessary to break with the country's old political order and establish a democratic State governed by the rule of law.

6. That was how the transitional institutional order was established; its main purpose is to indicate the way to the Third Republic by creating attitudes consistent with the democratic imperative of a State governed by rule of law, by instituting major political, economic, social, legal and cultural reforms with a view to creating an environment conducive to the establishment of a democratic State governed by the rule of law and by holding free, transparent and democratic elections from which no one would be excluded. Such elections would provide the Third Republic with leaders vested with political legitimacy.

7. This year, the long transition period will end with the holding of general elections throughout the entire territory of Zaire. The elections will be preceded by the adoption by referendum of the new Constitution on which national consensus has already been reached. The solution of the crisis in eastern Zaire

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and the restoration of Zaire's authority over the provinces that have been subject to aggression is an indispensable condition for any solution to the crisis in the Great Lakes region.

II. MISSION OF THE JOINT UNITED NATIONS/ORGANIZATION OF AFRICAN
UNITY SPECIAL REPRESENTATIVE FOR THE GREAT LAKES REGION

8. The Zairian Government has been informed of the tasks of the joint United Nations/OAU Special Representative. The Special Representative has a threefold mission:

(a) To promote, through his good offices, a political settlement of the various conflicts in the region by concentrating - from the outset - principally on eastern Zaire and Burundi;

(b) To prepare an international conference on peace, security and development in the region;

(c) To use his good offices to help preserve Zaire's unity and territorial integrity.

9. In this regard, the Zairian Government should like to state the following:

- It is necessary to specify, for the Government's information, the parties towards which the Special Representative's good offices will be directed and which will be involved in the peaceful settlement, and to define the nature of the conflicts.

For Zaire, recognition of persons whom neighbouring aggressor-countries have armed against it is out of the question. Further, the conflicts in the Great Lakes region should not be limited to Zaire and Burundi alone. There is a serious Tutsi-Hutu crisis in Rwanda, which is at the root of all the upheaval currently taking place in the region, and there is another serious conflict between the Ugandan Government and its internal armed opposition, a conflict that has been used as a pretext for attacking Zaire.

These are the conflicts that have given rise to the crisis in eastern Zaire. The Tutsi-Hutu conflict in Rwanda and Burundi and the Hima-Baganda conflict in Uganda, which are essentially Tutsi-Bantu conflicts, have been exported to Zairian territory, even though the Republic of Zaire, where there are more than 450 tribes, has not experienced this problem.

As long as a just and lasting solution to these conflicts is not found, it will be difficult to restore peace and stability in the Great Lakes region.

- The Republic of Zaire has always advocated the idea of an international conference on the crisis in the Great Lakes region, which should take an integrated approach to the protection of refugees and the provision of the assistance necessary for their reintegration into society; aid to the host country and country of origin; rehabilitation and reconstruction; border security; good-neighbourliness; movement of people and goods; and regional

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development, as well as the issues that are at the root of the cyclical mass exodus of refugees from Rwanda and Burundi.

Although everyone accepted this idea in September 1994, the United Nations Secretariat rejected it because the Government of Rwanda, fearing that Rwandan refugees would be given an opportunity to participate in such a conference, was opposed to it.

It is gratifying that the Security Council is today reconsidering this idea. However, Zaire believes that the complete success of the conference will depend on:

- (a) The prior withdrawal of all foreign troops from Zairian territory;
- (b) The non-negotiability of questions relating to Zaire's internal politics and national sovereignty, which include territorial integrity, the inviolability of frontiers, and nationality;
- (c) The meticulous preparation of the conference;
- (d) A clear statement, from the outset, of all objectives in order to avoid any ambiguities that might adversely affect peace and security in the region.

For this reason in-depth consultations, or further consultations, if one recalls the initiative of Ambassador Jesus, with all the States of the region are absolutely necessary.

Following this round of consultations, the Special Representative could submit an outline of his plan to those States for comment.

