



Security Council

Sixty-seventh year

*Provisional***6873**rd meeting

Wednesday, 28 November 2012, 10 a.m.

New York

<i>President:</i>	Mr. Hardeep Singh Puri	(India)
<i>Members:</i>	Azerbaijan	Mr. Mehdiyev
	China	Mr. Wang Min
	Colombia	Mr. Osorio
	France	Mr. Araud
	Germany	Mr. Wittig
	Guatemala	Mr. Rosenthal
	Morocco	Mr. Loulichki
	Pakistan	Mr. Tarar
	Portugal	Mr. Vaz Patto
	Russian Federation	Mr. Demekhin
	South Africa	Mr. Crowley
	Togo	Mr. Kandangha-Bariki
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Mr. DeLaurentis

Agenda

The situation concerning the Democratic Republic of the Congo

Letter dated 12 November 2012 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council (S/2012/843)

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The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Letter dated 12 November 2012 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council (S/2012/843)

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of the Democratic Republic of the Congo and Rwanda to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2012/884, which contains the text of a draft resolution submitted by France.

I wish to draw the attention of Council members to document S/2012/843, which contains a letter dated 12 November 2012 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Azerbaijan, China, Colombia, France, Germany, Guatemala, India, Morocco, Pakistan, Portugal, Russian Federation, South Africa, Togo, United Kingdom of Great Britain and Northern Ireland and United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2078 (2012).

I now give the floor to the representative of the Democratic Republic of the Congo.

Mr. Ileka (Democratic Republic of the Congo) (*spoke in French*): Allow me, Mr. President, once again to express our delegation's pleasure at seeing you preside over this meeting on the situation in the Democratic Republic of the Congo, particularly on the final report of the Group of Experts on the Democratic Republic of the Congo (S/2012/843, annex).

First, on behalf of the Congolese Government and our people, I wish to thank the Group of Experts, which, in a spirit of complete independence, resisted external pressure and produced an objective final report, following its interim report of 21 June (S/2012/348, annex) and its addendum of 27 June (S/2012/348/Add.1, annex), both of which exposed the almost exclusive role of external players in the destabilization of the eastern part of the Democratic Republic of the Congo.

On that subject, the Democratic Republic of the Congo recalls that the violations documented in the June 27 addendum to the Group of Experts' interim report and in its final report before the Council today, were not brought to light by an anonymous organization, lacking any mandate, for the sole purpose of drawing the international community's attention to the crimes currently being perpetrated on Congolese soil. Those serious violations of the relevant provisions of the Security Council are attested to by a team of trustworthy people who were appointed by the Council itself. My Government is therefore grateful to the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo for having carefully studied the final report of the Group of Experts, pursuant to its mission to monitor compliance with the sanctions.

Like the interim report and its addendum, the final report clearly and conclusively establishes that the Rwandan Government continues to violate the arms embargo. It provides direct military assistance to the self-proclaimed rebels of the Mouvement du 23 mars (M23), facilitates recruitment of combatants for that group, incites and facilitates desertion by Congolese soldiers, and furnishes the M23 with arms, ammunition, intelligence and political advice. The de facto chain of command includes General Bosco Ntaganda and is headed by General James Kabarebe, the Rwandan Minister of Defence. According to the report, following the publication of the addendum to the interim report, the Group spoke with the Rwandan Government and considered its written response, but in the Group's

judgement none of the fundamental conclusions it had come to earlier merited rethinking.

I recall that an annex to the interim report established the fact that Rwandan figures, highly placed in the Rwandan Government, army or intelligence services, are supporting the so-called M23 rebels and providing them with arms, military supplies and new recruits. However, contrary to the interim report, to which skeptics could give a benefit of the doubt, since Rwanda claimed that its arguments had been ignored, the final report clearly reflects the tenor of Rwanda's written responses. Unfortunately for Rwanda, such observations did not persuade the Group of Experts to revise its initial findings of Rwanda's destabilizing role in the Democratic Republic of the Congo and its pursuit of criminal activities and other serious violations of human rights and international humanitarian law. In the view of the Group of Experts, the grounds cited by the Rwandan authorities in their own defence are not substantive.

The involvement of high-ranking officials of a foreign army in supporting a rebellion is an act of aggression that the Security Council must recognize pursuant to Chapter VII of the United Nations Charter. It is appropriate to indicate that Rwanda's activities constitute a crime of State, given the type of people involved. Indeed, Rwanda has employed people who are in a position to control or direct military and political State action to create instability in the eastern Democratic Republic of the Congo, violating the sovereignty, territorial integrity and political independence of my country.

