



Security Council

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Letter dated 17 December 2019 from the Chargé d'affaires a.i. of the Permanent Mission of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit the official position of the Government of the Democratic Republic of the Congo regarding the situation in the country and the renewal of the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (see annex).

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

(Signed) Paul Losoko Efambe **Empole**
Minister Counsellor
Chargé d'affaires a.i.



Annex to the letter dated 17 December 2019 from the Chargé d'affaires a.i. of the Permanent Mission of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Official position of the Democratic Republic of the Congo

Meeting of the Security Council concerning the renewal of the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

New York, 16 to 19 December 2019

Introduction

The present position relates to the forthcoming renewal of the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), which, in accordance with Security Council resolution [2463 \(2019\)](#) adopted on 29 March 2019, expires on 20 December 2019.

The Government of the Democratic Republic of the Congo wishes to provide information to the members of the Security Council regarding various vital questions and the issues that should be addressed in the text of the new resolution that will be adopted between 16 and 19 December 2019.

Important questions that will be discussed

- Meeting of the Security Council concerning the situation in the Democratic Republic of the Congo and the renewal of the mandate of MONUSCO. Consideration of the report of the Secretary-General concerning MONUSCO.
- Discussion concerning the Great Lakes region. Consideration of the report of the Special Envoy of the Secretary-General for the Great Lakes Region, Xia Huang.
- Adoption by 30 December 2019 of the resolution concerning the renewed mandate of MONUSCO.

The present official position relates to the following five components:

- Peace, security and stability in the Great Lakes region;
- Electoral process;
- MONUSCO and the Intervention Brigade;
- Human rights and the political and humanitarian situation;
- MONUSCO: the economic dimension.

1. Peace, security and stability in the Great Lakes region

1.1. Peace and security continue to be essential to maintaining stability in the Great Lakes region. They require unfailing compliance with the agreements reached, and political will on the part of the leadership to work for harmony in the region.

1.2. The security situation in the Democratic Republic of the Congo is generally calm, but continues to be overshadowed by the activities of national armed groups and negative forces (foreign armed groups), in addition to intercommunal violence, particularly in the eastern part of the country. There are numerous national armed

groups, consisting mostly of Mai-Mai. Some are associated with foreign armed groups aligned with Uganda (the Allied Democratic Forces/Madina Tawheed wal Muwahideen (ADF/MTM)), Burundi (Forces nationales de libération (FNL), Résistance pour un État de droit au Burundi (RED Tabara) and Forces républicaines du Burundi) and Rwanda (Forces démocratiques de libération du Rwanda (FDLR), Conseil national pour le renouveau et la démocratie (CNRD), Rwanda National Congress and others). These coalitions could poison relations between the Democratic Republic of the Congo and its neighbours, something that gives those threats a regional character.

Intercommunal conflicts include those between the Hema and the Lendu in Ituri, the Banyamulenge and the Bafuliro, Babembe, Banyindu, Bavira etc. in South Kivu, and the conflict between Pygmy and Bantu groups in Tanganyika.

1.3. The President of the Republic, Félix Tshisekedi, launched large-scale military operations on 30 October 2019 in the town of Beni. The operations are being carried out by the Armed Forces of the Democratic Republic of the Congo (FARDC) with the support of MONUSCO. Their purpose is to eradicate all the threats, in particular ADF-MTM, a terrorist group that has pledged allegiance to Islamic State in Iraq and the Levant (ISIL).

Military pressure on the part of FARDC has had the following outcomes:

- Seven Mai-Mai militia members were neutralized and several military items were recovered in Mwera, in Fizi territory, on 2 November 2019;
- 20 Mai-Mai Nyatura fighters surrendered in Ngungu, Masisi territory, in North Kivu on 25 November 2019;
- 120 fighters belonging to the Mai-Mai Kalume group surrendered in South Kivu on 2 December 2019;
- More than 95 per cent of the bases of the CNRD negative forces were destroyed, and more than 1,712 people were captured, including 245 fighters and 10 political leaders of that dangerous movement, in Kalehe, in South Kivu, on 4 December 2019;
- A number of ADF-MTM strongholds have been taken back, including Mayangose and Mapobu-Carrières;
- Some leaders of FDLR-Forces combattantes abacunguzi (FOCA), such as Sylvestre Mudacumura, Juvénal Nsabimana (alias Jean-Michel Africa) and Charles Kakule, have been neutralized.

