



Security Council

Sixty-seventh year

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Wednesday, 21 November 2012, 10.25 a.m.

New York

President: Mr. Hardeep Singh Puri. (India)

Members:

Azerbaijan	Mr. Mehdiyev
China	Mr. Tian Lin
Colombia	Mr. Osorio
France	Mr. Araud
Germany	Mr. Wittig
Guatemala	Mr. Rosenthal
Morocco	Mr. Loulichki
Pakistan	Mr. Masood Khan
Portugal	Mr. Vaz Patto
Russian Federation	Mr. Ilichev
South Africa	Mr. Crowley
Togo	Mr. Menan
United Kingdom of Great Britain and Northern Ireland	Mr. Parham
United States of America	Ms. Rice

Agenda

The situation concerning the Democratic Republic of the Congo

Report of the Secretary-General on the United Nations Organization
Stabilization Mission in the Democratic Republic of the Congo (S/2012/838)

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The meeting was called to order at 10.25 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (S/2012/838)

The President: Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Roger Meece, Special Representative of the Secretary-General and Head of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, to participate in this meeting.

On behalf of the Council, I welcome Mr. Meece, who is joining today's meeting via video teleconference from Kinshasa.

The Security Council will now begin its consideration of the item on its agenda. Members have before them document S/2012/838, which contains the report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

I now give the floor to Mr. Meece.

Mr. Meece (*spoke in French*): I am honoured to have the opportunity to address the Council regarding the work of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the general situation in the Democratic Republic of the Congo, in the context of the report of the Secretary-General (S/2012/838) distributed to the Council last week. Due to the very serious crisis currently afflicting North Kivu, I am obliged to do so by video teleconference.

The security situation in North Kivu and some other areas of eastern Congo has seriously deteriorated over the past few days, in addition to the large-scale humanitarian crisis affecting hundreds of thousands of Congolese. Moreover, since the occupation of Goma by the Mouvement du 23 mars (M-23), we are facing violent and spontaneous demonstrations targeting both the Congolese symbols of power and United Nations personnel and installations. We cannot exclude the

possibility of this phenomenon spreading to other Congolese towns.

(spoke in English)

At the heart of this grave situation is the armed rebellion initiated by Bosco Ntaganda, now usually referred to in short as the M-23 rebellion or mutiny. As Council members are aware, in recent days the M-23 undertook major new offensive operations and have now occupied the provincial capital of Goma. This was done despite significant resistance by the Congolese Army and MONUSCO forces engaged alongside of and in support of the Forces armées de la République démocratique du Congo (FARDC), including engagement by FARDC and MONUSCO attack helicopters and ground forces. Initially, the offensive was held in check. Showing again renewed capacity, however, the M-23 continued its offensive, exhibiting sophisticated tactics. The Council has already been briefed on its capabilities and the reports of external support helping to provide those capabilities.

By itself, this new advance has produced major new population movements, caused by the evacuation of many humanitarian workers and agencies, and has generally exacerbated an already major humanitarian crisis in the region. As we have seen in other areas occupied by the M-23, the occupation of Goma also poses a major risk of increased serious human rights violations, including killings and forced recruitment of civilians, including minors. The leader of the M-23 armed movement is Sultani Makenga, a former Congolese Army officer who was ostensibly integrated into the national army as a result of agreements reached in 2009. In reality, however, Makenga never accepted full State authority or central command orders. Like Bosco Ntaganda, he is a man with a well-documented history of very serious human rights abuses. These are qualities shared by many other senior M-23 officers, with Ntaganda himself the object of a long-standing arrest warrant issued by the International Criminal Court. Indeed, it appears to have been Ntaganda's growing fear of possible arrest that was his major motive for launching the rebellion.

