
Annual Review of
United Nations Affairs

2012 / 2013

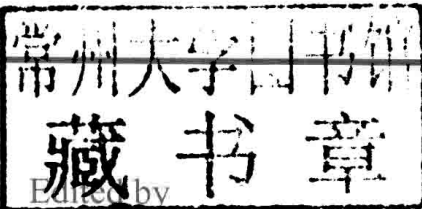
VOLUME V

OXFORD

Annual Review of United Nations Affairs

2012/2013

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Joachim Müller
and
Karl P. Sauvant

OXFORD
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Published in the United States of America by
Oxford University Press
198 Madison Avenue, New York, NY 10016

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Cataloging-in-Publication information is available from the Library of Congress.

ISSN 0066-4340

ISBN 978-0-19-937787-9 (2012/2013, Volume V)

Printed in the United States of America on acid-free paper

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h. Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, S/2013/388, 28 June 2013

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2098 (2013). In paragraph 34 of that resolution, the Council requested that I report every three months on the situation on the ground in the Democratic Republic of the Congo, including on the implementation of national commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region; progress made by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) in the implementation of its mandate, including the transfer of activities to the United Nations country team; and the review of relevant planning documents; and implications of the possible operations of the intervention brigade for the safety and security of United Nations personnel and facilities. The present report covers developments that occurred since the issuance of my report of 15 February 2013 (S/2013/96).

II. Major developments

Security situation

2. In North Kivu province, the most significant development during the reporting period was the split between competing Mouvement du 23 mars (M23) factions respectively led by the rebel movement's commander, Sultani Makenga and his rival, Bosco Ntaganda. Full-scale fighting between these factions erupted on 24 February in Rutshuru town. On 27 February, Makenga issued a communiqué accusing the movement's president, Jean-Marie Runiga Lugerero, of treason and corruption and relieving him of his functions. A further communiqué on 1 March called on M23 forces to apprehend rival senior leaders, namely Runiga, Ntaganda and Baudouin Ngaruye. On 7 March, Bertrand Bisimwa was announced by the Makenga-led faction as the M23's new president.

3. Factional fighting continued for several weeks. About 1,000 people were displaced and at least 5 civilians were reportedly killed and 35 others wounded during the fighting. Other armed groups, including the Forces démocratiques pour la libération du Rwanda (FDLR), attempted to occupy positions abandoned by M23, but were largely unsuccessful. The Forces armées de la République démocratiques du Congo (FARDC) proved more successful, regaining control of Mabenga, Kalengera and Rubare. On 16 March, Ntaganda, Ngaruye and Runiga, with several hundred combatants, fled to Rwanda, following their defeat by the Makenga-led faction. On 18 March, Bosco Ntaganda turned himself in to the United States Embassy in Kigali, and requested to be transferred to the International Criminal Court (ICC), in The Hague. On 22 March, with the support of the Governments of the United States of America, the Netherlands and Rwanda, Bosco Ntaganda was transferred to ICC.

4. Following the decision of the Security Council, in its resolution 2098 (2013), to establish the intervention brigade, M23 displayed increasingly aggressive behaviour. On 8 April, M23 blocked six MONUSCO civilian-contracted trucks at Kiwanja and Katale, claiming the cargo contained weapons destined for the intervention brigade or FARDC. Following a show of force by MONUSCO, M23 released the trucks. M23 representatives also made repeated media statements, threatening the intervention brigade and sent open letters to the United Nations and the parliaments of troop-contributing countries of the brigade. Furthermore, M23 held rallies throughout Rutshuru territory, inciting the population to demonstrate against the brigade. To avoid having to participate in the demonstrations, large numbers of civilians fled to Goma between 8 and 12 April. Throughout April, there were reports of killings, abductions, lootings and rapes perpetrated by M23 in Rutshuru town and Kiwanja.