Unfortunately, despite such progress, the number of massacres of Congolese civilians perpetrated by ADF-MTM terrorists has once again started to climb. Some examples follow:

- 16 decapitated bodies were found in Mbau, in northern Beni, on Thursday, 5 December 2019;
- More than 100 civilians have been killed in Beni since November 2019.

Following the massacres, the President decided to establish front-line FARDC headquarters in Beni and called for MONUSCO to be more closely involved. The large-scale FARDC offensive has had satisfactory results: almost all ADF-MTM and negative force safe havens have been dismantled.

1.4. The Democratic Republic of the Congo has always worked to implement all the commitments of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, commonly known as the Addis Ababa framework agreement. It therefore calls for other regional States in general, and

certain neighbouring countries in particular, to take earnest action, and for the guarantors of the framework agreement to provide genuine support and comply with their commitments.

1.5. Taking stock of the detrimental effects of those armed groups and terrorists on peace in the Democratic Republic of the Congo the President stated at the 39th summit of the South African Development Community that domestic and foreign armed groups were causing persistent insecurity in the eastern part of the country. The most dangerous armed movement was ADF-MTM, whose modus operandi consisted of perpetrating terrorist acts consistent with their affiliation with ISIL. The group posed a threat to the Democratic Republic of the Congo and to the subregion as a whole.

1.6. At the 48th meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, held in Kinshasa from 27 to 31 May 2019, the positive developments in the subregion were duly noted. However, Central Africa, in particular the Democratic Republic of the Congo, continued to face considerable security challenges. States therefore reaffirmed their determination to strengthen subregional cooperation and combat the activities of armed groups, terrorism, maritime piracy, mercenarism and the illicit exploitation of natural resources.

1.7. At the 49th meeting, held in Luanda from 25 to 29 November 2019, in which the Democratic Republic of the Congo handed over the presidency to Angola, the Advisory Committee considered the geopolitical and security situation in Central Africa, political and institutional developments over the previous six months, and challenges related to governance, electoral processes, the humanitarian situation, human rights, and internal and cross-border security.

It also reviewed issues involving conflict connected with pastoralism and pastoral migration; maritime piracy in the Gulf of Guinea; the promotion of disarmament; implementation of the women and peace and security agenda in Central Africa; combating violent extremism and terrorism; pastoralism in Central Africa; and the institutional reform of the Economic Community of Central African States. Participants took stock of the security challenges that needed to be addressed, and noted the need to take into consideration peace and security in the context of climate change.

1.8. In order to comply with the decision of the Heads of State taken at the eighth high-level meeting of the Regional Oversight Mechanism of the Peace, Security and Cooperation Framework, held in Brazzaville on 19 October 2017, requiring the simultaneous and unconditional repatriation of FDLR and ex-Mouvement du 23 mars (ex-M23) combatants held in the Democratic Republic of the Congo, Rwanda and Uganda, the country has closed the FDLR camps in Walungu, Kisangani and Kanyobagonga and expelled 1,648 members of the rebel movement, along with their family members and the prisoners.

1.9. The delegation of the Democratic Republic of the Congo and ex-M23 leaders held in camps on Rwandan territory engaged in talks in Kigali on 28 October 2019 regarding the contribution of the Rwandan authorities towards formulating a road map leading to the voluntary repatriation of the ex-M23 fighters.

The talks were held in accordance with the resolutions adopted at the first meeting held in Kigali on 11 and 12 July 2019.

