



Security Council

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Fifteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1493 (2003) of 28 July 2003, by which the Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 30 July 2004, and Council resolution 1417 (2002) of 14 June 2002, by which the Council requested the Secretary-General to report to it at least every four months on the implementation of the resolution. The present report covers major developments since my report of 17 November 2003 (S/2003/1098).

II. Political transition

2. During the reporting period, the principal political institutions of the transition continued to function and several steps were taken towards the implementation of key provisions of the Global and All-Inclusive Agreement on the Transition. Yet, overall progress remained slow, in particular with regard to the legislative agenda; the extension of State administration; military integration; disarmament, demobilization and reintegration; and preparation for elections.

3. Furthermore, tensions within the Transitional Government have increased. In this connection, President Joseph Kabila's letter to the Supreme Court of 23 December 2003 seeking confirmation of his sole legal authority over the appointment of governors and control over military intelligence was criticized by some members of the Transitional Government as undermining the principles of power-sharing. The divisions between members of the Council of Ministers along party lines over the demands to remove the Minister of Tourism and the Minister of Transport also affected the functioning of the Transitional Government. The tensions in Bukavu in February (see paras. 34-37 below) further highlighted the difficulty associated with extending State authority and the existence of parallel security structures within the Transitional Government. The International Committee in Support of the Transition has actively sought to restore confidence by meeting with President Kabila and each of the four Vice-Presidents.



4. While domestic difficulties persisted, the Transitional Government increased its international profile. At a meeting of the Consultative Group for the Democratic Republic of the Congo, held in Paris from 17 to 19 December, donors confirmed financial contributions of some \$1.1 billion for disbursement in 2004 and \$1.2 billion in 2005, as well as pledges exceeding \$3.9 billion for the years 2004 to 2006. On 13 and 14 January, during a State visit by President Thabo Mbeki of South Africa, who was accompanied by six government ministers and prominent private sector representatives, a multisectoral cooperation agreement on strengthening and financing the Democratic Republic of the Congo, including in the areas of defence, education, tourism and mining over a 30-year period, was signed. From 2 to 9 February, President Kabila visited Berlin, Brussels, London and Paris to seek diplomatic support for the transitional process.

Legislative delays

5. The ordinary session of Parliament having concluded on 3 January with many items remaining on its agenda, an extraordinary session opened on 7 January to address the heavy backlog of vital legislation, including laws on national defence and armed forces, political parties, the institutions in support of democracy, decentralization, the constitution and the 2004 budget. To date, only the laws establishing the Independent Electoral Commission, the High Media Authority, the Ethics and Anti-corruption Commission and the National Human Rights Observatory, as well as the law on political parties, have been adopted by the National Assembly. The laws must be approved by the Senate before being formally promulgated. While the draft law on the Independent Electoral Commission has been approved by both houses of Parliament, certain provisions judged to be unconstitutional are currently under review.

6. One key issue related to legislative delays is the lack of material and human resources for the Parliament. Shortly after the opening of the extraordinary session, parliamentary activity was temporarily paralysed as its administrative staff went on strike to protest the non-payment of salaries for nearly six months. While the Transitional Government has since paid three months' back salary, the other outstanding arrears and regular salaries since then have not been paid.

Security sector reform

Military integration

7. Initial steps were taken towards restructuring and integrating the national army, to be known as the Forces armées de la République démocratique du Congo (FARDC). A draft law on defence and the armed forces, which was approved by the Council of Ministers in January, is under consideration by the National Assembly. The Transitional Government issued decrees establishing a Commission de contrôle des effectifs de l'armée, charged with overseeing the identification of elements belonging to hitherto different military organizations, and the État-Major technique d'intégration, which is to plan and undertake the operational aspects of integration.

8. On 12 January, President Kabila swore in one military region commander and two deputy commanders, replacing previous nominees who had not reported to duty. While some military region commanders in the eastern part of the Democratic

Republic of the Congo have begun to assemble former combatants in anticipation of their integration into FARDC, the lack of a clear plan, coupled with insufficient financial and logistical support, has seriously hindered those efforts. The gathering of Mayi-Mayi combatants without basic support actually increased insecurity and tension in some areas.

