



Security Council

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Progress report of the Secretary-General on the recommendations of the Security Council mission to Central Africa

I. Introduction

1. The present report is submitted pursuant to the presidential statement of 25 July 2003 (S/PRST/2003/12), by which the Security Council requested me to submit a progress report on the implementation of the recommendations of the Security Council mission to Central Africa (S/2003/653) dated 17 June 2003.

2. The report reviews the status of implementation of the recommendations made by the Security Council mission regarding the Democratic Republic of the Congo, Burundi and the international conference on the Great Lakes region.

II. Democratic Republic of the Congo¹

3. In its report, the Security Council mission, which visited the Democratic Republic of the Congo at the beginning of June 2003, noted that it had chosen to concentrate on a limited number of questions that required urgent attention. These questions included the installation of the transitional Government and the creation of a unified national army; the situation in Bunia and the situation in North Kivu; the need for the countries of the region to exert a positive influence on the situation; and the end of impunity.

4. In this connection, the mission recommended to the Security Council that it be prepared to pledge its full support to the transitional Government to be established in the Democratic Republic of the Congo by 30 June 2003 and to call on bilateral and multilateral donors to render all possible assistance in the reconstruction of the country, including in the development of capable unified armed forces and police service. In regard to the situation in Ituri, the mission recommended that the Security Council, when deciding on measures aimed at consolidating and restoring the peace in Bunia and taking forward the Ituri political process, take into account the severe logistical constraints on any international force and the widespread

¹ Developments in the Democratic Republic of the Congo since the visit of the Security Council mission were discussed in the fourteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2003/1098), of 17 November 2003.

lawlessness and violence, as well as reports of the supply of arms into the country from outside sources. The mission also recommended that the Security Council increase pressure on the parties, both in the Democratic Republic of the Congo and throughout the region, to ensure that the necessary guarantees were provided to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to permit its verification activities. In regard to the human rights situation, the mission recommended that the Security Council consider practical steps that could be taken to end impunity in the Democratic Republic of the Congo. Taking note of the link between the illegal exploitation of the natural resources of the Democratic Republic of the Congo and the continuation of the conflict, the mission recommended that the Security Council be prepared to consider carefully and act on the recommendations to be made by the Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo in its then forthcoming report.

Establishment of the transitional institutions

5. On 30 June 2003, the forty-third anniversary of the independence of the country, President Kabila signed a decree appointing the members of the transitional Government, including 36 Ministers and 25 Vice-Ministers from the eight components and entities of the inter-Congolese dialogue. All the new Ministers and Vice-Ministers were sworn into office from 18 to 24 July and, on 24 July, the first meeting of the Council of Ministers, under the chairmanship of President Kabila, was held. On 8 August, the Council of Ministers adopted a comprehensive set of policy goals, including the removal of all barriers to the re-establishment of the national radio, press and television network; the formation of an integrated national army and integrated national police force; the harmonization of customs and taxes; and the rapid formation and deployment to Ituri of integrated units from the Congolese national police and the new Forces armées de la République démocratique du Congo. On 6 September, the Council of Ministers adopted a series of draft decrees on the organization and functioning of the Government, the various ministries, and the General Secretariat of the Government.

6. The 500-member National Assembly and the 120-member Senate were inaugurated in Kinshasa on 22 August. Since their inauguration, both houses of the transitional Parliament have adopted their internal rules of procedure. The National Assembly began its first ordinary session on 6 October. On 26 November, the transitional Government adopted its comprehensive programme for the transitional period, which was approved by the National Assembly on 18 December, with recommendations for several amendments concerning elections and the management of public companies. On 16 December, the Council of Ministers adopted several decrees relating to the establishment of a Committee for Disarmament, Demobilization and Reintegration, a National DDR Commission and the funding and management of the disarmament, demobilization and reintegration process, as well as on an Integrated Police Unit in Kinshasa and the Independent Electoral Commission. Despite some progress, the adoption of necessary legislation has been relatively slow. Accordingly, on 7 January 2004, the transitional Parliament started an extraordinary session in order to tackle the backlog on the examination and adoption of key legislation for the transition.

7. On 10 April 2003, my Special Representative convened the first meeting of the International Committee in Support of the Transition in Kinshasa, which has since

held regular meetings. The Committee comprises diplomatic representatives posted in Kinshasa of the permanent members of the Security Council, the Troika of the African Union (Mozambique, South Africa and Zambia), Angola, Belgium, Canada, Gabon, the African Union and the European Union. In a meeting between the Committee and President Kabila on 17 April 2003, all parties agreed that while the Congolese actors involved in the transitional Government should own and drive the peace process, the Committee would provide assistance and support to the transition. In this connection, the timely advice and intervention of the Committee was instrumental in resolving several deadlocks between the parties during the process leading to the installation of the transitional institutions.