5. Renewed fighting erupted between M23 and FARDC near Mutaho, about 10 kilometres from Goma, between 20 and 22 May, apparently initiated by M23. Both sides employed artillery in the clashes and FARDC attack helicopters engaged M23 positions. M23 mortar fire hit a residential area in Goma and several rockets struck areas near the Mugunga III camp for internally displaced persons (IDPs). The MONUSCO defence plan for Goma was activated, including placing quick reaction forces on alert. At least four civilians, including three children, were killed as a result of the clashes and nearly 11,000 civilians were displaced. After failing to advance and seize new positions, on 22 May, the M23 spokesperson announced a unilateral ceasefire.

6. Other armed groups remained active in the province, regrouping, recruiting and clashing with FARDC. Violence erupted from 27 February to 5 March, between the Alliance des patriotes pour un Congo libre et souverain (APCLS) and FARDC in Kitchanga, in Masisi territory, resulting in the displacement of 5,000 civilians who sought refuge around the MONUSCO forward base in the area. Insecurity also persisted in the Grand Nord region, with a worrying increase in abductions. During the reporting period, the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU) and Mayi-Mayi groups reportedly abducted 112 persons in Beni territory. Between 19 and 21 April alone, ADF/NALU abducted 46 civilians, including 11 children on the Kamango-Beni-Mbau axis.

7. The security situation in South Kivu remained precarious throughout the reporting period. Armed groups, including Mayi-Mayi Yakutumba, Mayi-Mayi Nyatura, Mayi-Mayi Mayele, Mayi-Mayi Bwasakala and Mayi-Mayi Mulumba continued negotiations with FARDC on integration, amid ongoing recruitment to swell their ranks. Mayi-Mayi Raia Mutomboki factions remained active in Kabare, Walungu, Mwenga and Shabunda territories, after having pushed FDLR south towards Mwenga and Uvira territories. There were continuing reports of infiltration of the Forces nationales pour la libération du Burundi (FNL) elements through various crossing points in Uvira territory. There were also persistent reports, during the period under review, of attempts by M23 to destabilize the province through proxies or alliances with local armed groups.

8. In Maniema, Mayi-Mayi Raia Mutomboki groups expanded their presence from Shabunda in South Kivu into Punia territory around mineral rich sites. On 17 and 22 February, FARDC re-took control of Kasese and Punia villages from Mayi-Mayi Raia Mutomboki. After being pushed southwards, Mayi-Mayi Raia Mutomboki elements skirmished with FARDC along the Kasese-Shabunda-Walikale triangle, leading to population displacements.

9. In Katanga, the Mayi-Mayi group led by Gédéon Kyungu Mutanga, known as “Kata Katanga”, intensified attacks against the FARDC and State authorities in Pweto, Manono and Moba territories. The group extended its reach north towards Kalemie and south towards Lubumbashi, while promoting a secessionist agenda. On 23 March, a group of over 300 Mayi-Mayi Kata Katanga elements launched an attack on Lubumbashi. According to provincial authorities, 27 persons were killed and 50 wounded during the incident. Despite the intervention of FARDC, a large group of Mayi-Mayi forcefully entered the MONUSCO compound. Following negotiations, they surrendered their weapons to MONUSCO personnel and were subsequently handed over to government authorities. With support from partners of the United Nations Children’s Fund (UNICEF), 40 children were separated from the apprehended group of Mayi-Mayi. The 23 March incident prompted President Kabila to replace the commander of the Sixth Military Region and the provincial heads of the police and the intelligence services.

10. In Orientale province, despite a slight decrease in attacks compared to the previous reporting period, small and mobile residual elements of the Lord’s Resistance Army (LRA) remained particularly active in Haut-Uélé district, targeting the Dungu-Duru axis and the Bangadi-Ngilima area. On 21 March in Digba, about 45 kilometres north of Ango, in Bas-Uélé, a group of 27 LRA abductees comprising 15 women and 12 children were released by the group.