9. Through Belgian bilateral assistance, senior military officers from all armed components participated in two seminars held in Kinshasa, in November 2003 and January 2004, to plan military integration. The Government of Belgium, together with other partners, began training the first integrated Congolese brigade in Kisangani on 9 February 2004, with the first battalion to be completed shortly. This welcome initiative is a first key step of military integration in the Democratic Republic of the Congo. However, the lack of equipment and sustainment for the brigade has raised serious concerns regarding its future operational capacity. As the success of the brigade will be important to the transitional process, an appropriate post-training mission for the Congolese brigade should be planned, and the location of its deployment should be closely coordinated with MONUC.

Disarmament, demobilization and reintegration

10. As indicated above, on 18 December the Transitional Government established an inter-ministerial committee to oversee the planning of a national disarmament, demobilization and reintegration programme and its policies, a commission to coordinate and implement the national programme and a Committee for the Management of Demobilization and Reintegration Funds. While the World Bank has approved an initial advance of \$1.3 million to assist the Government to establish the commission, disbursement of the funds is contingent on the nomination of the national coordinator, which has yet to take place. The Multi-Country Demobilization and Reintegration Programme, administered by the World Bank, is expected to provide funding for the national disarmament, demobilization and reintegration programme in the Democratic Republic of the Congo. Pending the finalization of that programme, \$8 million (out of an approved total of \$19 million) has been disbursed under the Multi-Country Demobilization and Reintegration Programme towards special projects for interim activities.

11. The national disarmament, demobilization and reintegration programme, which is in preparation, is expected to be submitted to the Board of the World Bank in May in connection with the funding proposal. Now that the national programme is in the process of being finalized, work has begun, with the participation of MONUC, on the elaboration of a joint operational plan outlining the respective contributions and roles of all partners in the implementation of the disarmament, demobilization and reintegration plan.

12. Pending the development of the national programme, it is expected that MONUC will assume the following functions, within its current resources, in support of disarmament, demobilization and reintegration: (a) monitoring of disarmament and demobilization, including the registration and storage of arms; (b) carrying out the voluntary disarmament of individuals and small groups outside the government-administered centres, including the destruction of arms and ammunition surrendered; (c) providing assistance in the destruction of all other arms and ammunition at the Government's request; (d) transporting supplies to the disarmament, demobilization and reintegration centres on a space-available basis on

regular flights; and (e) monitoring and providing of advice on human rights and child protection. Once the national programme is finalized, MONUC will review whether additional measures need to be carried out by the Mission.

13. The lack of a national disarmament, demobilization and reintegration programme has presented operational problems for MONUC as numerous Mayi-Mayi have requested to be disarmed or reintegrated into the national army. To assist the Transitional Government in meeting emergency disarmament needs in the eastern part of the Democratic Republic of the Congo, MONUC will undertake some voluntary disarmament, primarily as a security measure. In the meantime, MONUC and the United Nations Development Programme (UNDP) are planning how to effectively utilize the rapid-response mechanism, which is a financial and operational tool managed by UNDP aimed at providing a quick response to a wide range of contingencies in connection with disarmament, demobilization and reintegration, pending the establishment of the national programme.

Protection of transitional leaders

14. The lack of training and coordination for bodyguards of the transitional leaders in Kinshasa and elsewhere has yet to be addressed properly. Although some of these personnel have been given official status in the Congolese national police, the close protection corps has not yet been formally established. Many of the bodyguards are irregularly and poorly paid and are ill disciplined. Several minor clashes between individual bodyguards were kept under control by the military contingent of MONUC, known as the "neutral force" (1,000 all ranks), and civilian police officers, who are part of the multilayered security confidence-building system for transitional leaders in Kinshasa. The accidental discharge of a rocket-propelled grenade in Kisangani on 29 January by a bodyguard of General Padiri, commander of the eighth military region, further underscored the need for all bodyguards to undergo training in the basic handling of weapons, which MONUC has offered to provide through its civilian police component.

National police

15. For the Transitional Government, the reform and restructuring of the Congolese national police is a major goal. To this end, the progressive transformation of the national police into a professional, non-politicized body — responsible for internal security, in accordance with the constitution and applicable legislation and human rights standards — is necessary. Progress towards this goal has been stymied by delays in the appointment of a unified police command, which is a prerequisite for the proposed national police reform planning seminar in which MONUC would assist.