Ituri

8. On 28 July 2003, the Security Council adopted resolution 1493 (2003), authorizing the deployment of the MONUC Ituri Brigade, under Chapter VII of the Charter. On 1 September 2003, MONUC assumed responsibility from the Interim Emergency Multinational Force (IEMF), which fully withdrew from the area by 15 September. Since 16 September 2003, MONUC has been enforcing a weapons-free policy, which was adopted by the Ituri Interim Administration, through cordon-and-search operations in Bunia and its environs in order to restore a sense of security in the town and dominate the armed factions.

9. The first phase of the mission's military expansion outside Bunia is under way. In this connection, MONUC is carrying out reconnaissance missions for future deployment, security assessments, humanitarian and human rights investigations, child protection activities, and liaison with local chiefs, political leaders and armed factions. By December 2003, five company outposts, at Iga Barrière, Bogoro, Marabo, Fataki and Tchomia-Kasenyi, had been established. It is planned that military deployments will extend to other sensitive areas in Ituri, including the north of the region.

10. It should be recalled that MONUC military deployments in Ituri are intended to stabilize the region to enable the Ituri Interim Administration to begin functioning and to facilitate its integration into the national transition process, including the restoration of State authority and institutions. To those ends, MONUC has supported the Interim Administration, which has continued to grow in influence and strength, by engaging the armed groups and the local population through its established mechanisms. Members of the Interim Administration regularly participate in reconnaissance missions outside Bunia, where meetings are held with the local authorities and the population to inform them of the existing peace process. The Interim Administration also organized successful peace marches in the town and is resolving problems relating to illegally occupied houses in Bunia. MONUC deployments outside Bunia are intended to facilitate the future extension of the Interim Administration's authority to other parts of Ituri.

Reconstruction of the Democratic Republic of the Congo and security sector reform

11. In regard to the integration of the armed forces of the belligerents, after considerable negotiation among the parties, on 24 June 2003, at the request of the national Follow-up Commission, the International Committee in Support of the Transition proposed a power-sharing formula to assist the parties to reach agreement

on the integrated high command. Further discussions among the Congolese parties, facilitated by my Special Envoy, Moustapha Niasse, together with the South African Minister for Local and Provincial Government, Fholisani Sydney Mufamadi, resulted in the signature, on 29 June, of a memorandum on the army and security, which provided for the allocation of senior posts in the integrated high command of the armed forces. On 6 August, agreement was reached to allocate three military regions to the former Government; two each to the Movement for the Liberation of the Congo and the Rassemblement congolais pour la démocratie (RCD) (Goma); and one each to RCD (National), RCD (Kisangani/Mouvement de libération) and the Mayi-Mayi. On 19 August, after further discussion among the parties on the nominees to fill the posts, President Kabila signed decrees appointing the chiefs of staff of the armed forces, and the commanders and deputy commanders of the 10 military regions. However, at this juncture, aside from the appointment of the senior military leaders and regional commanders, as well as the upcoming establishment in Kinshasa of an Integrated Police Unit and a Rapid Intervention Police unit and the effort led by the Government of Belgium to set up the first integrated and unified brigade in Kisangani, there is still a relative lack of clarity on the modalities for the integration and restructuring of the new Democratic Republic of the Congo armed forces, or for the setting up of a national Congolese police.

12. In regard to support for the reconstruction of the Democratic Republic of the Congo, a delegation of the transitional Government, led by the Minister of Finance, and including nine ministers representing all the components of the Transitional Government, met with development partners in Paris for a two-day Consultative Group meeting on 17 and 18 December 2003. The meeting was chaired by the World Bank and was attended by representatives from 15 donor countries and 17 international organizations. Participants commended the transitional Government for progress achieved since its establishment on 30 June 2003, and recognized the international community's sustained support as a key element for the success of the country's reunification and recovery. They announced or confirmed financial contributions, including about \$1.08 billion in disbursements in 2004 and \$1.2 billion in 2005, as well as pledges exceeding \$3.9 billion for the period 2004-2006. Donors indicated that their contributions in the following years would remain at this level, and would likely be increased if progress on both political and economic fronts continued.

Ending impunity

13. Ending impunity in the Democratic Republic of the Congo is closely related to establishing the rule of law. Restoring and strengthening the rule of law in the Democratic Republic of the Congo entails supporting the transition process to ensure a stable environment where the rule of law can prevail, as well as creating the institutions and processes that give substance to the notion of the rule of law. The European Union has initiated a comprehensive assessment of the justice sector in the Democratic Republic of the Congo with the close participation of MONUC, the Department of Peacekeeping Operations, the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights, and the Governments of Belgium, France and the United Kingdom. The assessment, which commenced on 15 October, is expected to provide recommendations to restore and strengthen a capacity for the administration of justice, particular attention being paid to the organization and functioning of the

judiciary and the police and penal institutions in the Democratic Republic of the Congo. The mission is expected to finalize recommendations in the first quarter of 2004 and provide short-, medium- and long-term strategies prepared by various donors for the reform of the rule of law institutions and processes in the Democratic Republic of the Congo.