At this stage, the M-23 effectively occupies a significant portion of North Kivu province, and it has been establishing a formal administrative or governing structure. We have received numerous reports of targeted summary executions of those who stand in its way, including Government and traditional leaders who

resist or fail to cooperate with an M-23 administrative structure. We also continue to receive ongoing reports of the widespread recruitment and use of children, unconfirmed cases of sexual violence, and other serious human rights abuses. The M-23 movement has generally expanded its list of demands from its original grievances, largely based on allegations of incomplete application of the 23 March 2009 agreements, although the specific list seems to vary somewhat by individuals and forums as demands are articulated. The M-23 has been unresponsive to date to the demands of the Security Council and others to withdraw to earlier positions or even cease its attacks. In fact, the latest reports indicate offensive moves from Goma towards Sake.

I should note that despite its military advances, the Movement does confront limits. Contrary to some claims that it represents the people, or alternatively one or more ethnic communities, in the face of discriminatory treatment or worse the M-23 has not achieved the full support of any ethnic group or community. Indeed, the M-23 does not enjoy broad support in North Kivu or elsewhere in eastern Democratic Republic of the Congo.

Despite strong efforts, it has been unable to establish a base of support in South Kivu or elsewhere beyond its core area of occupation. While the M-23 military wing is dominated by senior officers from the former Congrès national pour la défense du peuple (CNDP) movement, largely Tutsis from North Kivu province, the M-23 is far short even of enjoying the full support of that community, with for example the Banyamulenge community in South Kivu broadly and strongly opposed to the M-23, and the North Kivu Tutsi and Hutu communities deeply divided. Many former CNDP officers and troops continue serving well with loyalist FARDC forces. Despite claims to the contrary, it is simply not true that the M-23 represents any particular community overall or that it has a particularly large base of support. This imposes a significant indigenous capacity limit on the group.

In response to the situation, MONUSCO has actively supported the regional efforts of the International Conference of the Great Lakes Region to develop a neutral international force to confront the M-23, the Forces démocratiques de libération du Rwanda (FDLR) and other negative forces, and the establishment of an enlarged Joint Verification Mechanism and a joint intelligence fusion cell. We have also had ongoing consultations with the African Union and other partners regarding these issues, and the efforts to find a durable

resolution leading to lasting peace. We have worked closely with the FARDC and Congolese authorities generally to confront the escalating security threats in North Kivu, including at times very robust engagement by MONUSCO ground and air elements in support of and alongside FARDC forces to defend population centres against attacks launched by the M-23. Unfortunately, these engagements have led to injuries, and one tragic death, of United Nations peacekeepers.

I would like to use this opportunity to renew my deepest condolences to the family and colleagues of the fallen Indian peacekeeper, and my sympathies to all injured Blue Helmets. As well, I wish to reiterate my tribute to them and all members of the MONUSCO forces and their civilian counterparts, all of whom are dedicated to the cause of peace for the Congolese people while working in difficult and often dangerous conditions. The losses experienced by the FARDC, and the Congolese population more generally, have of course been of much larger magnitude, and I also wish to extend my heartfelt condolences to the families and friends of all victims of this conflict.

We have also been very active in addressing renewed threats by other armed groups in the east, particularly in the Kivus, that have fed off inter-ethnic tensions heightened since the start of the M-23 rebellion, and the opportunities created by resultant security voids. For example, one week ago our Joint Human Rights Office and the Office of the High Commissioner for Human Rights published a report documenting the massacre of over 260 civilians in southern Masisi district arising from clashes between the FDLR and an associated group, Mai Mai Nyatura, and a network of local groups operating under the label of Raïa Mutomboki, each increasingly attacking women, children, and other unarmed civilians, largely on an ethnic-driven basis, and producing appalling large-scale killings as documented in that report.

The stretched MONUSCO civilian and military elements have sought to respond as effectively as possible to these and other reported events and threats, all in the context of a generally deteriorating security environment in North Kivu. These ongoing tragedies underscore the importance of putting an end definitively to threats to security in North Kivu. This includes dismantling the zone of M-23 occupation and administration, renewing the interrupted programme of pressure on the FDLR and other groups, and pursuing related stabilization programmes.