16. Two decrees authorizing the establishment of the Integrated Police Unit for Kinshasa were issued on 16 December 2003. The European Union, which is supporting the training and assistance of the Unit, has allocated funds for this purpose and is expected to start training activities in mid-June. The training of the Unit, which will serve as the nucleus of the future police service, will provide a much-needed impetus in advancing the process of establishing an integrated police service in the Democratic Republic of the Congo.

The way forward

17. On 9 February, the United Nations convened a meeting in New York between the Transitional Government and a number of Member States concerned to review the status of security sector reform and to reach a common understanding on the key issues that needed to be addressed urgently to meet the timetable for the transition. It was agreed that the Transitional Government must take immediate steps to develop a comprehensive national security sector policy; to make budgetary provision for the establishment and maintenance of security entities; and to ensure that the national security sector reform and disarmament, demobilization and reintegration bodies coordinate their work under a common vision and strategy.

18. A number of key military reform issues were also agreed upon, including: expediting the review and adoption of the law on the general organization of defence and the armed forces; establishing the conseil supérieur de la défense; adopting and implementing a coherent, cost-effective and realistic military integration plan complemented by a comprehensive national disarmament, demobilization and reintegration programme; producing coherent, timely, effective and sustainable plans for the deployment of integrated FARDC units; and refurbishing military facilities and training centres. On police reform, agreement was reached on the need to elaborate the future role of the police service by holding a national seminar on police issues, to adopt decrees appointing the national police high command, to establish the close protection corps, to designate the command structure of the Integrated Police Unit and to refurbish police training centres.

19. The participants also agreed to set up an advisory group on security sector reform to assist the Transitional Government to plan and implement its reform policies, to ensure that adequate funds are made available for immediate disarmament requirements, pending the implementation of a national programme, and to establish a donor coordination mechanism, under the joint chairmanship of the Transitional Government and MONUC, to review progress in security sector reform every three months.

Progress towards elections

20. Elections are due to be held by 30 June 2005, in accordance with the transitional constitution. A key step in the process will be the adoption of an organic law establishing a viable Independent Electoral Commission responsible for the organization and supervision of elections. Other key laws on nationality, decentralization, amnesty and political parties must also be adopted, and a post-transition constitution must be drafted and submitted to a national referendum. In the coming weeks, decisions will be needed in key areas such as the type of voter registration, demarcation of constituencies and the electoral system.

21. On 24 November, President Kabila requested the United Nations to assist in the organization of the constitutional referendum and elections and in the coordination of international assistance for the electoral process. Accordingly, MONUC has convened an international technical committee on the electoral process, which meets weekly under the Mission's chairmanship. The Committee comprises representatives of several international partners, as well as the Chairman of the Independent Electoral Commission. The United Nations also completed the second phase of a feasibility study on the holding of elections in close cooperation

with the International Organization of la Francophonie, the European Union and the International Foundation for Election Systems/United States Agency for International Development. The feasibility study outlined a number of options for voter registration, the delimitation of electoral districts and electoral systems indicating the advantages and disadvantages of each option, as well as the related costs. The study is now under consideration by the Transitional Government.

Normalization of relations with neighbouring States

22. As a further step to the ongoing rapprochement between the Democratic Republic of the Congo and its neighbours, the Government of Rwanda nominated an ambassador to the country on 3 March. Nevertheless, after showing remarkable progress at the end of 2003, the pace of normalization of bilateral relations between the Democratic Republic of the Congo and its neighbours has slowed down. The Transitional Government has yet to follow up on the agreed-upon confidence-building measures with its neighbours, such as setting up a joint bilateral commission with Rwanda. Meetings of the joint security commission of the Democratic Republic of the Congo and Uganda were postponed several times during this period.