The Zairian Government also believes that, in the light of the statement by the President of the Security Council issued on 7 February 1997 (S/PRST/1997/5), the sequence of events should be as follows:

- (a) Submission of the Special Representative's report containing an initial evaluation of his visit to the region;
- (b) Meeting of the Security Council to consider Zaire's complaint and any follow-up to the statement by the President of the Council of 7 February 1997 in the light of the Special Representative's report;
- (c) Adoption of an official resolution:
 - (i) Condemning the attack on Zaire;
 - (ii) Calling for the cessation of hostilities and the immediate withdrawal of all foreign troops, including mercenaries, from Zairian territory;
 - (iii) Establishing mechanisms for monitoring the withdrawal of foreign troops and implementation of the resolution;

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- (iv) Reaffirming the territorial integrity and inviolability of the internationally recognized borders of Zaire and other States of the region;
- (v) Identifying ways and means of ensuring that the aggressor countries respect the cardinal principles set forth above;
- (vi) Ordering the cessation of cross-border incursions;
- (vii) Guaranteeing that refugees and displaced persons will be protected;
- (viii) Determining the compensation owed to Zaire for the damages occasioned by the massive, unprecedented and extended presence of Rwandan refugees in Zairian territory, the acts of aggression against Zaire, the attempts made on the lives and physical integrity of members of the Zairian Camp Security Contingent, many of whom were killed and others mutilated in the wake of the attacks on the refugee camps carried out by the regular armies of Rwanda, Uganda and Burundi;
- (ix) Arranging for the unconditional repatriation of all Rwandan and Burundian refugees, including former members of the Rwandan armed forces and militias;
- (x) Demanding that a peaceful solution be found to the inter-ethnic conflicts which are ravaging Uganda, Rwanda and Burundi;
- (xi) Imposing a military embargo on Uganda, Rwanda and Burundi, whose expansionist aims and bellicose tendencies have been amply demonstrated during the crisis in the Great Lakes region.

The Zairian Government is convinced that such a resolution would bring together all the elements needed to ensure the success of an international conference on peace, stability, cooperation and development in the Great Lakes region while allowing the Zairian Government to hold free, transparent and democratic general elections throughout the country in 1997. These elections would be open to all Zairians having political aspirations who met the necessary electoral criteria.

The Zairian Government thus sees the elections as a peaceful means of acceding to power that precludes any use of violence.

Furthermore, and in anticipation of the ending of the war in eastern Zaire, the Zairian Government is committed to the holding of a constitutional referendum in the conviction that the adoption of a new constitution, under which the Third Republic would be a democratic State ruled by law, expresses the will of the Zairian people to make a qualitative leap from the old regime to the new.

The Government hopes that its bilateral and multilateral partners will fully appreciate the importance of this leap and revitalize cooperation with Zaire and lift the embargo affecting such cooperation since 1993.

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It is indeed unfair that Zaire should be subject to an embargo even as its attackers have been authorized to purchase weapons to attack it with, as though Zaire were responsible for the flow of Rwandan Hutu refugees, including former members of the Rwandan armed forces and the Interahamwe, into Zairian territory in July 1994.

III. ELECTIONS IN ZAIRE

10. The Zairian Government has noted with satisfaction the decision of the Secretary-General of the United Nations to appoint Mr. Lansana Kouyate as his Special Representative to monitor the electoral process in Zaire.

11. The appointment of Mr. Kouyate, to which the Zairian Government agreed at the request of the Secretary-General, means that the Special Representative of the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity will no longer have specific responsibility for the elections in Zaire.

12. While acknowledging that the Zairian elections provide an answer to certain pseudo-problems raised by Zaire's attackers and that the joint Special Representative can cite the argument of elections to counter certain parties dealing with him who seek, by means of Zairian fronts, to destabilize the country, which has already initiated a process of change in response to the wish of the National Sovereign Conference, the elections are nevertheless an internal affair of Zaire's with which Uganda, Rwanda and Burundi have nothing to do. For this reason both Zaire and the European Union have approached the Secretary-General of the United Nations to ensure that the crisis in the Great Lakes region is treated separately from the question of elections in Zaire.

13. In the light of the agreement reached on this point by the Secretary-General of the United Nations and Prime Minister Kengo wa Dondo, the Zairian Government would find it incomprehensible that the monitoring of the elections in Zaire should be entrusted to someone other than the designated special envoy.

(Signed) Gérard KAMANDA wa KAMANDA
Deputy Prime Minister
Minister for Foreign Affairs
