Letter dated 23 March 2020 from the Chargé d’affaires a.i. of the Permanent Mission of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit for members of the Security Council the text of the official position of the Government of the Democratic Republic of the Congo regarding the situation in the country and the assessment of the implementation of the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Paul Losoko Efambe Empole
Chargé d’affaires a.i.
Minister Counsellor
Annex to the letter dated 23 March 2020 from the Chargé d’affaires a.i. of the Permanent Mission of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council


Introduction


The Government of the Democratic Republic of the Congo wishes to provide information to the members of the Security Council regarding various vital questions and the issues that should be addressed in the plenary debate related to the report of the Secretary-General on MONUSCO of 18 March 2020 (S/2020/214).

Important questions discussed

With regard to the issues addressed in the report of the Secretary-General on MONUSCO and the general development of the situation in the Democratic Republic of the Congo, this official position covers the following aspects:

• Peace, security and stability in the Great Lakes region.
• Electoral process.
• MONUSCO and the Intervention Brigade.
• Cooperation between the Democratic Republic of the Congo and MONUSCO.
• Cooperation between the Armed Forces of the Democratic Republic of the Congo (FARDC) and MONUSCO.
• Draft timetable for the gradual withdrawal of MONUSCO.
• Combating the exploitation of and illicit trafficking in mineral resources.
• Combating illicit arms trafficking.
• Human rights and the political and humanitarian situation.

1. Peace, security and stability in the Great Lakes region

1.1. Peace and security continue to be essential to maintaining stability in the Great Lakes region. They require unfailing compliance with the agreements reached, and political will on the part of the leadership to work for harmony in the region.

1.2. The security situation in the Democratic Republic of the Congo is generally calm but continues to be overshadowed by the activities of national armed groups and negative forces (foreign armed groups), in addition to intercommunal violence, particularly in the eastern part of the country.

1.3. Curiously, Zambia, a member country of the Southern African Development Community (SADC) and the Common Market for Eastern and Southern Africa, with which the Democratic Republic of the Congo maintains good relations (including
diplomatic and commercial relations), chose this moment to carry out a military invasion of the localities of Kibanga and Kalubamba in the territory of Moba in the Democratic Republic of the Congo, from 13 to 21 March 2020, as may be seen from the following facts:

• On 13 March 2020 at 11 a.m. local time, a Zambian navy patrol boat raided the locality of Kibanga.

• On 15 March 2020 from 3 to 5 p.m. local time, after an inter-force operation, the Zambian army occupied the locality of Kibanga.

• On 17 March 2020 at 10 a.m. local time, two FUMA patrol boats on Lake Tanganyika attempted to attack FARDC positions in Kalubamba. The enemy was driven back by FARDC.

• On 18 March 2020 at 3 p.m. local time, a Zambian fighter aircraft dropped more than five bombs on the locality of Kalubamba, about 3 km from Moliro, before calling in two helicopter gunships. On the same date, at around 5 p.m., four Zambian helicopters dropped bombs, causing casualties and the destruction of equipment.

• On 21 March 2020, at or around 12.57 p.m., two Zambian army military helicopters, in five rotations, overflew the airspace of the Democratic Republic of the Congo in the area of the Moliro marine camp in the territory of Moba, Tanganyika province, firing several rounds.

Notwithstanding this casus belli, the Democratic Republic of the Congo favours a diplomatic approach.

1.4. There are numerous national armed groups, consisting mostly of Mai-Mai. Some are associated with foreign armed groups aligned with Uganda (the Allied Democratic Forces-Madina Tawheed wal Muwahideen, (ADF-MTM)), Burundi (Front national de libération (FNL), Résistance pour un état de droit au Burundi (RED-Tabara) and Forces républicaines du Burundi (FOREBU)) and Rwanda (Forces démocratiques de libération du Rwanda (FDLR), Conseil national pour la renaissance et la démocratie (CNRD), Rwanda National Congress (RNC) and others). These coalitions could poison relations between the Democratic Republic of the Congo and its neighbours, something that gives those threats a regional character.