14. In the meantime, an interim concept of operations for MONUC activities related to the rule of law has been adopted. It includes the provision of immediate support for the establishment of an emergency justice capacity in Ituri; proposed actions in support of national reconciliation efforts, which aim, inter alia, to remedy past abuses and to prevent current and future ones by ensuring basic rule of law systems; the promotion of a human rights culture by integrating human rights components in capacity-building exercises; and the provision of support to the reform of the Congolese national police and related criminal justice matters. A new structure consisting of a dedicated rule of law unit has been established within MONUC, to support a soon-to-be-established rule of law Task Force, comprising United Nations agencies and other international organizations.

15. With regard to Ituri, given the disturbing human rights situation described above, MONUC, the European Union, Coopération française and the transitional Government are coordinating efforts for the rapid restoration of a justice capacity in Bunia. On 20 October, a joint meeting was organized with the Congolese Minister of Justice to discuss the appointment of personnel to restart police, judicial and penal institutions in Ituri. MONUC expressed readiness to support those institutions, including the provision of security and transport for personnel. Since then, rehabilitation work on Bunia prison has been completed. In December 2003, the transitional Government nominated magistrates to be deployed to Bunia. Their deployment, as well as that of additional Congolese police officers, is expected to take place in the coming weeks. Such deployments should be a first step towards filling the virtual vacuum in the judicial capacity in Bunia that contributed to sustaining a climate of rampant impunity in the area.

Improvement in regional relations

16. Since the establishment of the transitional Government, efforts to normalize relations between the Democratic Republic of the Congo and its neighbours have been intensified. On 25 September 2003, the Secretary-General convened a high-level meeting of heads of State and senior representatives of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda, as well as Angola, Mozambique, South Africa and the United Republic of Tanzania, in New York, with a view to launching a new chapter of the peace process. The meeting adopted a declaration of principles on good-neighbourly relations and cooperation, in which those present reaffirmed their respect for the sovereignty, territorial integrity and political independence of one another; and agreed to refrain from interfering directly or indirectly in one another's internal affairs. The countries concerned also promised to refrain from any action aimed at the partial or total disruption of the stability or territorial integrity of one another, and to prevent the direct or indirect supply of arms and support to armed groups operating in the eastern part of the Democratic Republic of the Congo. During the meeting, the countries concerned were encouraged to turn their commitments into concrete action — including by reopening diplomatic missions, developing trade links, resolving the issue of refugees and normalizing border controls, with the assistance of MONUC.

17. On 20 October, the Minister of Foreign Affairs of Rwanda, Charles Murigande, visited Kinshasa for the first time since the beginning of the conflict. During the visit, he made a public statement expressing the support of President Paul Kagame for the transitional Government and announcing that the two countries had entered a new era in their bilateral relations and would work collaboratively to restore peace. The Governments of the Democratic Republic of the Congo and Rwanda also decided to reopen their respective embassies in Kigali and Kinshasa and to develop mechanisms for the exchange of information. MONUC has agreed to assist the two Governments in establishing a joint mechanism to address the disarmament, demobilization and repatriation of Rwandan combatants, primarily members of the former Forces armées rwandaises and Interahamwe militia remaining on Congolese territory. The Minister for Regional Cooperation of the Democratic Republic of the Congo, Mbusa Nyamwisi, visited Kigali from 29 to 31 October to further develop future cooperation between the two countries. On 27 November, following a summit of the heads of State of the Democratic Republic of the Congo, Rwanda and South Africa in Pretoria, Rwanda and the Democratic Republic of the Congo issued a joint communiqué, pledging to find “new ways to finish the work started by the Third Party Verification Mechanism”.

18. Ugandan Minister of State for Transport, Andruale Awuzu, met with transitional Government officials in Kinshasa to explore possibilities for improving trade opportunities in the region. The Minister for Regional Cooperation of the Democratic Republic of the Congo visited Kampala on 25 October to discuss the outstanding issues of the Luanda Agreement. The Government of the Democratic Republic of the Congo also formally extended an invitation to the Government of Uganda to dispatch its ambassador, who had been named earlier in the year, to Kinshasa. In a parallel initiative, Vice-President Jean-Pierre Bemba visited Kampala on 25 and 26 October, and was received by the President of Uganda, Yoweri Museveni. In addition, on 6 December, officials of the Democratic Republic of the Congo and Uganda met in Kampala for a second joint defence meeting and decided on the establishment of a Democratic Republic of the Congo-Uganda Joint Bilateral Security Intelligence Commission, with MONUC participation, before the end of 2003.

