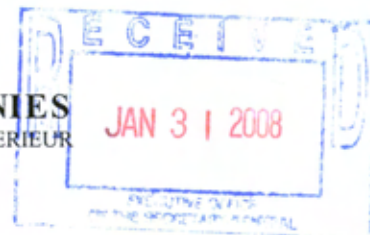


UNITED NATIONS
INTEROFFICE MEMORANDUM



NATIONS UNIES
MEMORANDUM INTERIEUR




TO: Mr. Vijay Nambiar
A: Chef de Cabinet
Executive Office of the Secretary-General

DATE: 31 January 2008

REFERENCE:

THROUGH:

S/C DE:

FROM:  Horst Heltmann, Director
DE: Security Council Affairs Division, DPA

SUBJECT: Security Council: Report on activities

OBJET:

Attached please find, for the attention of the Secretary-General, a note on the informal consultations of the Security Council on Wednesday, 30 January 2008 (p.m.), Part I.

cc: Mr. Pascoe
Mr. Menkerios O/R



PROCEEDINGS OF THE SECURITY COUNCIL

Wednesday, 30 January 2008 (p.m.), Part I

INFORMAL CONSULTATIONS

DRC

ASG Titov briefed the Council on the Conference on Peace, Security and Development in North and South Kivu, which concluded on 23 January after three weeks of intense and "often dramatic" consultations. Some 1,250 delegates represented all the main Congolese armed groups, including Laurent Nkundu's CNDP, as well as civil society groups and all major ethnic communities in the Kivus. President Kabila was present in Goma during the most critical phases and at the closing ceremony. Recurrent themes at the Conference were national identity, coexistence of various ethnic groups, the return of refugees and IDPs, representation of communities in government bodies locally and nationally, national resources, and the full spectrum of security issues, including foreign armed groups. On the latter issue, a general consensus emerged in favour of the FDLR peacefully disbanding and returning home, with many participants stressing the voluntary character of the FDLR repatriation.

The Conference resulted in two "Actes d'engagement", considered complementary to the agreements reached within the framework of the Nairobi Communiqué. The first was signed between the Government and nine armed groups in North Kivu, including the CNDP, and the second between the Government and thirteen armed groups in South Kivu. These agreements committed the signatories to a "total and immediate" cessation of hostilities and called for disengagement of forces and their disarmament and demobilization ("brassage"). On 24 January, the DRC issued a decree formally announcing the entry into force of the ceasefire in the Kivus, and MONUC reported that it had held so far. The Government further agreed to table in the Parliament a draft law on amnesty for "acts of war and insurrection" committed since 2003; the amnesty would not apply to war crimes, crimes against humanity and genocide. The question of Nkunda's future was not addressed, and it was not clear how the Government would proceed if he continued to refuse to leave the country.

ASG Titov stressed the importance of MONUC in supporting the implementation of the Actes d'engagement and assured members of the Council that this support lied broadly within the Mission's mandate under resolution 1794 (2007). The Mission was urgently identifying the adjustments it had to make. It was expected, in particular, to be establishing buffer zones, monitoring the ceasefire, protecting

civilians, facilitating the movement of the armed groups to brassage centers and taking over the areas they vacated. MONUC was already assisting in discussions on setting up the Joint Technical Commission, which was to be formally established by a Presidential decree to accompany the implementation of the Actes d'engagement. MONUC's Eastern Division started deployment of troops to the region and was establishing ten additional Mobile Operation Bases (MOBs) in North Kivu and two more in South Kivu.

Concluding, ASG Titov praised international partners for their engagement that led to the successful outcome of the Kivus Conference. Together with the Nairobi Communiqué, it established two interlinked processes, which, if successful, could bring peace and stability to the eastern DRC. A continuing international involvement, especially by donors, was required to underpin the two processes by longer-term development assistance and establishment of State institutions in the eastern DRC.

Council members welcomed the successful outcome of the Goma Conference as a significant step toward the restoration of peace and stability not only in eastern DRC but also in the entire Great Lakes region. South Africa and Indonesia expressed particular appreciation for the fact that the peace process was led by the Congolese themselves, including the local movements and the civil society. Ambassador Natalegawa stated that the success of such national initiative had given an "added value" to the accomplishment. Viet Nam believed that the Conference could serve as a model for conflict resolution in the region.

Burkina Faso, South Africa and the United Kingdom joined others in urging the parties to cooperate with MONUC in implementing the statements of commitment (Actes d'engagement), particularly their commitment to an immediate ceasefire and the DDR process. France stressed the need for the Council to help the legitimate government in Kinshasa to expand its authority throughout the country. Warning that the Council could impose individual sanctions on those who stood in the way of implementing the 23 January statements, Ambassador Lacroix invited MONUC to inform members of any violations of the commitment by the parties. Similarly, Belgium called on members to be vigilant on the implementation, noting that nothing had yet been realized on the ground.