Rwanda's attitude, underscored by a United Nations Group of Experts mandated under a binding resolution, is an illegal use of force against the territory and political independence of the Democratic Republic of the Congo. That flagrant violation of the United Nations Charter, undertaken counter to the principles of peaceful coexistence, the rules of international humanitarian law, human rights and the imperative norms of international law, undeniably meets the definition of aggression pursuant to General Assembly resolution 3314 (XXIX) of 14 December 1974, which defines aggression as

“the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations”.

Rwanda's proven support for the M23 after the Congolese authorities had said that they were ready to arrest former General Bosco Ntaganda, sought by the International Criminal Court, is a clear obstacle to the execution of the arrest warrant issued by the Court. It is now evident that Rwanda has acted to deflect attention in order to shield Bosco Ntaganda from international justice. The precedents of Mr. Jules Mutebutsi, who retreated to Rwanda after being defeated in 2004, and of Mr. Laurent Nkunda, who has been living in Rwanda since 2009, are further examples of Rwanda's provision of safe haven to major war criminals.

The accelerating deterioration of the situation in the province of North Kivu began on 15 November following the attacks launched on positions of the Forces armées de la République démocratique du Congo (FARDC) by troops of the regular Rwandan army. These included three battalions of the Rwandan Defence Forces (RDF), commanded by General Ruvusha, and two RDF special forces units, including a heavy artillery unit commanded by Rwandan General Gatama Kashumba.

In the view of many observers on the ground, the so-called military success of the M23 in Goma was rather surprising. Unlike the debacle suffered by the attackers since 15 November in the areas of Kibumba and Kazizi along the border with Rwanda, the operations that led to the fall of Goma benefited from remarkable planning, abundant resupply, and in particular night-vision equipment. This is materiel that, unlike Rwanda, neither the FARDC nor the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) have in their arsenals. Even air defence equipment was used against combat helicopters of the Forces armées de la République démocratique du Congo and MONUSCO. Rwandan territory has been used systematically as a theatre for manoeuvres to circumvent the FARDC in order to conquer new territory on the road to Goma.

There is no need for us at this juncture to go into detail about other evidence of Rwanda's involvement in the war around Goma. There is a great deal of such evidence, and it is well documented. In that respect, how can we describe this humanitarian tragedy without concluding that the situation has only exacerbated human suffering, the loss of human life, massive violations of human rights, the rape of women, the forced recruitment of children, widespread population

displacements, extortion of property, the breakdown of economic and trade activity, and the growing number of Congolese refugees. In brief, the situation is one of widespread insecurity and a major humanitarian crisis.

In turning to the issue of sanctions arising from embargo violations, I congratulate the States and institutions that have announced sanctions against Rwanda, including those already adopted by the United Nations against certain M23 leaders. The Government of the Democratic Republic of the Congo welcomes such decisions, which send a very telling message of the new readiness of the international community regarding the security problems that have unfairly tried the Democratic Republic of the Congo for more than a decade.

Sanctions will mean nothing, however, unless they have a direct impact. In other words, they have to hit their intended target. The sanctions announced by the United States Treasury Department and the United Nations are far from commensurate with the conclusions drawn by the United Nations Group of Experts, which, in addition to the so-called M23 rebels, clearly refer by name to highly placed Rwandan officials who are well known to all.

With respect to the provisions of resolution 2021 (2011), the Congolese land forces commander, General Gabriel Amisi, who is accused in the report of selling weapons to armed groups, has been suspended from his functions since 22 November, pending an inquiry. Contrarily, and in the face of the overwhelming evidence gathered by MONUSCO and the Group of Experts, Rwanda denies the accusations against it without being able credibly to refute any evidence of its involvement in the destabilization of the Democratic Republic of the Congo by the M23. Its attempts to deny its involvement are in no way convincing.

I therefore thank the entire international community for having clearly condemned, through the Group of Experts, Rwanda's involvement in destabilizing the eastern part of my country. I would ask the Council to draw all the appropriate conclusions from the violation of its own resolutions concerning the arms embargo and the sanctions regime it has established. Such violations seriously threaten the peace and stability of the Democratic Republic of the Congo, the Great Lakes region and beyond. The States of southern Africa are also threatened by such destabilizing activities, as confirmed by the final communiqué issued by the most

recent conference of Heads of State and Government of the Southern African Development Community, held on 17 August in Maputo.

The material and human evidence and the written testimony of Rwandan aggression are all familiar to the Council. Moreover, the violations of the sanctions regime committed by that neighbour of the Democratic Republic of the Congo in support of the M23 have created a humanitarian crisis that has only aggravated the human suffering. In the face of this tragedy, the Government of the Democratic Republic of the Congo, along with the entire Congolese people and the international community, expects the Council to adopt a firm and unequivocal position concerning the application of sanctions. The Government of the Democratic Republic of the Congo believes that sanctions implemented pursuant to the Charter of the United Nations serve as a vital tool for maintaining or re-establishing international peace and security. That was unambiguously acknowledged at the 2005 World Summit.