Exploitation of natural resources

19. In a letter dated 23 October 2003 (S/2003/1027), I transmitted to the President of the Security Council the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. The report states that since the Panel’s previous report of 16 October 2002 (S/2002/1146, annex), a number of significant political developments have taken place in the Democratic Republic of the Congo, leading up to national unification in July 2003, as fighting intensified in the eastern part of the country, notably in the Ituri district. Illegal exploitation remains one of the main sources of funding for groups involved in perpetuating the conflict. The report added that over the past year, such exploitation has been characterized by intense competition among the various political and military actors as they have sought to maintain, and in some cases expand, their control over territory. Overall, however, the transition of control from foreign forces to the armed groups has led to a temporary reduction in the volume of illegally exploited resources.

20. Regarding next steps, the report noted that the Panel has consistently highlighted the need for a strengthened national capacity to assume control and regulate the exploitation of Congolese national resources. Now that unification has taken place, it is time to pursue that objective. Along with the extension of government authority, a number of institutional reforms have to be initiated immediately with the objective of effective control of borders, strengthened auditing capacity, and a break-up of the large, State-owned mineral-resource enterprises. Full disclosure of revenues earned from natural resources is an important first step. Regional cooperation and confidence-building measures are also important.

21. In response to the Panel's report, the President of the Security Council issued a statement on 19 November 2003 (S/PRST/2003/21), in which the Council urged all States concerned, especially those in the region, to take steps to end illegal activities by proceeding with their own investigations on the basis of the information accumulated by the Panel. It also encouraged States, trade organizations and specialized bodies to monitor the trade in raw materials from the region. The Council emphasized that the prompt re-establishment of State authority throughout the country, as well as the installation of a competent administration, would be decisive for ending the plundering of natural resources. It encouraged the international community to provide assistance to the transitional Government of the Democratic Republic of the Congo for that purpose.

III. Burundi²

22. The Security Council mission recommended in its report that: (a) the Security Council call on the international community to assist the African Mission in Burundi (AMIB) with adequate financial and logistical assistance and on the Secretary-General to provide appropriate expertise; (b) the Council urge donor countries to fulfil the commitments they made at the Paris and Geneva conferences and to continue to follow up closely this point with the international financial community; (c) the Council assist Burundi in putting an end to impunity and that it consider carefully the Government's request for the establishment of the international judicial commission of inquiry as provided for in the Arusha Agreement; and (d) support be provided to the efforts made by heads of State in the subregion to promote a settlement between Forces pour la défense de la démocratie (FDD) and the transitional Government, consistent with the Arusha peace process.

Support to the African Mission in Burundi

23. Since the deployment of the African Mission in Burundi (AMIB), United Nations agencies and AMIB have maintained regular consultations. In this context, United Nations agencies in Bujumbura, with political guidance from the United Nations Office in Burundi, are assisting AMIB within their respective mandates, and the designated official on 10 September signed a memorandum of understanding with AMIB on behalf of the United Nations country team regarding security arrangements for United Nations personnel who would undertake missions to cantonment sites.

² Developments in Burundi since the visit of the Security Council mission were discussed in the report of the Secretary-General on the situation in Burundi (S/2003/1146) of 4 December 2003.

24. The deployment of AMIB was completed in October 2003. All the troops committed to AMIB by South Africa, Ethiopia and Mozambique — some 3,000 troops — are now on the ground. Since the establishment of AMIB's first cantonment site in June 2003, the number of ex-combatants of the armed political movements signatories of the 7 October 2002 ceasefire agreements — Forces nationales de libération (FNL) (Alain Mugabarabona) and FDD (Jean-Bosco Ndayikengurukiye) — has slightly increased and now stands at 218 combatants. No additional site has been established since then as there was a need to improve planning and coordination of the overall disarmament, demobilization and reintegration process, including the mobilization of sufficient financial and logistical resources.

25. The African Union and the troop-contributing countries are carrying out outstanding work in Burundi despite the challenges confronting them. The United States and the United Kingdom supported, on a bilateral basis, the deployment of Ethiopian and Mozambican troops, respectively. Italy, Germany and the Netherlands also made financial contributions to AMIB. At the African Union's request, the United Nations dispatched, on several occasions, technical experts to Bujumbura and Addis Ababa to assist in the elaboration of the budget of AMIB. However, AMIB is faced with difficulties, possibly jeopardizing the significant contribution it has made to advance the peace process. As a result of the advocacy and resource mobilization efforts undertaken by the United Nations Office in Burundi and the United Nations agencies in Burundi, the European Union has agreed to provide 25 million euros from "envelope B" (non-programmed activities) of funds allocated to Burundi from the ninth European Development Fund allocation. Further, I addressed a letter in December to the leaders of donor countries and institutions appealing to them to contribute generously to AMIB. Already, some countries have responded positively.