III. Advancing peace and security

Ituri

Deployment of the Ituri brigade

23. Since November 2003, the MONUC Ituri brigade has consolidated its positions in Bunia and deployed to seven locations in the interior of the region: Iga Barrière, Bogoro, Fataki, Kpandroma, Mahagi, Marabo and Tchomia. The final phase of deployment of the brigade will culminate when it deploys to Aru and Mongbwalu at the end of March. With the extension of the brigade, stability returned to some areas. In Fataki, for instance, some 10,000 internally displaced persons have returned since the deployment of the brigade on 5 November.

24. Nevertheless, volatility in Ituri has increased as a result of a combination of factors, including restricted operating space for armed groups with the extension of Ituri brigade operations, slow progress in the integration of the district into national structures, possible involvement of external actors and delays in launching a local disarmament and reintegration initiative. These factors have contributed to a new pattern of shifting alliances of the armed groups operating in the region, no longer necessarily along ethnic lines. One group, the Union des patriotes congolais (UPC), has split into two factions: one loyal to its president, Thomas Lubanga (UPC-L), and the other loyal to his former chief of staff, Floribert Kisembo (UPC-K). The Front des nationalistes et intégrationnistes/Forces de résistance patriotiques en Ituri (FNI/FRPI) and UPC-L have been conducting joint operations. On 11 February, the Forces armées du peuple congolais, the Parti pour l'unité, la solidarité et l'intégrité du Congo and FNI issued a declaration in Kampala announcing the creation of yet another alliance, although its current status is unclear.

25. Since 1 December 2003, reflecting an apparently new trend among militia hardliners to deliberately target MONUC, there have been some 20 separate attacks on the Mission, including on its aircraft and patrols in Kasenyi (16 January) and near Iga Barrière (19 and 20 January). In Bunia, death threats against both civilian and military MONUC personnel have been received, and on 12 February a MONUC military observer was killed when UPC-L ambushed a MONUC convoy en route to Bunia, returning from a human rights investigation in Katoto. As a result of these attacks, the Ituri brigade has raised its force posture, taking additional preventive measures through patrols, augmented checkpoint control and cordon and search operations, which have recovered a steady flow of arms and ammunition both in and outside Bunia.

Ituri Interim Administration and the role of the Transitional Government

26. During the reporting period, there has been some limited progress in solidifying the political process in Ituri. On the positive side, the meeting on 17 December 2003 of the Comité de concertation des groupes armées (CCGA) in Bunia agreed, in principle, to launch a pilot disarmament project. Since then MONUC, the Pacification and Verification Commission of the Ituri Interim Administration and members of CCGA have continued to verify the Ituri armed groups' designated assembly areas to prepare for the disarmament of the groups. On 20 January, the Vice-Minister of Demobilization formally adopted the Ituri operational plan for disarmament and community reintegration. The plan was jointly prepared by the Transitional Government, UNDP, the United Nations Children's Fund (UNICEF) and MONUC through the Ituri-based Comité technique de planification et de coordination and is to be implemented pending the adoption of the national disarmament, demobilization and reintegration programme.

27. However, the Ituri Interim Administration has not yet succeeded in extending its reach much beyond Bunia. Even within Bunia, armed groups continue to jockey for power and remain a source of instability. In this connection, my Special Representative, William Lacy Swing, met with President Kabila on 24 February to urge him to accelerate steps for the Transitional Government to extend State authority to Ituri. He suggested some urgent measures that could be taken by the Transitional Government, such as the appointment of a governor for Orientale Province and a district commissioner for Ituri and the establishment of an inter-ministerial working group to serve as the Mission's interlocutor on Ituri. Thereafter, during a visit to Ituri from 2 to 3 March, an inter-ministerial delegation from Kinshasa sent a strong message on the inclusion of the district in the broader transitional process, announcing that its administration would transfer from the Ituri Interim Administration to the central government through the appointment of a provincial governor and a district commissioner. The role to be played by the Ituri Interim Administration vis-à-vis the new representatives of the Transitional Government is as yet undefined. The delegation also extended President Kabila's invitation to all the armed groups to visit Kinshasa to resume a dialogue with the Transitional Government and stated that their compliance with the "weapons-free Ituri" policy and the disarmament and community reintegration programme were prerequisites for integration into the Forces armées de la République démocratique du Congo. The delegation also inaugurated the judiciary structures, including the prison, courthouse and police station, which have been rehabilitated by the French Government and the European Commission.