11. In southern Irumu district, efforts to integrate elements of the Forces de résistance patriotiques en Ituri (FRPI) into FARDC were unsuccessful. On 1 March, FARDC launched a military operation against FRPI at Medu, Malu and Songolo, and took control of these areas. In northern Aru territory, a new armed group called the Forces de défense de la population locale de la Province orientale targeted positions of FARDC and the Congolese National Police. In Mambasa territory, Mayi-Mayi Morgan and FARDC deserter “Colonel” Hilaire Kombi Paluku carried out attacks against civilians in artisanal gold-mining areas.

Humanitarian situation

12. New humanitarian needs arose, mainly owing to continued fighting in North Kivu province, increased militia activity in Katanga and Maniema provinces, a continuous spread of epidemics, notably cholera in Lubumbashi, and some 40,000 refugees fleeing from the Central African Republic into Equateur and Orientale provinces. The total estimated number of IDPs stood at 2.6 million. An increase was registered in North Kivu province, where displacement rose by 15 per cent to a total of 920,000 caused by armed groups’ activity and the resulting FARDC response. While 428,000 people remained displaced in Orientale province, including 320,000 as a result of LRA activities, modest return movements and resettlements in urban centres, including Dungu, Faradje and Niangara, were observed during the reporting period. In Maniema, as a result of increased FDLR activity and Mayi-Mayi group activity, over 55,000 additional persons were displaced between February and April, bringing the total to 214,700 displaced as at 30 April. Also, during the reporting period, acute malnutrition rates in South Kivu, Katanga and the Kasais provinces were higher than the national 10 per cent emergency threshold.

13. The Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator visited Goma and Bukavu from 27 to 30 May to assess the situation of IDPs and exchange views with MONUSCO on humanitarian and protection issues related to the intervention brigade.

14. As at 12 June, the humanitarian action plan for 2013, estimated at \$893 million, was funded at 39 per cent. In March, the Humanitarian Coordinator allocated \$2.5 million from the Common Humanitarian Fund “reserve” to respond to the needs of 54,000 IDPs in Pweto territory in Katanga, while a \$15 million Central Emergency Response Fund (CERF) appeal was launched in May to respond to the needs of refugees from the Central African Republic. An \$8 million CERF proposal was approved for refugees fleeing from the Central African Republic, while a \$4 million CERF proposal was submitted by UNICEF and the World Health Organization (WHO) for urgent immunization against measles.

Political developments

15. On 19 March, the Supreme Court of Justice confirmed that the law establishing the Constitutional Court originally adopted in 2011 was in conformity with the Constitution. President Kabila returned the law to Parliament, recommending a review. On 11 April, the Senate proposed that the President sign the law as adopted and that a separate draft law be submitted to amend it.

16. On 15 April, the National Assembly rejected a motion of no confidence against the government of Prime Minister Augustin Matata Ponyo that was tabled by an opposition member of the National Assembly, alleging violations of the Constitution and the mismanagement of public finances.

17. On 18 April, the Prime Minister held a press conference to review the 12-month record of his government. He highlighted improvements in the economy, which he attributed to rigorous fiscal management and improved governance. On 9 May, the Government released a report outlining the achievements of its first year in office. Other significant political developments are reported as part of the implementation of the national commitments under the Peace, Security and Cooperation Framework, in paragraphs 62 to 76 of the present report.

Regional developments

18. Talks between the Government of the Democratic Republic of the Congo and M23 continued in Kampala but made little headway.

19. From 22 to 24 May, I conducted a joint visit to the Democratic Republic of the Congo, Rwanda and Uganda with World Bank President Yong Kim in support of the Peace, Security and Cooperation Framework. On 26 May, I co-chaired with the President of the African Union Commission the first meeting of the regional oversight mechanism of the Framework. I have reported further on this trip and the Kampala talks in my report on the implementation of the Peace, Security and Cooperation Framework.

III. Implementation of the mandate of MONUSCO

Protection of civilians

20. As of April, the protection cluster, led by the Office of the United Nations High Commissioner for Refugees (UNHCR), recorded over 10,600 protection incidents in North and South Kivu.