26. A National Commission for Demobilization, Reinsertion and Reintegration (NCDRR) was established by presidential decree on 28 August 2003. The Commission will define and oversee the implementation of the demobilization and reintegration process in cooperation with AMIB and the Joint Ceasefire Commission (JCC). The Commission has an Executive Secretariat which carries out day-to-day activities for the process. The demobilization of child soldiers will be given priority.

27. The United Nations agencies in Bujumbura, with political guidance from the United Nations Office in Burundi, have started to assist AMIB and the transitional Government in the areas of disarmament, demobilization and reintegration and security sector reform. Technical planning and preparation with the participation of all stakeholders have been completed. The draft joint operations plan for Burundian armed groups and a draft disarmament, demobilization and reintegration operations manual were finalized in early December 2003 and will be submitted to the JCC for its consideration.

28. A United Nations inter-agency workshop was held from 17 to 18 December 2003 to discuss a possible joint programme of activities in support of disarmament, demobilization and reintegration in Burundi. On 22 December, a meeting was held at the United Nations Office in Burundi under the co-chairmanship of my Special Representative and the Special Representative of the African Union, with the participation of the Chairman of the JCC and the country representative of UNICEF, to discuss a request made by President Ndayizeye regarding logistical support for

Conseil national pour la défense de la démocratie-Forces nationales pour la défense de la démocratie (CNDD-FDD) combatants in assembly areas. Plastic sheeting has since been delivered to the transitional Government and CNDD-FDD.

29. A new impetus has been given to the activities of the JCC with the arrival in Bujumbura of the representatives of CNDD-FDD (Nkurunziza) on 4 December 2003. Currently, all the parties except FNL (Rwasa) are fully represented in the JCC and are participating effectively. They undertook a reconnaissance mission to the sites proposed by AMIB for “pre-disarmament assembly areas” of the armed groups and “demobilization centres” in mid-December. The three demobilization centres proposed by AMIB and visited by the JCC members are located in Bubanza province (north-west of Burundi), Gitega province (central Burundi) and Bururi province (southern Burundi). A further reconnaissance was carried out on 5 January 2004 and the JCC took a formal decision on these matters during its plenary meeting on 5 January. The Chairman of the disarmament, demobilization and reintegration subcommission arrived on 6 January while the chairman of the FTA subcommission was awaited on 13 January 2003.

30. Some progress has been made with the repatriation of Burundian combatants from the Democratic Republic of the Congo. On 28 December 2003, MONUC repatriated 151 Burundian ex-combatants and 10 dependants to Burundi. Those Burundian ex-combatants belonging to the FDD and the FNL had been cantoned since February 2003 at MONUC’s transit centre at Adi Kivu, located 30 km north of Bukavu. The Burundian ex-combatants were transferred to the Gatumba refugee centre, where the National Commission for the Rehabilitation of the Sinistrés took care of them before taking them to their home districts. It is hoped that the repatriation will encourage the remaining ex-combatants to repatriate to Burundi.

Donor support for economic recovery

31. As I stressed in my report (S/2003/1146), despite the encouraging developments in the Burundi peace process, there is a risk that the hopeful signs of peace could be lost unless they are accompanied by improved living conditions, as a “peace dividend”. I therefore urged the donor community to provide all-round assistance to Burundi by accelerating disbursement of the pledges made in Paris and Geneva. According to the transitional Government, the level of disbursement has been very slow. Only 10 per cent of the total amount pledged for its projects at these conferences in 2000 and 2001 had been received.

32. At the 16th session of the Implementation Monitoring Committee (IMC), held in Bujumbura on 24 November 2003, my Special Representative, who chairs the IMC, launched an appeal to the donor community to ensure that substantial funds are effectively and expeditiously released to enable the transitional Government to meet the principal challenges faced by the country and to implement the reforms and programmes needed to restore and strengthen lasting peace in Burundi.

33. On 13 and 14 January 2004, the transitional Government, in partnership with the Government of Belgium and with the technical support of UNDP, organized a forum of the development partners of Burundi, to address four issues: (a) assistance to the sinistrés (war victims) and internally displaced persons; (b) assistance to the national programme in support of good governance; (c) budgetary assistance and balance of payments; and (d) support to the reform of the defence and security sectors. President Ndayizeye participated in the donor’s conference in Brussels,

which brought together representatives of major donor countries and international financial organizations. My Special Representative represented me at this important meeting.

34. Other initiatives within the United Nations system have taken place in order to provide assistance to restore the economy of Burundi. In July 2003, the Economic and Social Council established an Ad Hoc Advisory Group on Burundi, within the context of its discussion on African countries emerging from conflict.