• Intercommunal conflicts include those between the Hima and the Lendu in Ituri.

• On 28 February 2020, a peace agreement was signed between the provincial government of Ituri and the Force de résistance patriotique de l’Ituri (FRPI) armed group in Gety, where 1,125 fighters of the group are pre-cantoned in Irumu territory, which provides for disarmament after 15 days.

• In parallel to what happened in Irumu territory with FRPI, for the past three weeks Djugu territory has been experiencing deadly attacks by another group, Coalition des démocrates congolais (CODECO) (Ngudjolo), which has killed dozens of civilians and burned villages. The apparent objective of these attacks was for the group to make itself heard and negotiate from a position of strength.

• As part of the process to restore peace in the middle and high plateaux of Uvira, Fizi and Mwenga in the province of South Kivu, intracommunity forums are being organized. Two forums were organized respectively in Kinshasa on 12 and 13 February 2020 for the Banyamulunge community and in Uvira from 2 to 4 March 2020 for the Babembe.

• To that end, talks were held between the local governments and armed groups in Uvira from 13 to 15 March 2020, following which a ceasefire agreement was signed.
1.5. With regard to disarmament, demobilization and reintegration, the Government is working on the implementation of a related coordination mechanism that will serve as an interface with MONUSCO. This will require financial, technical and logistical support from MONUSCO and other partners.

1.6. The President of the Republic launched large-scale military operations on 30 October 2019 in the town of Beni. These are being carried out by FARDC with the support of MONUSCO. Their purpose is to eradicate all threats, in particular those posed by ADF-MTM, a terrorist group that has pledged allegiance to Islamic State in Iraq and the Levant (ISIL).

Military pressure brought to bear by FARDC has had the following outcomes:

- Ninety ADF fighters were neutralized, 25 others captured, and 105 collaborators arrested on 12 March 2020.

- These ADF terrorists, not having been totally eliminated from their former strongholds, are emerging in isolation, in rear positions, to continue killing the civilian population; as at March 2020, 389 civilians had been killed; 32 had been wounded and 8 were missing. Following the killings, the President of the Democratic Republic of the Congo, Félix Antoine Tshilombo Tshisekedi, decided to establish front-line FARDC headquarters in Beni.

- Operations by FARDC against FDLR, in North Kivu, from September 2019 to the present, have essentially neutralized the heads of the Rwandan armed groups, namely Sylvestre Mudachumura and Juvénal Musabimana, alias Jean-Michel Africa.

- In South Kivu, more than 95 per cent of the bases were destroyed of the negative forces of CNRD, a Rwandan rebel splinter group of FDLR, with more than 200 fighters neutralized, including their leader Wilson Irategeka, and the recovery of his dependants and 147 weapons and ammunition of assorted calibres.

Confronted with this military pressure from FARDC, large numbers among the ranks of the Mai-Mai, Nyatura, Nduma défense du Congo-Rénové (NDC-R) and Mai-Mai Raia Mutomboki armed groups surrendered in North and South Kivu.

1.7. The Democratic Republic of the Congo has always worked to implement all the commitments of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, commonly known as the Addis Ababa framework agreement.

It therefore calls for other regional States in general, and certain neighbouring countries in particular, to take earnest action, and for the guarantors of the framework agreement to provide genuine support and comply with their commitments.

In this regard, a meeting of the heads of the security and intelligence services of Burundi, Uganda, Rwanda, Tanzania and the Democratic Republic of the Congo was held in Kinshasa from 4 to 6 June 2019 with a view to strengthening cooperation and the exchange of intelligence in order to neutralize armed groups.

Following this meeting, participants agreed to set up a technical working group. The objectives assigned to this group include developing the military and non-military measures necessary to neutralize the armed groups.