21. MONUSCO employed a variety of means to address these developments, including the use of quick reaction forces, as well as static and mobile patrols. The priority of MONUSCO continued to be securing strategic positions in and around Goma, especially during the factional M23 fighting. In order to prepare for the deployment of the intervention brigade, MONUSCO closed four forward bases and repositioned those forces to strengthen defences for Goma. In addition, nine mobile bases were deployed in Ituri district to deter attacks by FRPI and Mayi-Mayi Simba. During the reporting period, formed police units also carried out 224 patrols around IDP camps in North Kivu. Demining activities also continued to contribute to protection of civilians' efforts.

22. Between February and April, MONUSCO deployed 30 newly recruited community liaison assistants in South Kivu and Katanga provinces, bringing the total number to 202, to support 75 forward bases and to help identify protection requirements. During the reporting period, 23 joint protection teams were deployed in North Kivu, South Kivu and Orientale province to assess the security situation and to identify protection needs. Twenty-five community alert networks enabled 225 isolated communities in North Kivu, South Kivu and Orientale provinces to contact local authorities or the Mission in case of threat.

Mission deployment and operations against armed groups

23. MONUSCO made preparations for the deployment of the intervention brigade. Pre-deployment technical missions and multidisciplinary teams specialized in training on human rights and protection of civilians were dispatched to the countries contributing troops to the intervention brigade. Planning for future coordination with humanitarian actors also began. The Brigade's headquarters was established in Goma on 23 April. MONUSCO concentrated the South African battalion in Goma prior to its transfer to the intervention brigade and the Uruguayan Force Reserve battalion was deployed in the locations vacated by the South African battalion to fill the vacuum. By 17 June, 1,232 troops of the United Republic of Tanzania and 808 South African troops had been deployed as part of the intervention brigade, while the deployment of Malawian troops is expected to take place by mid-July. With the deployment of the Intervention Brigade to Sake, in North Kivu province, it is estimated that 95 per cent of the MONUSCO military component will be deployed in eastern Democratic Republic of the Congo.

24. A number of joint operations were conducted with FARDC. Joint standing combat deployments, joint riverine patrols on Lake Kivu and training in the use of MONUSCO attack helicopters in FARDC defence plans were undertaken. MONUSCO, in strict compliance with the Human Rights Due Diligence Policy on United Nations support to non-United Nations security forces, continued to provide support to FARDC in operations targeting armed groups in North Kivu, South Kivu, Orientale and Equateur provinces. In Katanga province, MONUSCO undertook extensive patrolling in Kongolo, Bendera, Kalemie and Moba to protect populations from the activities of Mayi-Mayi groups.

Safety and security of United Nations personnel within the context of possible operations of MONUSCO intervention brigade

25. MONUSCO undertook a full security risk assessment and review of its existing security measures and operating procedures during the reporting period. The aim of the exercise was to ensure the mitigation of risks associated with possible operations by the intervention

brigade or any countermeasures by the armed groups and their implications for the safety and security of United Nations personnel, assets and facilities.

26. The threat to United Nations personnel emanating from armed groups in eastern Democratic Republic of the Congo, especially in North Kivu and South Kivu provinces, was assessed to include the risk of deliberate attacks, kidnappings and hijackings, as well as risks associated with the presence of unexploded ordnance and mines. MONUSCO and the United Nations country team updated operational plans to minimize the risks to humanitarian and development personnel and programmes.

27. The threats and the security risks confronting United Nations staff, premises and operations remained low in the western part of the country. The situation in the east was markedly different, with more than 51 security incidents recorded between 15 February and 8 May. On 23 March, the Mission regional office in Lubumbashi, although not a direct target, suffered extensive material damage when Mayi-Mayi Kata Katanga attacked the city. Following this incident, MONUSCO adopted new defensive measures and procedures for all its regional offices, including measures to address situations of armed combatants seeking refuge or surrendering at United Nations facilities. An attempt by armed men on 21 April to break into the MONUSCO camp at Munigi, north of Goma, left one attacker dead. On 7 May, a MONUSCO military convoy was ambushed by armed assailants 18 kilometres from Bukavu in South Kivu. One MONUSCO soldier was injured and later died. FARDC arrested two suspects on 8 May; and further investigations are ongoing to ascertain the motives of the attack.