35. In a statement before the Economic and Social Council on 19 December, the Chairman of the Ad Hoc Advisory Group referred to the mission of the Group to Burundi from 19 to 26 November 2003 and stated that the Group had been impressed by the work carried out by the Government of Burundi to engage on the path of sustainable development and to create the conditions for an increased involvement by the international community in support of these efforts. He also acknowledged the enormous economic and social challenges faced by the country, in particular the expected return of large numbers of refugees and internally displaced persons, and stressed that this situation called for strong international support to Burundi and a genuine partnership between the country and its development partners. The Group, which was represented at the Brussels forum, will submit its report to the Economic and Social Council at its organizational session for 2004, to be held on 4 and 5 February.

36. On the humanitarian side, the United Nations and its partners launched on 19 November 2003, the 2004 Consolidated Appeal, calling for some \$71 million to address the humanitarian needs of Burundians. Last year, only 37.7 per cent of the 2003 requirements of the Consolidated Appeal Process was covered. I strongly urge donor countries to strengthen their support to humanitarian assistance efforts in Burundi.

Efforts aimed at putting an end to impunity

37. The human rights situation in Burundi is a matter of serious concern. Killings of civilians, arbitrary arrests and detentions, rapes and sexual violence, forced recruitment of child soldiers and inefficiency of the justice system continue to be reported. The perpetrators of human rights violations are either not punished or the trials are often too slow or fall short of internationally agreed standards for fair trials.

38. The issue of impunity, including accusations of war crimes, will continue to plague the socio-political scene in Burundi in the foreseeable future and might well constitute a major threat to the peace process. The Arusha Agreement adopted the concept of provisional immunity to deal with political crimes committed in the past as a means of allowing for the commencement, during the Transitional Period, of the national reconciliation and healing process. The Agreement also called for the putting in place of structures and mechanisms to deal with the issue of impunity. One of the central pieces of this process is the Truth and Reconciliation Commission, which is expected to play a major role in the reconciliation process. Regrettably, the adoption by Parliament of the law on the Truth and Reconciliation Commission has been stalled owing to disagreement between the two major political groupings comprising the Transitional Institutions, the G-7 and the G-10.

39. In November 2003, on the occasion of the visit to Burundi of my Under-Secretary-General for Political Affairs, the Burundi authorities gave assurances that all the difficulties had been overcome and that the Truth and Reconciliation Commission would be set up very soon, most probably during the parliamentary session in February 2004. The IMC is working closely with the transitional institutions on the modalities for the establishment of the Commission.

40. Lasting peace in Burundi could be achieved only if there is accountability for past and current human rights violations. To contribute to that end, the Field Office of the High Commissioner for Human Rights, despite very limited resources, has developed projects aimed at monitoring the human rights situation, strengthening the judiciary, assisting in the development of civil society and reinforcing a human rights culture within Burundi society. The Office, which focuses on the implementation of the Arusha Agreement, will help to build, if resources allow, the capacity of the Government's commission for human rights and networks of women leaders and human rights journalists.

41. With regard to the Government's request to the Security Council to establish an international judicial commission of inquiry, the United Nations stands ready to provide the assistance and advice that the Council deems appropriate.

Support to the regional efforts to promote a settlement between the transitional Government and CNDD-FDD (Nkurunziza)

42. The United Nations Office in Burundi has provided all-round support, including diplomatic and financial support, to the facilitation and regional peace initiative as well as to the Burundian parties. These efforts contributed to finalizing a comprehensive ceasefire agreement on 16 November 2003, which was signed in Dar es Salaam between the transitional Government and CNDD-FDD (Nkurunziza). The transitional National Assembly and the Senate adopted the comprehensive ceasefire agreement on 20 and 21 November 2003, respectively. This has permitted CNDD-FDD (Nkurunziza) representatives to return to Bujumbura and participate in the transitional institutions.

43. The implementation of the comprehensive ceasefire agreement has thus far proceeded in a relatively satisfactory way and according to the agreed timetable. On 23 November 2003, President Ndayizeye appointed a new cabinet, composed of 27 members, including four CNDD-FDD members. On 15 December 2003, President Ndayizeye appointed Brigadier General Adolphe Nshimirimana, former chief of staff of CNDD-FDD (Nkurunziza), as the Deputy Chief of Staff of the Burundi National Defence Force.

44. CNDD-FDD members appointed to cabinet positions have officially taken office, including Pierre Nkurunziza, leader of the movement, who was appointed State Minister for Good Governance and State Inspection.

45. In his New Year address to the Burundian people, President Ndayizeye called on all stakeholders to accelerate the implementation process and set deadlines for implementation. CNDD-FDD (Nkurunziza) reacted positively by announcing that although it could not meet the deadline of 5 January, it would make every effort to have its combatants gathered in the assembly areas by 10 January 2004.

46. On 6 January, President Ndayizeye signed a decree appointing 33 members of the joint military high command, 20 from the army and 13 from FDD (Nkurunziza).

The appointments are in accordance with a Forces Technical Agreement signed in Pretoria on 2 November 2003. On the same day, the President signed another decree outlining the mandate of the joint command. The command is expected to propose to the Government the size and structure of the new National Defence Force, taking into account the percentages given in the Forces Technical Agreement.