This working group met from 4 to 6 November 2019 in Dar es Salaam, Tanzania, in accordance with its assigned objectives. Within the same framework, the forty-
sixth meeting of the Regional Oversight Mechanism of the Addis Ababa framework agreement was held in Nairobi, Kenya.

The agenda for the tenth summit of Heads of State and Government has been prepared. Furthermore, during this high-level event, Mr. Félix Antoine Tshilombo Tshisekedi, President of the Republic, will preside over the Regional Mechanism summit scheduled to be held in Kinshasa in 2020.

However, in view of the spread of the coronavirus, the holding of the Regional Mechanism summit has been postponed to a later date.

1.8 Taking stock of the detrimental effects of those armed groups and terrorists on peace in the Democratic Republic of the Congo, President Félix Antoine Tshilombo Tshisekedi stated at the thirty-ninth summit of SADC that domestic and foreign armed groups were causing persistent insecurity in the eastern part of the country. The most dangerous armed movement was the Allied Democratic Forces-Tawhid Wall-Munadiin (ADF-MTN), whose modus operandi consisted of perpetrating terrorist acts consistent with their affiliation with ISIL. The group posed a threat to the Democratic Republic of the Congo and to the subregion as a whole.

1.9 At the forty-eighth meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, held in Kinshasa from 27 to 31 May 2019, the positive developments in the subregion were duly noted. However, Central Africa, in particular the Democratic Republic of the Congo, continued to face considerable security challenges. States therefore reaffirmed their determination to strengthen subregional cooperation and combat the activities of armed groups, terrorism, maritime piracy, mercenarism and the illicit exploitation of natural resources.

1.10 At the forty-ninth meeting, held from 25 to 29 November in Luanda, Angola, in which the Democratic Republic of the Congo handed over the presidency to Angola, the Advisory Committee considered the geopolitical and security situation in each Member State; countering violent extremism; the women and peace and security agenda in Central Africa; the promotion of human rights; piracy and maritime security in Central Africa; the promotion of disarmament; pastoralism in Central Africa and the institutional reform of the Economic Community of Central African States. Participants took stock of the security challenges that needed to be addressed and noted the need to address peace and security in the context of climate change.

1.11 In order to comply with the decision of the Heads of State taken at the eighth high-level meeting of the Regional Oversight Mechanism of the Peace, Security and Cooperation Framework, held in Brazzaville on 19 October 2017, demanding the simultaneous and unconditional repatriation of the fighters of FDLR and ex-Mouvement du 23 mars (ex-M23) held in the Democratic Republic of the Congo, Rwanda and Uganda, the Democratic Republic of the Congo has closed the FDLR camps in Walungu, Kisangani and Kanyobagonga and expelled 1,648 members of the rebel movement, along with their dependants and the prisoners.

1.12 The delegation of the Democratic Republic of the Congo and the leaders of ex-M23 fighters held in camps on Rwandan territory engaged in talks in Kigali, Rwanda, on 28 October 2019 regarding facilitation by the Rwandan authorities with a view to formulating a road map leading to the voluntary repatriation of the ex-M23 fighters. The talks were held in accordance with the resolutions adopted at the first meeting held in Kigali on 11 and 12 July 2019.

The parties made the following commitments in that regard:

• No law would be adopted other than the amnesty law.
• Military and political integration would take place.
Ex-M23 leaders expressed concerns regarding ex-M23 fighters allegedly held in cells and military prisons in the Democratic Republic of the Congo. Accordingly, warrants would be lifted so that they could return freely to the country; looted goods would be identified jointly; the Government of the Democratic Republic of the Congo would organize the return of political officials and dependants of ex-M23 fighters and ensure the security of ex-M23 leaders.

The return of the political officials would take 60 days as of the repatriation of the former fighters belonging to the movement.

However, before the last round of talks, some fighters belonging to the movement had already been repatriated, including those who had been on Ugandan territory and the 900 former fighters who had been in Rwanda since 14 December 2014. One hundred other members in the Bihanga camp are currently being repatriated.