France, Belgium, Burkina Faso, Italy, Viet Nam, China and Libya reiterated the importance of the DDR projects as well as security sector reform. France stated that the mistake of creating the so-called mixed brigades should not be repeated.

A number of delegations, such as the United States, Belgium, France, Panama and Costa Rica, underscored the importance of ending impunity and welcomed the exclusion of genocide, war crimes and crimes against humanity from the envisaged amnesty law. On a related matter, Ambassador Verbeke stated that he trusted that the government would handle the case of General Nkunda appropriately.

Several delegations (e.g. the United States, Belgium, Italy, Croatia, Burkina Faso and Panama) also called for the implementation of the commitments undertaken by the DRC and Rwanda in their Nairobi Communiqué. Belgium reiterated the need to expatriate foreign forces, in particular the Hutu-controlled FDLR. The United States demanded that FDLR lay down their arms unconditionally and return to their home countries. On the other hand, Libya was of the view that those foreign forces should be "persuaded" to go home. Burkina Faso urged the neighbours, including Uganda and Rwanda, to cooperate with the DRC.

Some delegations, including China and the Russian Federation, called on the international community to assist social and economic development in the eastern DRC, with a view to consolidating the momentum created by the Goma Conference.

Responding to questions, ASG Titov recalled that the Secretary-General had already expressed full UN support for the 23 January statements and its readiness to do everything possible to help the parties implement them. For instance, he said, MONUC was in the process of establishing additional ten Mobile Operation Bases in North Kivu, each of which would be composed of 30 to 50 personnel. Those bases would have a limited capacity to protect civilians. The Force Commander had ordered the relocation of one battalion and one company to the Kivus, and there would also be a temporary reinforcement of military observers. On Nkunda, ASG Titov noted the difficulty to assess the long-term consequence of his case. In his view, the "most preferred option" at the moment was to remove the renegade general from the region while keeping intact the command and control structure of his force for the implementation of the agreements.

Council members agreed to adopt a draft PRST (Attachment), which had been prepared by France and Belgium.

Kiyotaka Kawabata/Nikolai Galkin
SCSB/SCAD/31 January 2008

Attachment

28 January 2008

*Translated from French***Draft presidential statement: Democratic Republic of the Congo (Rev.1)**

The Security Council congratulates President Kabila and the Government of the Democratic Republic of the Congo, as well as the organizers and participants in the Conference for Peace, Security and Development in North and South Kivu, on the success of the Conference, held in Goma from 6 to 23 January 2008.

The Security Council is particularly pleased that the armed groups in North and South Kivu have undertaken to observe a complete and immediate ceasefire, to begin the withdrawal of their forces with a view to their brassage or their disarmament, demobilization and reintegration under the national programme for that process, and to abide strictly by the rules of international humanitarian and human rights law, set out in the statements of commitment (*Actes d'engagement*) which they signed with the Government of the Democratic Republic of the Congo on 23 January 2008.

The Council commends the Government for ordering a ceasefire in accordance with the statements of commitment. In the framework of the fight against impunity, while noting the Government's pledge to seek parliamentary approval of an amnesty law covering acts of war and insurrection, the Council welcomes the exclusion of genocide, war crimes or crimes against humanity from the scope of this amnesty.

The Security Council urges all the parties to the agreements to respect the ceasefire and to implement the other commitments they have undertaken effectively and in good faith. In this connection, it emphasizes the importance of the work to be carried out by the joint commissions provided for in the statements of commitment, and encourages the international community, including the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), to support that process. It also encourages MONUC to support the implementation of the statements of commitment, within the limits of its capacity and in accordance with its mandate, including with regard to the protection of civilians.

The Security Council also welcomes the resolutions adopted at the Conference and calls upon the appropriate authorities to act on the recommendations addressed to them. It underscores the need for the Congolese authorities and all political and social stakeholders in North and South Kivu to continue, through dialogue, to seek long-term and comprehensive ways to address the root causes of instability.

The Security Council reiterates the importance of the commitments undertaken by the Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda in their joint communiqué on a common approach to end the threat posed by illegal armed groups in the eastern part of the Democratic Republic of the Congo to peace and stability in both countries and the Great Lakes region, signed in Nairobi on 9 November 2007 (S/2007/679). It calls on the two Governments to continue to implement fully the joint communiqué, in particular by promptly taking appropriate measures to induce the Forces démocratiques de libération du Rwanda (FDLR) and other foreign armed groups to lay down their arms without preconditions and return to their home countries.

The Security Council encourages the international community, in particular the eastern neighbours of the Democratic Republic of the Congo in the Great Lakes region, to fully support the new dynamic launched by the Goma Conference and the Nairobi communiqué, which together represent a major step towards the restoration of lasting peace and stability in the Great Lakes region.