47. The joint command is also assigned the function of overseeing the disarmament, demobilization and rehabilitation programme of former rebel combatants, and of building trust between the armed forces and the former combatants of the CNDD-FDD and other movements that have signed ceasefire agreements with the Government. A joint security unit will be set up prior to the establishment of the new National Defence Force on 15 February 2004.

IV. Preparations for an international conference on the Great Lakes region

48. In its report, the Security Council mission considered that the installation of the Congolese transitional Government and the successful conclusion of a ceasefire in Burundi could clear the way for the possible convening of an international conference on the Great Lakes region.

49. Over the past six months, advances in the Democratic Republic of the Congo and Burundi peace processes have created a new momentum in favour of the conference. The core countries to the conference, with United Nations, African Union and donor support, have made progress in designing a process that favours substantive dialogue among them in the months ahead and offers the best hope of a successful outcome.

Launching of the preparatory process at the first meeting of core countries (June 2003)

50. The six core countries of the conference appointed national coordinators, who met for the first time on 23 and 24 June 2003 in Nairobi. At that meeting, they agreed to the proposed international conference and launched the preparatory process.

51. As noted in my report of 17 November 2003 to the Security Council (S/2003/1099) on preparations for an international conference on the Great Lakes region, the Nairobi meeting, which was convened under the auspices of the United Nations and the African Union, was essential in determining the future direction that the conference would take, and in defining its objectives, themes, structure, composition and tentative timetable.

52. In support of this process, the meeting of the Executive Council of the African Union at Maputo from 4 to 8 July 2003 encouraged the Chairperson of the African Union to pursue his efforts to ensure the success of the Conference. In the same vein, on 20 November, following a briefing by my Special Representative for the Great Lakes region, the Council adopted a presidential statement (S/PRST/2003/23) specifically devoted to the conference, in which it welcomed the progress made, called on the parties concerned to follow up this initial step with intensified efforts, and appealed to the countries of the region and the international community to provide political, diplomatic, financial and technical assistance.

Setting up the Group of Friends of the Great Lakes region (December 2003)

53. Another important development was the setting up of the Group of Friends of the Great Lakes region at a meeting that took place on 4 December 2003 in Geneva and which was attended by senior representatives of 28 countries and 10 multilateral institutions. The Group of Friends, which is co-chaired by Canada and the Netherlands, will be an important partner, providing political, diplomatic, technical and financial assistance throughout the preparatory process of the Conference. The executive committee of the group is now finalizing a document defining the financial modalities for supporting the activities of the preparatory process.

Discussing the way forward at the second meeting of the core countries (December 2003)

54. At their second meeting, convened in Nairobi on 19 December 2003, the national coordinators of the core countries took stock of the most recent developments in the preparatory process, discussed the way forward and adopted the decisions and recommendations discussed below with regard to the conference.

55. *Objective and priorities.* The meeting reiterated that, as agreed upon at the first meeting of national coordinators in June 2003, and on the basis of the recommendations of the heads of State of the region, the four adopted themes of the conference (S/2003/1099) were interlinked and equally important and should therefore be given equal and simultaneous treatment. The outcome of the conference could be a pact on security, stability and development that would promote a set of policies and programmes dealing with concrete issues pertaining to each of the four themes. It is expected that, in the field of peace and security, the pact would further reinforce and widen the scope of the declaration on the principles on good-neighbourly relations and cooperation between the Democratic Republic of the Congo and Burundi, Rwanda and Uganda, signed at the United Nations in New York on 25 September 2003.

56. *Participation.* The meeting confirmed the inclusion of Zambia in the group of core countries, bringing its membership to seven (Burundi, the Democratic Republic of the Congo, Kenya, Rwanda, the United Republic of Tanzania, Uganda and Zambia). It considered that more consultations were needed with the respective capitals on the issue of expansion of the core countries to other States. While the meeting registered its appreciation for other countries to be part of the conference, it also felt the need to define criteria of membership so as not to dilute the impact of the conference with a participation that was too broad. It was decided that the issue of expansion of membership would be further discussed following the meeting with African subregional organizations, on 12 and 13 January 2004 in Addis Ababa. By that time, the national coordinators would have an answer from their respective authorities.

57. *Timetable.* Owing to the delays in the setting up and operation of some of the national preparatory committees, delays due to either specific national political developments (Democratic Republic of the Congo) or to difficulties related to financial support, there was unanimity on the need to adjust the timetable adopted at the June meeting. Therefore, proposals were made for the first meeting of the Ministers of Foreign Affairs to take place in the second week of October 2004 and for the first summit to take place in November 2004. A final decision on the new full timetable will be made following the meeting of African subregional

organizations, scheduled on 12 and 13 January 2004 in Addis Ababa. The meeting, which will be attended by the national coordinators, is meant to map out the different programmes and projects of relevant African subregional organizations, the objective being to help to avoid duplication and strengthen common efforts towards the goals of the Conference.