As regards the former fighters wanted by the military justice system, the National Oversight Mechanism of the Addis Ababa framework agreement gave instructions to the Chief Justice of FARDC on 20 November 2019 with a view to taking action on the suspension of the arrest warrants.

The Government of the Democratic People’s Republic of the Congo hopes that States members of the Oversight Mechanism for the repatriation of disarmed fighters will comply with the regional commitments made under the Addis Ababa framework agreement and the decisions taken recently by regional Heads of State.

The Government notes the dynamic set in motion by the Government of Uganda with regard to the repatriation of ex-M23 fighters. However, it regrets that the leader of the ex-M23 fighters held in Ngoma (Rwanda), Pastor Runiga, openly and violently inveighed against the candidates for repatriation to the Democratic Republic of the Congo, and did so in front of the representatives of the guarantors (namely SADC, the United Nations, and the International Conference on the Great Lakes Region (ICGLR)), including those of the Democratic Republic of the Congo and Rwanda. In so doing, he hindered the implementation of the decisions taken by the Heads of State.

The Democratic Republic of the Congo therefore calls for the reactivation of the Tripartite Plus One Commission meetings, which bring together the member countries, namely the Democratic Republic of the Congo, Rwanda and Burundi, and which were chaired by representatives of the United States Department of State. Those meetings came to a stop in 2010, but the agreement establishing the Commission has not been denounced by the parties.

Electoral process in the Democratic Republic of the Congo

The next local elections, which had been planned for 22 September 2019, have been rescheduled.

Cooperation between the Democratic Republic of the Congo and the Mission

In his first statement on the dais of the United Nations General Assembly, the Head of State, Félix Antoine Tshilombo Tshisekedi, stressed the urgent need to readjust the configuration of MONUSCO to the evolving situation on the ground and concentrate more on the capacity of United Nations forces to engage in operations alongside FARDC: “The Democratic Republic of the Congo still needs MONUSCO, but a streamlined, well-equipped, robust MONUSCO, with an appropriate mandate, like the Rapid Intervention Brigade that once helped rout the Mouvement du 23 mars.”
3.2 In 2002, the Democratic Republic of the Congo raised the possibility of exchanges with the United Nations aimed at reducing the staffing of MONUSCO with an ultimate view to its full disengagement.

3.3 In Security Council resolution 2277 (2016) of 30 March 2016, the Security Council duly reiterated that any future reconfigurations of MONUSCO and its mandate should be determined in consultation with the Government of the Democratic Republic of the Congo on the basis of the evolution of the situation on the ground.

3.4 The Government of the Democratic Republic of the Congo believes that the drawdown of MONUSCO troops should begin with the troops deemed non-essential, and that the Intervention Brigade contingent should be the last to leave Congolese territory. The Democratic Republic of the Congo thus agrees with SADC that, when the forces of the Brigade deployed in the context of MONUSCO are reduced, the capacity of the Intervention Brigade should not be affected until negotiations between troop contributing countries and the United Nations are complete.

3.5 In his address of 15 February 2019 to the accredited diplomatic corps in the Democratic Republic of the Congo, President Félix Antoine Tshilombo Tshisekedi recalled the governmental option of supporting the process of the progressive drawdown of MONUSCO while taking into account the developing security situation, by participating fully in the formulation of a joint exit strategy and its gradual transformation in the context of strategic dialogue.


4.1 The Intervention Brigade should play an important role in neutralizing terrorists and armed groups in the eastern Democratic Republic of the Congo, as those groups are a spoiler of peace on the national territory.

4.2 There is an amendment to a technical arrangement between the Ministry of National Defence, Former Combatants and Reintegration and MONUSCO concerning cooperation between FARDC and the MONUSCO force and covering the modalities of intervention in the areas of logistics, combat support and medical evacuation. This agreement was signed on 27 August 2019 for a one-year renewable term.