If they are to be credible and effective, sanctions must be carefully targeted and firmly imposed. In the opinion of the Government of the Democratic Republic of the Congo, the measures that the Security Council should now take must put an end to all support for the M23, particularly through the adoption of firm sanctions against officials who are foreign to the Democratic Republic of the Congo, as mentioned in the annex to the interim report of the Group of Experts and in their final report.

In the same vein, the Council should ensure that the Committee has included on the same list all the M23 military commanders cited by Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights: Bosco Ntaganda, Sultani Makenga, Baudouin Ngaruye, Innocent Zimurinda and Innocent Kaina. Moreover, the Council would be well-advised to ratify the decision of the Committee to freeze the assets of all these people and to implement a travel ban against them.

Lastly, the Council should ensure that the Committee names the so-called M23 as a negative force and new terrorist group, as was done at the meeting of the Heads of State and Government in Addis Ababa, the special summit of the International Conference on the Great Lakes Region, and the regular summit of the African Union with respect to the Lord's Resistance Army and the Forces démocratiques de libération du Rwanda. Those measures will create conditions conducive to the

restoration of peace in that region of our country and prevent the ongoing illegal exploitation of the natural resources and other wealth of the Democratic Republic of the Congo by rebellions supported by foreign Powers.

To conclude, the Democratic Republic of the Congo reiterates that it is open to dialogue with the true protagonist, Rwanda. However, it will no longer be content with facile arrangements that always end up having the same effects and consequences three years later. It demands an open and frank debate capable of ensuring lasting peace in the interests of all of the countries of the region. We also call on the good offices of the United Nations to facilitate such a dialogue. Moreover, we should like to see the greater involvement of MONUSCO in terms of resources, personnel and logistics in order to enable it to respond more effectively to the demands of peacekeeping in the eastern part of the Democratic Republic of the Congo.

The President: I now give the floor to the representative of Rwanda.

Mr. Nduhugirehe (Rwanda) (*spoke in French*): I would like to thank you, Sir, for the opportunity afforded my delegation to speak to the Security Council. I would like first to commend you for your outstanding leadership of the Council this month. It has been a busy month due to global events that have not permitted you a moment of rest.

Rwanda notes the adoption of resolution 2078 (2012), submitted by France, on the situation in the Democratic Republic of the Congo. Without addressing the details of the resolution, permit me to make some general comments on the conflict in the eastern Democratic Republic of the Congo with respect to the Council's action.

My country has expressed its concern about the prevailing situation in our neighbour, the Democratic Republic of the Congo. When fighting resumed on 15 November, Rwanda called on the two parties, the Forces armées de la République démocratique du Congo and the Mouvement du 23 mars (M23), to halt the hostilities immediately and to respect the ceasefire imposed three months earlier by the International Conference on the Great Lakes Region (ICGLR).

On 21 November, after the fall of Goma, President Paul Kagame went to Kampala where he met with Mr. Yoweri Museveni, President of Uganda and Acting Chair of the ICGLR, as well as Mr. Joseph Kabila, President of the Democratic Republic of the Congo.

The three Presidents signed a joint statement calling on the M23 to halt its offensive and to withdraw from Goma, in exchange for an investigation by the Government of the Democratic Republic of the Congo of the causes of its discontent. The joint statement was affirmed at the summit of the Heads of State and Government of the ICGLR, held in Kampala on 24 November. The summit adopted 12 decisions regarding the crisis in the eastern Democratic Republic of the Congo, the most important of which called, of course, for the withdrawal of the M23 from Goma in exchange for a commitment by the Government of the Democratic Republic of the Congo to investigate "their legitimate concerns". While paying genuine tribute to President Museveni's unfailing efforts, Rwanda calls on the two parties swiftly and unconditionally to implement the Kampala declaration.

My delegation calls on the Security Council to support its regional efforts to resolve the conflict in the Democratic Republic of the Congo. The countries of the region have spent several months working on a solution to that fratricidal conflict. The Kampala declaration — which, I reiterate, was signed by the Heads of States of the region — warrants the respect and consideration of Council members.

By falling into the trap of sanctions and easy scapegoating, and by ignoring the root causes of the conflict in the Democratic Republic of the Congo, the Council is undermining the progress made in Kampala and squandering an opportunity to help the Government of the Democratic Republic of the Congo to re-establish peace, security and stability in the country and the region.

In that context, it is most regrettable that some members of the Council that bear a great deal of responsibility for the crisis in the Democratic Republic of the Congo, especially following their own culpable escapades in the region, have launched a crusade against the decision taken by our Heads of State while seeking scapegoats for the conflict. The crisis in the Democratic Republic of the Congo began almost at the very moment of its independence. Several peacekeeping missions have been deployed in the country, where one of the most corrupt regimes in Africa long enjoyed the external support of Council members in exchange for profitable contracts. We continue to pay the price today.