The parties made the following commitments in that regard:

- No law would be adopted other than the amnesty law;
- Military and political integration would take place;

- In view of the concerns expressed by ex-M23 leaders regarding ex-M23 fighters allegedly held in cells and military prisons in the Democratic Republic of the Congo, warrants would be lifted so that the prisoners could return freely to the country; looted goods would be identified jointly; the Congolese Government would organize the return of political officials and of the family members of ex-M23 fighters; and ex-M23 leaders would be kept safe;
- The return of the political officials would take 60 days as of the repatriation of the former fighters belonging to the movement.

Before the last round of talks, some fighters belonging to the movement had already been repatriated, including those who had been on Ugandan territory and the 900 former fighters who had been in Rwanda since 14 December 2014. One hundred other members in the Bihanga camp are currently being repatriated.

As regards the former fighters wanted by the military justice system, the National Oversight Mechanism of the Peace, Security and Cooperation Framework gave instructions to the Prosecutor-General of FARDC on 20 November 2019 with a view to taking action on the suspension of the arrest warrants.

1.10. The Congolese Government hopes that States members of the National Oversight Mechanism for the repatriation of foreign fighters will comply with the regional commitments made under the Addis Ababa framework agreement and the decisions taken recently by regional Heads of State.

1.11. The Government notes the momentum generated by the Government of Uganda with regard to the repatriation of ex-M23 fighters. However, it regrets that the leader of the ex-M23 fighters held in Ngoma (Rwanda), Pastor Runiga, openly and violently inveighed against the candidates for repatriation to the Democratic Republic of the Congo, and did so in front of the representatives of the guarantors (namely the Southern African Development Community, the United Nations and the International Conference on the Great Lakes Region), including those of the Democratic Republic of the Congo and Rwanda. In so doing, he hindered the implementation of the decisions taken by the Heads of State.

1.12. The Democratic Republic of the Congo therefore calls for the reactivation of the Tripartite Plus One Commission meetings, which brought together the countries at the heart of the conflict, namely the Democratic Republic of the Congo, Rwanda and Burundi, and was chaired by representatives of the United States Department of State. Those meetings came to a stop in 2010, although the agreement establishing the Commission had not been denounced by the parties.

2. Electoral process in the Democratic Republic of the Congo

2.1. The successful elections of 30 December 2018 made a significant contribution to the consolidation and strengthening of democracy and peace in the Democratic Republic of the Congo. They also made it possible to normalize democratic alternation, entrench the practice of peaceful transfer of power, and preserve national unity and harmony in the country.

2.2. The next local elections, which had been planned for 22 September 2019, have been rescheduled for 2020.

3. MONUSCO and the intervention brigade

3.1. In his first statement on the dais of the United Nations, the Head of State stressed the urgent need to readjust the configuration of MONUSCO to the evolving situation on the ground and concentrate more on the capacity of United Nations forces to engage in operations alongside FARDC: “The Democratic Republic of the Congo still

needs MONUSCO, but a streamlined, well-equipped, robust MONUSCO, with an appropriate mandate, like the Rapid Intervention Brigade that once helped rout the Mouvement du 23 mars”.

3.2. The intervention brigade should thus play an important role in neutralizing armed groups in the east of the country, as those groups are a spoiler to peace on Congolese territory.

3.3. The Democratic Republic of the Congo also supports the principle of increasing the operational capacity of the intervention brigade. For that purpose, the brigade should be provided with special units geared to asymmetric warfare; its artillery battery and combat engineering units should be brought back to capacity; and the forthcoming withdrawal of South African helicopters should be halted.

3.4. In 2002, the Democratic Republic of the Congo raised the possibility of exchanges with the United Nations aimed at reducing the staffing of MONUSCO with an ultimate view to its full disengagement.

3.5. In Security Council resolution [2277 \(2016\)](#) of 30 March 2016, the Security Council duly reiterated as follows: “any future reconfigurations of MONUSCO and its mandate should be determined in consultation with the Government of the Democratic Republic of the Congo on the basis of the evolution of the situation on the ground”.