4.3 Nevertheless, on the ground and particularly in Beni territory, this support is not effective because the Intervention Brigade supposed to support FARDC has been deprived of these essential potential capabilities (artillery, combat helicopters, etc.).

4.4 The Democratic Republic of the Congo supports the principle of increasing the operational capacity of the Intervention Brigade but does not support the withdrawal of troops from this Brigade.

4.5 The Intervention Brigade should be provided with special units geared to asymmetric warfare; the artillery battery and combat engineering units of the Intervention Brigade should be brought back to capacity; and the South African helicopters should be imminently redeployed.

5. Draft schedule for the gradual withdrawal of the Mission

5.1 The Democratic Republic of the Congo is in favour of the gradual and peaceful disengagement of MONUSCO, but with deadlines to be set later and by mutual agreement on the basis of the realities on the ground.

6. Combating the exploitation of and illicit trafficking in mineral resources

6.1 The resource wealth of the Democratic Republic of the Congo has long been coveted by its neighbours and even Westerners.
6.2 This greed has been both internal and external and has led to the illegal exploitation of natural resources with consequences for national peace and security and environmental protection.

6.3 Of the actors most implicated in the destruction of the environment in the Democratic Republic of the Congo, FDLR is undoubtedly the most violent armed group causing instability in the east of the country. Even the protected areas, declared World Heritage Sites by the United Nations Educational, Scientific and Cultural Organization, have not been spared. The multiple armed conflicts in the Democratic Republic of the Congo have brought about a tragedy affecting all areas of life since 1996.

6.4 In recent years, the Democratic Republic of the Congo has taken steps to transform its natural resource management systems. It is a member of ICGLR.

6.5 In 2010, the 11 member countries signed the Lusaka Declaration and endorsed the Regional Initiative against the Illegal Exploitation of Natural Resources.

6.6 In 2014, the Democratic Republic of the Congo became the second State member of ICGLR to issue certificates under the regional certification mechanism, a mandatory regional standard which certifies that tin, tantalum, tungsten and gold supplies are conflict-free.

6.7 The Democratic Republic of the Congo is also a member of the Kimberley Process and is required to put in place internal control mechanisms to certify that its rough diamonds have not been subject to conflict. It renewed this commitment with the adoption of the latest General Assembly resolution on this issue on 3 March 2020 in New York.

6.8 The exploitation of minerals in the east of the country continues to be carried out by criminal networks and other illicit groups. However, the Congolese State is keen to reform the mining sector through further regulation.

6.9 It is in this context that the Congolese Government introduced a new law on the Mining Code on 9 March 2018. This was motivated by the desire to increase the level of management control over State mining, mining titles and quarries, to clarify aspects relating to the social and environmental responsibility of mining companies with regard to the communities affected by their projects, and to balance the tax, customs and foreign exchange regime under the partnership framework between the State and mining operators.

6.10 To support this reform, on 25 October 2019 the Congolese Government, in partnership with the International Organization for Migration, launched a project aimed at improving the security of mining sites and reducing illicit trafficking in minerals, child labour and gender-based violence.

6.11 During the proceedings of the forty-eighth meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, the Democratic Republic of the Congo called for the support of the international community in the fight against illicit trafficking in its natural resources and in the traceability of its raw materials.

7. **Combating illicit arms trafficking**

7.1 Within the framework of the national policy to combat the proliferation of small arms and light weapons and reduce armed violence, and taking into account the Programme of Action, as well as the adverse economic, social, cultural and environmental effects associated with the proliferation of small arms, the Government of the Democratic Republic of the Congo, a signatory to these agreements, set up a national structure which brings together all State and civil society actors, known as
the National Commission for the Control of Small Arms and Light Weapons and the Reduction of Armed Violence.