Even while focused on the immediate threats of these groups in the Kivus, we of course must not forget the ongoing threats to civilians and security elsewhere. While the Lords Resistance Army (LRA) combatant numbers in north-eastern Democratic Republic of the Congo are limited, and attacks in recent months have been at relatively low levels, this comes as small comfort to those civilians living in the area under constant threat from this very brutal group. Moreover, of course, LRA elements have the option of crossing the borders of South Sudan, the Central African Republic and the Democratic Republic of the Congo at will, underscoring the regional aspect of the problem.

We have actively continued our efforts with the FARDC to combat the LRA threat in the Democratic Republic of the Congo, including operation of the Joint Intelligence and Operations Centre in Dungu, which currently has MONUSCO, Congolese, Ugandan and American officers present to share information and analysis. We have also sought to collaborate as much as possible in sharing information and ideas with neighbouring missions and other forces, for example as to how to increase the effectiveness of targeted repatriation programmes and increase operational coordination. In collaboration with the United Nations Regional Office for Central Africa, we have also continued to support to the maximum extent possible regional efforts, including initiatives of the African Union to confront and eliminate the LRA threat.

In Ituri district, we are continuing active coordination and support to Congolese Government efforts to deal with remaining militia activity in the southern part of the district, notably by militia leader Cobra Matata and his Forces de résistance patriotiques en Ituri militia. The Ugandan Allied Democratic Forces/National Army for the Liberation of Uganda continues to be present in northern North Kivu, and while generally not preying on the civilian population to the extent of these other groups, it represents a substantial and worrisome ongoing capacity threatening regional security and the safety and well-being of civilians throughout the region. In Katanga province, the activities of the convicted and escaped military leader Gédéon and those choosing to associate themselves with him poses a growing security problem in the north-central portion of the province, and again we are working actively with Congolese authorities to deal with this threat.

All of these threats, of course, have considerably stretched our human and other resources. For example, we no longer have the capacity to open new operating military bases without the need to close others. We are constantly confronting the issue of assessing conditions and priorities to determine how we may have the most effective impact. These limitations again underscore the importance of close and effective coordination and collaboration with the FARDC and Congolese Government authorities, who of course bear the sovereign and primary responsibility and authority to ensure adequate security conditions for their population. We can and are determined, however, to provide as much support as we are able to that effort.

Rape and other sexually based violence also remains an ongoing problem and a major priority for MONUSCO and the United Nations specialized agencies. While those in armed groups guilty of such crimes or bearing command responsibility for acts of sexually based violence are normally beyond reach, Congolese Government authorities and the Mission maintain the objective of seeking to bring to justice all those involved. In addition, we have maintained an active programme of working to support military prosecutors in bringing to justice those in the security services who are guilty of such crimes.

In 2011, military prosecutors achieved 213 convictions of individuals guilty of serious human rights abuses. The vast majority of those cases were associated with sexually based violence, and the majority of those prosecutions were supported by the MONUSCO Rule of Law Section. The conviction rate in 2012 appears on track for roughly the same number of convictions. While this most certainly does not constitute a full solution to the ongoing problem, nor yet an end to a perceived sense of impunity, we believe that this strong programme of prosecutions, combined with training modules incorporated into all phases of training for military, police, and other security personnel, and an active engagement on the part of senior political, military, and police leadership in this effort, will constitute a firm foundation for effecting change in this key area.

In another key human rights sector, a key milestone was recently achieved with the signing of an action plan against the use of children to fully eliminate the use of children as combatants and their participation in any way in Government actions, in violation of international law and standards. The Prime Minister, Vice-Prime

Minister and Minister of Defence, the Minister of Justice and other officials have all fully endorsed that plan and have committed to personal interest in a timely and effective implementation programme. That follows the substantial success already achieved to identify and remove minors from units of the armed forces, and the relevant United Nations agencies and MONUSCO are fully engaged now with the Government to elaborate and implement all elements of the now-formal action plan.