Monitoring the implementation of the arms embargo

28. MONUSCO continued preparations for reinforcing its surveillance capabilities, including the deployment of unarmed, unmanned aerial systems. The technical assessment of proposals for deployment of these systems is under way. Efforts were made to monitor movements along the eastern border areas in North Kivu and South Kivu provinces. Maritime radars installed on the shores of Lake Kivu enabled a better understanding of movements and activities on the Lake. During the reporting period, MONUSCO received reports of alleged external support to M23.

Disarmament, demobilization and reintegration/disarmament, demobilization, repatriation, resettlement and reintegration

29. During the reporting period, foreign combatants and dependants from Congolese and foreign armed groups voluntarily participated in the MONUSCO disarmament, demobilization, repatriation, resettlement and reintegration programme. It included 48 foreign elements from M23, among whom 46 were verified to be Rwandan, 1 Ugandan and 1 Kenyan. With regard to FDLR, 119 foreign combatants, 123 of their dependants and 5 children associated with armed groups voluntarily participated in the MONUSCO disarmament, demobilization, repatriation, resettlement and reintegration programme. In addition, 720 Congolese members of armed groups were received by MONUSCO, of whom 242 were M23 members and 89 FDLR members.

30. In May 2013, the Government of the Democratic Republic of the Congo took a first step towards establishing a new national programme by preparing a draft of a single and overarching disarmament, demobilization, repatriation, resettlement and reintegration plan for both foreign and Congolese armed groups. A strategic working group on disarmament, demobilization, repatriation, resettlement and reintegration was established between MONUSCO and the United Nations country team to support this plan, which is expected to handle an estimated caseload of 14,000 Congolese beneficiaries and 3,000 foreign elements. Adequate funding remains a major challenge for this plan.

Mine action

31. During the reporting period, the United Nations Mine Action Service (UNMAS) removed 1,477 unexploded ordnance and disposed of 2,500 rounds of small arms ammunition. Moreover, UNMAS delivered mine risk education to 24,565 people. In May, in direct support to MONUSCO operations, UNMAS coordinated a nationwide landmine contamination survey with a view to providing an accurate threat assessment in the Mission area of operation. UNMAS also continued to support MONUSCO in ammunition and weapons safety management.

Security sector reform

32. Through the good offices of my Special Representative, MONUSCO continued to advocate with government officials and to offer the support of the United Nations for the reform of the security and justice sectors, especially army reform, which President Kabila identified as a major priority of the Government in his New Year address. MONUSCO also continued efforts aimed at strengthening coordination among national authorities and international partners on these reform efforts.

33. On 10 May, the Supreme Council of Defence, chaired by President Kabila, endorsed a general training plan for FARDC with a view to implementing the road map for the creation of a rapid reaction force within FARDC. MONUSCO is supporting FARDC in setting up a battalion tactical training centre in Kisangani, which will carry out a six-month training and mentoring programme for the rapid reaction force. On 21 May, the Minister for Foreign Affairs of the Democratic Republic of the Congo briefed the diplomatic corps in Kinshasa on the Government plans for security sector reform, in particular army and police reform.

34. During the reporting period, MONUSCO completed a one-month refresher training course for the FARDC 321st battalion in the Luberizi Camp, 80 kilometres south of Bukavu in South Kivu, which deployed back to North Kivu. The battalion was instrumental in preventing M23 advances during the clashes of 20 and 22 May in the Goma area. MONUSCO also conducted training for other FARDC units deployed in Ituri, North Kivu and South Kivu provinces, with the aim of enhancing their operational capacities. Under the above-mentioned training plan and road map, MONUSCO plans to support FARDC in establishing three training centres in Luberizi and Rwindi, North Kivu and in Rwampara, Ituri district.