I turn now to the Group of Experts on the Democratic Republic of the Congo, which, I recall, consists of six consultants appointed by the Secretary-

General. Despite everything, Rwanda has played its part. Our country has made every effort to respond in detail to each of the allegations made by the Group. I would remind Council members that in late July Rwanda transmitted a 130-page response to the addendum of the interim report of the Group of Experts published in June (S/2012/348/Add.1). Following that and pursuant to its request, the Rwandan delegation officially presented its response before the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo.

Nonetheless, following our detailed presentation on both substance and procedure, members of the Committee never sought to discuss the substance of our presentation and merely read out statements prepared in advance, stating that the report was “credible” and that Rwanda must continue to collaborate with the Group of Experts. To follow up, Rwanda transmitted several letters to the Committee, including the legal opinion of a law firm in Washington, D.C., demonstrating that not only did the methodology of the Group of Experts not respect the Council’s own rules, but that the coordinator of the Group of Experts, in the spare time before his appointment, had made excuses for the genocidal actions of the Forces démocratiques de libération du Rwanda (FDLR). To date, Rwanda has received no response to its request.

In such conditions, it is astonishing that the Security Council has continued to support the report of the Group of Experts (S/2012/843, annex), despite the fact that it has never studied in detail the methodology used, the evidence provided or the accusations made against Rwanda. I am not even referring in that context to a proper consideration of our response and inquiries. I am sure that the Council is aware that such an inquisitorial procedure, providing no place for discussion of both sides of a situation and led by an individual who had openly taken a position against the accused party well in advance of assuming his position, would never have been considered legitimate for even a moment before any court in any of the Council members’ States.

In the recent fighting, Rwanda has been accused of providing up to 4,000 people to fight alongside the M23. That allegation was repeated by Ambassador Ileka. There are approximately 4,000 Rwandan troops in Darfur. Does anyone really believe that those troops could have crossed the border with impunity and then returned without a trace, leaving behind no dead bodies

and no photographic evidence? The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) itself, which is there on the ground, said that it had no tangible proof of such a Rwandan presence. So all of this is just preposterous, far-fetched speculation based on the same old stories about Rwandan uniforms, supposedly sophisticated weapons, and even, believe it or not, the accents of M23 fighters.

The Congo is a huge country where more than 20 armed groups are active in a security vacuum. Can MONUSCO really say for certain that it has such in-depth knowledge about all the uniforms and weapons in the region that it can conclude that the M23’s weapons could have come only from Rwanda? I will give an example. The FDLR, which just yesterday attacked Rwanda — I will come back to that later — had machine guns, grenade-launchers, mortars and other so-called sophisticated weapons. Must we therefore conclude that Rwanda is also providing the FDLR with weapons?

Rwanda places its trust in the Joint Verification Mechanism set up by the ICGLR, which is composed of senior officers from the armies of all of the countries members of the Conference. We would like to inform the Council that in a report submitted to the summit of Joint Chiefs of Staff of the region, held in Kampala on 19 November, the Mechanism concluded that at this stage there was no proof that Rwanda had provided any military or logistical support to the M23.

I should also like to recall that on several occasions in recent days Rwanda has been provoked into entering the conflict. Last week, rockets and mortar shells were launched into our territory, causing the deaths of innocent persons. Yesterday, as I was saying earlier, FDLR forces actually attacked our country, causing additional deaths. But the Security Council remained indifferent to that act of aggression. Yesterday’s meeting, at which no delegation condemned those attacks, and the resolution adopted today are clear evidence of this. But Rwanda will not give up and will not respond to that provocation.

I should like to reiterate today, loud and clear, that Rwanda is neither the cause of the crisis in the east of the Democratic Republic of the Congo nor a party to it. I wish to note that, above and beyond our unswerving commitment in the context of the regional process, President Kabila and President Kagame

are in regular contact on this issue and that their relations have remained cordial.

The Democratic Republic of the Congo and Rwanda are blood brothers, and we will continue, to the extent possible, to work to iron out our differences and ensure lasting peace in the region.

In conclusion, I should like to reiterate that Rwanda will continue to be a party to efforts to resolve the crisis in the Democratic Republic of the Congo, be it at the bilateral or regional level or in the Security Council. We support the efforts made by the Secretary-General as well as any initiative he might put forward that would promote an inter-Congolese dialogue and address the

root causes of the endless conflicts that are tearing that country apart.

Our country very much looks forward to becoming a member of the Security Council, and we are prepared to work with maximum goodwill within the Council to resolve that crisis as well as the others that are plaguing the world.

The President: The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 10.45 p.m.