In that regard, I would like to express particular thanks to the Special Representative of the Secretary-General for Children and Armed Conflict, Leila Zerrougui, formerly a MONUSCO Deputy Special Representative of the Secretary-General, for her great contribution to bringing that initiative to formal adoption.

All of the issues I have identified underscore the need for intensified efforts to effect broad military reform, complementing and fulfilling the efforts already under way in other security-sector areas, such as the active programme with the Congolese National Police and initiatives under way in the justice sector, as described in the relevant annex of the Secretary-General's report. We have been engaged in in-depth discussions with the Congolese authorities on this subject, and I am confident that there is broad recognition of the need for a full, comprehensive and strong military reform programme addressing multiple areas and needs.

Important progress has been achieved regarding the establishment of a needed legal and statutory basis for the organization, structure and status of military forces. I am in receipt of a 31-page document just prepared by the Congolese defence authorities outlining the status of reform objectives, plans and work done to date. Important work, however, remains to be done to define fully the architecture of the comprehensive reform plan, an institutional framework for the implementation of the plan and, importantly, a framework that can effectively mobilize, coordinate and integrate contributions and the needed participation to effect the required programmes.

In addition, a more systematic identification of the financing and other resources needed for timely and effective implementation is required. We will continue to work intensively with civilian and military authorities, as well as other interested parties, to see how we can most effectively contribute directly to the needed programmes, including through training

efforts, as well as help promote the realization of a full and comprehensive Congolese plan to produce stronger, more professional and more capable military forces as rapidly and effectively as possible.

The election process also remains a major focus of interest in the Democratic Republic of the Congo as well as to major international partners. Completion of the current electoral cycle with democratic, transparent and credible provincial and local elections is a major immediate objective and one of importance to maintaining a path towards a more secure and durable democratic future.

In that regard, major interest is focused on a pending proposed piece of legislation to reorganize the Independent National Electoral Commission, now before the Congolese National Assembly. That legislation is an essential step to enable meaningful discussion of a future timetable, the specifics of how future elections are to be conducted, and the question of international engagement and support for those elections. Obviously, the answers to these questions will also be important for future national and local election cycles.

A special commission was established to seek to identify appropriate compromises between majority and opposition members to permit election commission reform legislation to go forward with broad support. It is my understanding that compromises regarding many key specific issues have been found, including adequate representation on a commission executive board of majority, opposition and civil society representatives.

Some remaining important differences remain, however, on specific aspects. We have strongly urged all parties to work to find acceptable solutions to these questions as rapidly as possible. Both the Speaker of the National Assembly and the President of the Senate have expressed to me in the past two weeks their confidence and their determination to have this essential piece of legislation adopted at the current legislative session. We will continue our efforts to support the election process, including with respect to the full and inclusive participation of all parties in the discussion, and, of course, all possible technical and other support for the achievement of credible and democratic elections.

Our stabilization mandate also remains a critical priority that is essential for Congolese future development and security. The framework of the International Security and Stabilization Support Strategy in support of the stabilization and reconstruction plan for areas

emerging from armed conflict, long established in eastern Congo, is currently undergoing a strategic review involving the United Nations, contributing partners and, of course, Government authorities to determine areas of success and where adjustments or changes are indicated to achieve more effective results. We anticipate being able to present a report on the results of that study at the time of the next report of the Secretary-General.

We also achieved in September the establishment of area coordinators in three initial provinces in central and western Democratic Republic of the Congo, taking the place of traditional MONUSCO head of offices. We hope that those individuals, drawn from United Nations specialized agencies, will be able to further integrate comprehensive development and stabilization efforts appropriate to their respective provinces, drawing from all parts of the United Nations system, as well as effective coordination with other implementing partners and agencies. I readily acknowledge that it has taken far longer than I had hoped to move to implementation, but I believe that we are now on track to what promises to be a productive new approach to stabilization and development programmes.