7.2 Despite the remarkable achievements observed from the implementation of various activities, the proliferation of illicit small arms and light weapons remains a sad reality in the Democratic Republic of the Congo, with its 10,300 km² of borders, nine neighbouring countries and more than 60 million inhabitants, owing to the ease with which these weapons are accessed by rebels operating inside the Democratic Republic of the Congo and the threat that they pose to human security.

7.3 The Democratic Republic of the Congo is in an embryonic phase and much remains to be done to eradicate the problem of small arms and light weapons. The Democratic Republic of the Congo is making progress in this area in terms of compliance with the requirements of the 2001 Programme of Action on Small Arms and the 2004 Nairobi Protocol.

8. Human rights and the political and humanitarian situation

8.1 The Government of the Democratic Republic of the Congo has made it its mission to combat impunity for violations of human rights and international humanitarian law.

8.2 In particular, it has:

- Strengthened judicial staffing capacities through training.
- Strengthened the legal framework by harmonizing national legislation in relation to the Rome Statute.
- Strengthened the institutional framework by splitting the Supreme Court of Justice into three courts, namely a Constitutional Court, a Court of Cassation and a Council of State.
- Built and rehabilitated infrastructure, including the Luzumu prison, Kinshasa Prison and Rehabilitation Centre, Ndolo military prison and the judicial training institute (National Judicial Training Institute (INAFORJ)).
- Organized trials that have led to the conviction of senior officials and, inter alia, mobile court hearings and expedited hearings, in North Kivu, South Kivu and Ituri.

8.3 The Government consistently endeavours to respect human rights and fundamental freedoms. It upholds respect for freedoms pertaining to the democratic space, for instance through the professional control of public demonstrations.

8.4 As regards combating violations of human rights and humanitarian law targeting children in conflict areas, a road map has been formulated with a view to ending the recruitment and use of children in armed groups and protecting them from sexual violence. The road map was signed by some 10 commanders of armed groups in December 2018 and January 2019, making it possible to free 553 children.

8.5 The Congolese justice system has been independently and professionally conducting hearings regarding the case of the murder of two United Nations experts, taking into consideration the information received from the mission of international investigators and additional information from the team of the special prosecutor.

8.6 Political de-escalation is taking place across the country and reassuring political and social stakeholders. The presidential amnesties of 29 December 2018 made it possible to free at least 1,131 people, including 35 women.
8.7 President Félix Antoine Tshilombo Tshisekedi also announced the reform of the security services, the closure of secret prisons, and measures to free prisoners described as political or prisoners of opinion.

8.8 The Government of the Democratic Republic of the Congo notes a significant improvement in the human rights situation in the east, following the FARDC operations that routed ADF-MTM and other armed groups. These are at the root of most of the human rights violations, as indicated in the report of the United Nations Joint Human Rights Office that the Congolese Government intends to address on the basis of evidence gathered on the ground.

8.9 In May 2019, the Government of the Democratic Republic of the Congo responded decisively to the outbreak of Ebola haemorrhagic fever by establishing a technical task force supervised by the Head of State and coordinated by Professor Jean-Jacques Muyembe.

8.10 The task force has enabled the introduction of a new strategy to tackle the epidemic, including the following points:

- Awareness-raising, education and dialogue in the fight against Ebola, targeting local populations through community-level communication.
- Government support, provided by the Ministry of Health, towards the revision of the multisectoral operational strategy.
- Mobilizing government partner funds to combat the scourge of Ebola, which is exacerbating the security risk.

8.11 To date, no more confirmed cases of Ebola have been recorded in the Democratic Republic of the Congo since the last hospitalized patient was discharged on Tuesday, 3 March 2020. By 12 April 2020, by closely monitoring, among others, former patients who may still carry the virus in their seminal fluid, the country will be finished with the Ebola epidemic.

8.12 An additional 136 people have received the rVSV-ZEBOV-GP vaccine against Ebola. To date, a total of 225,852 people have been vaccinated since August 2018.

Done at Kinshasa on 23 March 2020