3.6. The Congolese Government believes that the drawdown of MONUSCO troops should begin with the troops that are deemed non-essential, and that the intervention brigade contingent should be the last to leave Congolese territory. The Democratic Republic of the Congo thus agrees with the Southern African Development Community that, when the forces of the brigade deployed in the context of MONUSCO are scaled down, the capacity of the intervention brigade should not be affected until negotiations between troop contributing countries and the United Nations are complete.

3.7. In his speech of 15 February 2019 to the accredited diplomatic corps in the Democratic Republic of the Congo, the President recalled the governmental option of supporting the process of the progressive drawdown of MONUSCO while taking into account the developing security situation, by participating fully in the formulation of a joint exit strategy and its gradual transformation in the context of strategic dialogue.

The Congolese Head of State has stated that during the forthcoming discussions, which will address the renewal of the mandate of MONUSCO, the Government will be committed to asking for a reconfiguration through a qualitative reorganization of the troops, which should be fewer in number but better equipped and more experienced in dealing with asymmetric warfare in order to collaborate with FARDC in tracking down armed groups, which were the main threat to civilians.

3.8. Given that most of the elections have already taken place, the mandate of MONUSCO should henceforth be focused on protecting civilians and supporting the consolidation of State authority.

3.9. The Government of the Democratic Republic of the Congo hopes that the Security Council will renew the mandate of MONUSCO directly for a period of one year, i.e. until December 2020. In the intervening time, strategic dialogue could take place and a plan for the gradual withdrawal of non-essential troops could be agreed.

4. Human rights and the political and humanitarian situation

4.1. The Government of the Democratic Republic of the Congo has made it its mission to combat impunity for perpetrators of violations of human rights and international humanitarian law. In particular, it has:

- Strengthened judicial staffing capacities through training;
- Strengthened the legal framework by harmonizing national legislation in relation to the Rome Statute;
- Strengthened the institutional framework by splitting the Supreme Court of Justice into three courts, namely a Constitutional Court, a Court of Cassation and a Council of State;
- Built and rehabilitated infrastructure, including the Luzumu prison, Kinshasa prison and rehabilitation centre, Ndolo military prison and the judicial training institute (the National Judicial Training Institute (INAFORJ));
- Organized trials that have led to the conviction of senior officials and to the convening of mobile court hearings and expedited hearings in such places as North Kivu, South Kivu and Ituri.

4.2. The Government consistently endeavours to respect human rights and fundamental freedoms. It upholds respect for freedoms pertaining to the democratic space, for instance through the professional control of public demonstrations.

4.3. As regards combating violations of human rights and humanitarian law targeting children in conflict areas, a road map has been formulated with a view to ending the recruitment and use of children in armed groups and protecting them from sexual violence. The road map was signed by some 10 commanders of armed groups in December 2018 and January 2019, making it possible to free 553 children.

4.4. The Congolese justice system has been independently and professionally conducting hearings regarding the case of the murder of two United Nations experts, taking into consideration the information received from the mission of international investigators and additional information provided by the team of the special prosecutor. The 32nd and most recent hearing was held at the military court of the former Western Kasai Province on 3 December 2019.

4.5. The recommendations of the national joint inquiry commissions regarding alleged human rights violations during public demonstrations, particularly those of 19 September 2016, 19 December 2016, 31 December 2017, and January and February 2018, have been transmitted to the Congolese justice system, which is investigating with a view to dispassionately establishing responsibility.

4.6. Political de-escalation is taking place across the country and reassuring political and social stakeholders. The presidential amnesties of 29 December 2018 made it possible to free at least 1,131 people, including 35 women.

Three prisoners who have been described as emblematic, namely Jean-Claude Muyambo, Gérard Mulumba and Isaac Kabundi, were freed on 3 January 2019.