I must also emphasize that the solid accomplishments of the stabilization operations in western Democratic Republic of the Congo and those in the east are absolutely essential to achieving durable and satisfactory security conditions, as well as conditions to provide for an improved standard of living for the Congolese people. Even in the most troubled portions of eastern Congo, stabilization and development activities remain key to successful security programmes. They represent essential interrelated elements of an overall strategic approach, and we are very much committed to maintaining full engagement with those activities, even as we are focused on immediate security threats from armed groups.

Despite the setbacks, I believe it important to remember that much has been accomplished over the years in addressing a wide array of major and daunting issues. Clearly, many aspects of that progress have been reversed in recent months, in North Kivu province in particular, as a result of the M-23 rebellion. It is difficult, if not impossible, to enhance State authority and governance with an active and strong armed movement under way. It is clearly essential to resolve this crisis, roll back the reversals and resume forward movement. That can be done, I believe, but only with

a strong commitment on the part of the international community, underscoring the responsibility of all States concerned to contribute to a positive and peaceful outcome. Clearly any resolution must be reinforced through comprehensive security-sector, and specifically military, reform policies and programmes, with associated full engagement and support from the international community.

I believe that we have established a strong partnership with the Congolese authorities. The ongoing joint assessment process is a good example, as it provides a solid basis for the continuing evaluation and assessment of security threats and appropriate responses. We are determined to do our part and do all we can within our mandate in order to continue that partnership and achieve results that enable the Congolese people to achieve as rapidly as possible the security conditions and prospects for social and economic development to which they have a right and most certainly deserve.

Finally, I would like to conclude with some personal observations about the tragic current situation in North Kivu, which poses such a grave threat to the Congolese people and all the goals and objectives we share. The M-23 forces are well provisioned and well supplied with uniforms and a variety of arms and munitions, many of which clearly have not come from existing FARDC stocks. They exhibit many characteristics of a strong, disciplined established military force, with sophisticated tactics and operations, including night operations, which are not characteristic of traditional performance.

MONUSCO does not have the mandate or means to investigate or verify the sources or methods by which those impressive capabilities have been achieved. That is a task that falls within the purview of the Group of Experts whose mandate is to develop information and answers such questions. We have reported, and can continue to report, our encounters with English-speaking officers, the use of surprising weaponry and equipment, and other signs of external support. We can state with certainty that the M-23 rebellion has called into question all the efforts to achieve progress for a stable and successful North Kivu province and provide for the peaceful coexistence of all groups and ethnicities for the common benefit of all.

The rebellion as such is not by any standard an answer to grievances, real or imagined, and in fact

greatly works against the well-being of all in the region. The killings and other human rights abuses being committed heighten the crime. Those responsible for those acts must be held to account. It is of critical importance to bring an end to the situation soon. That will require the goodwill of all in the region.

I believe the interest and engagement of the international community to date has been essential to the search for solutions. I strongly encourage continued efforts in that regard. I also applaud the recent initiative to study sanctions against those bearing responsibility for the rebellion and all those guilty of serious human rights abuses.

(spoke in French)

I would like again to reiterate my heartfelt appreciation to all members of the Council and other Member States for the support they have shown to MONUSCO and the personnel who are working in

difficult and dangerous conditions. Allow me to address to all MONUSCO's staff, both civilian and military, a final word of gratitude and praise. In the context of the very worrisome situation in North Kivu, the entire United Nations staff continues to work tirelessly, often in the most difficult of circumstances, thereby demonstrating a spirit of sacrifice and commitment that honours the ideals of the United Nations. With professionalism, courage and determination, the Blue Helmets and civilian staff have risen to the challenge of fulfilling the mandate that the Council has conferred upon them. They are therefore deserving of recognition and praise. I thank them, and I thank the Council for its support.

The President: I thank Mr. Meece for his briefing.

I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 10.55 a.m.