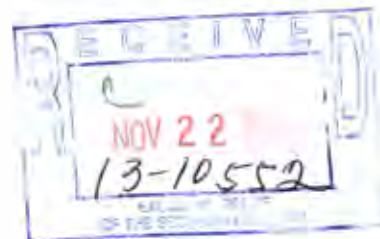


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Note to the Secretary-General

20/11/13

Eastern DRC/Kampala Process: The way forward

1. The overriding reason behind the failure to sign an outcome document in Kampala on 11 November is that the DRC Government is no longer prepared to sign a formal "agreement" with the M23, a rebel movement it sees as defeated on the battlefield. In an official communication published on 14 November, the Government blamed the non-signing of the text on the M23 and the "Ugandan Facilitator" (Minister of Defence Crispus Kiyonga, not President Museveni). However, it indicated its willingness to sign with the M23 a "document which would not be an agreement" that would give "legal force" to the M23's earlier declaration ending its rebellion and would settle the questions of cantonment, disarmament, demobilisation and social reintegration. Should no consensus be found, the Government announced that it would still abide by the provisions agreed upon earlier with M23 during the Kampala Talks, including amnesty (excluding perpetrators of the most serious crimes under international law).
2. Minister Kiyonga has indicated that he might refer the issue to the leaders of the region at the next ICGLR Summit, scheduled for sometime in January 2014 in Angola. However, there is much pressure on the parties from the region and the international community, including Special Envoy Robinson and Special Representative Martin Kobler, to ensure that a final outcome document is signed before the next ICGLR Summit. We also understand that President Museveni and President Kabila are trying to find an appropriate solution. Meanwhile, some members of the M23 negotiating team announced on 13 November that they would be ready to sign an outcome document containing the word "conclusions" of the Kampala Dialogue instead of "agreement", as proposed by the Government delegation. It remains to be seen if this announcement represents a split in the group or a personal undertaking by a few M23 members.
3. The DRC Government has asked that its aforementioned 14 November communication be circulated as a document of the Security Council (S/2013/670). This request could be viewed as both a conciliatory gesture by which the DRC Government is assuaging any concerns that it would not abide by the results arrived at in Kampala on substance, and as a message of firmness to Uganda (and Rwanda) that it would not be coerced into negotiating on par with a rebel group. The Government believes that an "agreement" with M23 would set a bad precedent for negotiations with other armed groups and would antagonize parts of the Congolese public opinion. However, the risk is much higher that, without a forum for political engagement, the M23 may regroup and resume its armed activities. This risk is exacerbated by the fact that a large number of former M23 combatants have surrendered to the Ugandan authorities; and the Ugandan Government Spokesperson has suggested that Uganda would hand those elements over to the DRC authorities only on condition that the parties reach a negotiated outcome in Kampala. In this regard, Uganda and Rwanda would need to be encouraged to work constructively with the DRC. Your calls to Presidents Museveni, Sassou Nguesso (who wields relative influence in Kinshasa), Kabila and Kagame should greatly help in this regard.



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4. We believe that the first priority would be to help mend the relationship between the DRC and Uganda, before the issue is brought before the ICGLR. President Museveni must have felt slighted when the parties failed to sign the "agreement". Furthermore, the DRC has publicly accused Uganda of siding with the M23. President Kabila has announced his intention to pay a visit to President Museveni in the coming days. He should be encouraged to do so without delay. Special Envoy Robinson is in contact with leaders in the region and will be visiting from 23 to 30 November in order to build trust, mend relations and work with the leaders on mutually acceptable ways to conclude the Kampala Dialogue, while moving forward with the implementation of the broader PSC Framework.

5. On 14 November, the Security Council issued a wide-ranging presidential statement on the DRC. With regard to Kampala, the Council joined its voice in calling for the swift conclusion and implementation of an agreed outcome, "in line with the Kampala talks", and for the immediate and permanent disarmament and demobilization of the M23 combatants, with the assistance of MONUSCO, in accordance with Security Council resolution 2098 (2013). After consulting OLA, we believe that the Council has provided MONUSCO with the general authorization to help implement any eventual outcome document, in particular with regard to security arrangements for M23 in a flexible and realistic manner. OLA has advised that once the outcome document is signed, you may wish to inform the Council of the signing, recall the presidential statement and state that MONUSCO is proceeding to assist in its implementation, in accordance with the provisions of the presidential statement. In the meantime, the extension of state authority into areas freed from armed groups in North Kivu should be an immediate priority, with MONUSCO's assistance, through the concept of "islands of stability". Quick disbursement funds for social reintegration of former combatants would need to become available and sought from key donors as soon as possible. President Kabila might visit North Kivu shortly.

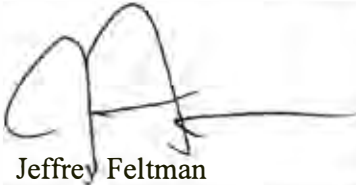
6. Concrete proposals are being discussed on how to persuade the DRC Government to sign the outcome document. The Government will also need to be encouraged to urgently develop a plan for the immediate and permanent disarmament of the M23, with the support of MONUSCO. The Mission will need to specify its role in supporting this process, which would include providing security arrangements and assisting in mobilizing social reinsertion opportunities for former combatants. At the same time, it will be important to urge Uganda to honour its commitments under the PSC Framework, as well as its obligations under the Security Council sanctions regime, with respect to listed individuals Sultani Makenga and Innocent Kaina. Uganda should also be encouraged to extradite, if and when requested by the DRC, the other M23 elements who have fled to Uganda to the DRC.

7. The Council also called for the neutralization of the FDLR, as well as ADF, LRA and various Mayi-Mayi groups. On 12 November, an FDLR faction issued a press statement calling for negotiations with Kigali, under AU facilitation. The reported numbers of armed group elements surrendering to Congolese authorities and MONUSCO has also increased. MONUSCO should energetically encourage these developments. The Council expects the Mission to focus on the FDLR, partly as a means to encourage Rwanda to continue exercising restraint. MONUSCO has engaged Rwanda, so far with limited success, to strengthen their collaboration on FDLR through intelligence-sharing and the establishment of a "hotline" on alleged incidents.

8. The Mission will continue to strengthen its own border monitoring mechanism. In this connection, the arrival of the first two Unarmed Aerial Vehicles (UAVs) in Goma on

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15 November (their first flight is scheduled for 3 December with the remaining three deployed by next April) will enhance the Mission's situation awareness regarding the movement of armed groups and support other aspects of the MONUSCO mandate.



Jeffrey Feltman
20 November 2013



Hervé Ladsous
20 November 2013

cc: Ms. Haq
Mr. Serpa Soares