On 1 March 2019, the Government released the biometric passport of Moïse Katumbi of the Lamuka coalition, enabling him to move freely.

The President also announced the reform of the security services, the closure of secret prisons, and measures to free prisoners described as political or prisoners of opinion.

4.7. An emergency plan was enacted in Yumbi, in Mai-Ndombe Province, in order to respond rapidly to the humanitarian crisis there. Significant financial support should thus be mobilized as part of the multisectoral stimulus plan, in order to:

- Repatriate 16,000 people who have fled as refugees to the Republic of the Congo;
- Protect and ensure the safety of people and their property;
- Organize intercommunal dialogue facilitated by State agencies.

4.8. In May 2019, the Government of the Democratic Republic of the Congo responded decisively to the outbreak of Ebola haemorrhagic fever by establishing a technical task force supervised by the Head of State and coordinated by Professor Jean-Jacques Muyembe. The task force has enabled the introduction of a new strategy to tackle the epidemic, including the following points:

- Awareness-raising, education and dialogue in the fight against Ebola, targeting local populations through community-level communication;
- Government support, provided by the Ministry of Health, towards the revision of the multi-sectoral operational strategy;
- Mobilizing Government partner funds to combat the scourge of Ebola, which is exacerbating the security risk.

4.9. Statistics provided by the World Health Organization show that there have been a total of 3,318 cases as of 4 December 2019, 3,200 of which are confirmed and 118 probable. These include the 2,207 deaths that have been recorded since the start of the epidemic in August 2018, with an overall lethality rate of 67 per cent. An additional 136 people have received the rVSV-ZEBOV-GP vaccine. A total of 225,852 people have been vaccinated since August 2018.

5. MONUSCO: The economic dimension

5.1. Background

The Democratic Republic of the Congo has just experienced its first peaceful transition of power since independence. It is essential for every stakeholder in the peace and stabilization of the country to set about changing the way it acts in order to build on the momentum generated by the will of the Congolese people on 30 December 2018. Stabilization is impossible without economic progress in conflict or post-conflict zones.

MONUSCO should gradually evolve into an economic actor or a catalyst to fund projects in conflict and post-conflict areas in order to draw people away from the idea of survival or social existence through armed force.

5.2. Suggested economic activities:

- Support for development, with specific projects in conflict zones;
- Projects to be implemented by at-risk young people who have been demobilized or displaced and are vulnerable to the ideas of the armed groups;
- Support for the reintegration of demobilized people;
- Centralization and improved coordination of the work of the various United Nations entities in the Democratic Republic of the Congo;
- Fostering of synergies among the actors responsible for demobilization, such as the United Nations Children's Fund;
- Building or rebuilding villages with the support of international financial institutions, drawing inspiration from the projects implemented in Sierra Leone. The reconstruction of villages in the form of permanent structures would involve sedentarizing those population groups (e.g. demobilized persons and youth) that are vulnerable to recruitment by armed groups, and introducing income-generating activities;
- Technical support for local institutions.

5.3. Purposes (*ratio legis*) of that approach:

To preserve the spirit of the mission of MONUSCO in the Democratic Republic of the Congo and incorporate an economic and social dimension. The approach also entails:

- Efficiently redirecting the funds allocated for its mandate;
- Preparing for its gradual disengagement from the Democratic Republic of the Congo and evolution into a United Nations project financing entity;
- Replacing soldiers with investment capital.

Preliminary steps towards the adoption of that economic vision:

- A legal basis for the vision should be formulated;
 - At the current stage of research, it appears that neither the document on the MONUSCO withdrawal strategy nor the chapter on MONUSCO in the Common and Inclusive Political Agreement (New Year’s Eve agreement) refer clearly to actions of an economic nature as part of the mandate of MONUSCO;
 - However, the terms of Security Council resolutions [2211 \(2015\)](#), [2277 \(2016\)](#) and [2409 \(2018\)](#) require closer analysis.
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