58. Following that meeting, it will be imperative that the first regional preparatory meeting of national preparatory committees be convened as soon as possible. It is during that first regional preparatory meeting of the committees that detailed discussions on substance and priority programmes expected from the international conference will be initiated at the regional level. This meeting is expected to take place in February 2004. However, without the necessary budgetary provisions for staff and other resources for the office of the Special Representative of the Secretary-General for the Great Lakes region, the preparatory process will necessarily be delayed, or even seriously affected.

V. Observations

59. The installation of the transitional Government in the Democratic Republic of the Congo has brought positive developments to the country. The security environment in the East has improved. Signs of national reunification are evident, in particular the resumption of transport and commercial links connecting cities in the formerly divided territories. Significant progress has also been made in normalizing relations between the Democratic Republic of the Congo and its neighbours and the pace of disarmament, demobilization, reintegration and resettlement or repatriation of Rwandan, Ugandan and Burundian armed elements has accelerated beyond expectation. Progress has also been made at the national level in pursuing the goals of the transition, including the adoption of decrees regarding elections, disarmament, demobilization and reintegration, and the Integrated Police Unit, which is to provide security for transitional leaders and institutions. These are encouraging and important developments, especially in view of the years of war and division which have afflicted the country.

60. Nevertheless, much work remains to be done by the transitional Government and people of the Democratic Republic of the Congo in pursuing the objectives of the global accord. A clear prioritization of requirements is needed to ensure the success of the transition, including security sector reform, the rule of law and human rights, and elections. Moreover, the Government must continue to extend its authority throughout the country. In regard to security sector reform, despite a general consensus regarding the structure of the new armed forces, critical decisions on how to plan and implement the reform of the military have yet to be made. The situation is the same in regard to police reform. These decisions are essential for the implementation of disarmament, demobilization and reintegration. While work is being done in the area of human rights, considerable and sustained efforts will be required in regard to strengthening the judiciary and human rights institutions to put an end to impunity.

61. While the situation in the Democratic Republic of the Congo begins to evolve from one of crisis to positive, yet slow, developments in the transition to sustainable peace, it is critical that the Security Council's attention remain focused on the needs of the country. In supporting the transitional Government in its work, every effort

must be made to ensure that the international community speaks with one voice at all levels and uses the appropriate leverage available to it. In this connection, a welcome development is that the International Committee in Support of the Transition has grown in strength and influence over the past six months. Moreover, MONUC's presence and influence in the East is also growing and the mission is building up its capacity to assist in the rule of law, including police reform and elections. Yet, the financial and political support of key donor countries remains critical, particularly in the areas of security sector reform, the rule of law and elections, in order to lay the groundwork for the transition to a democratic state.

62. Substantial progress has been made in Burundi in implementing the recommendations of the Security Council mission, and the prospects for peace in Burundi have improved considerably. It is hoped that the declaration by Palipehutu-FNL (Rwasa) to enter into discussion with President Ndayizeye will be followed by concrete steps that will lead to that movement finally joining the camp of peace.

63. The challenges that lie ahead in the peace process in Burundi are tremendous, as the transitional period is expected to end in November 2004, following presidential and National Assembly elections. The international community's commitment will continue to be needed as the peace process enters a new crucial phase, and it should sustain its political advocacy role and maintain its financial, logistical and technical support to Burundi.

64. The United Nations Office in Burundi will continue to provide substantial support to the transitional Government, the transitional institutions and other Burundian partners for the successful conclusion of the peace process. The United Nations, which chairs both the IMC and the JCC, will continue to monitor the progress in the peace process and in the implementation of the ceasefire agreements, including the disarmament, demobilization and reintegration process, security sector reform, the repatriation of refugees and displaced persons, and the legal and constitutional aspects of the reconciliation process. The United Nations will likely be called upon to provide electoral assistance once relevant legal instruments are put in place.

65. The prospects for convening the international conference on the Great Lakes region have significantly improved in the last six months, as a result of the momentum in the Democratic Republic of the Congo and Burundi peace processes in particular. With the launching of the preparatory process in Nairobi last June, the outline of the conference has started to take shape. The core countries have put in place a framework in the context of which they will be conducting their dialogue and discussions on substantive issues in the coming months.

66. The launching of the preparatory process for the conference has increased the activities of the office of the Special Representative of the Secretary-General for the Great Lakes region. In addition to its previous activities, the office will have to convene in the coming months three important regional preparatory meetings and a set of regional thematic meetings. The staffing resources provided to the office of the Special Representative of the Secretary-General for the Great Lakes region are not sufficient. In order to be able to effectively carry out the increased tasks that have recently been entrusted to it, the office requires additional resources.