

of the United Nations High Commissioner for Refugees, including the use of both airports in Kisangani. It also notes his commitment to be flexible regarding the duration of the repatriation operation, which should move ahead as quickly as possible. It expresses concern at reports of obstruction of humanitarian assistance efforts but notes that humanitarian access has improved recently. It calls upon the Alliance of Democratic Forces to abide by these commitments and to enable the repatriation plan of the Office of the High Commissioner to be implemented without conditions or delay.

The Council also expresses its deep concern regarding the continuing reports of massacres, other atrocities and violations

of international humanitarian law in eastern Zaire. In this context, it reiterates its call upon the Alliance of Democratic Forces for the Liberation of Congo/Zaire and others concerned in the region to cooperate fully with the recently established United Nations investigative mission by ensuring unimpeded access to all areas and sites under investigation, as well as the security of the members of the mission. It attaches great importance to the commitment of the leader of the Alliance of Democratic Forces to take appropriate action against members of the Alliance who violate the rules of international humanitarian law concerning the treatment of refugees and civilians.

The Council will remain seized of the matter.

11. Items relating to the Democratic Republic of the Congo

A. The situation concerning the Democratic Republic of the Congo

Initial proceedings

Decision of 29 May 1997 (3784th meeting): statement by the President

By a letter dated 18 February 1997 addressed to the President of the Security Council,¹ the Secretary-General, referring to the mission of the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region, sought the support of the Council for a five-point peace plan as his initiative to restore peace in eastern Zaire. The five-point peace plan, based on the presidential statement of 7 February 1997,² called for the immediate cessation of hostilities; withdrawal of all external forces; respect for the national sovereignty and the territorial integrity of Zaire and other States of the Great Lakes region; protection and security for all refugees and displaced persons; and rapid and peaceful settlement of the crisis through dialogue, the electoral process and the convening of an international conference on peace, security and development. In his letter the Secretary-General stated that the consideration by the Security Council, on an urgent basis, of an appropriate acknowledgement and expression of support for his initiative would greatly assist the efforts of the joint United Nations/Organization of African Unity Special Representative.

¹ S/1997/136.

² S/PRST/1997/5.

By a letter dated 2 June 1997 addressed to the Secretary-General,³ the representative of the Netherlands transmitted the statement on the transfer of power in the Democratic Republic of the Congo issued on 22 May 1997 by the Presidency of the European Union.

By a letter dated 12 June 1997 addressed to the Secretary-General,⁴ the representative of the Republic of the Congo transmitted a statement by the Government of the Republic of the Congo following the political changes that had taken place in the Democratic Republic of the Congo (formerly Zaire).

At its 3784th meeting, held on 29 May 1997 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda without objection the item entitled "The situation concerning the Democratic Republic of the Congo".

At the same meeting, the President (Republic of Korea) made the following statement on behalf of the Council:⁵

The Security Council expresses its support for the people of the Democratic Republic of the Congo as they begin a new period in their history. The Council respects the legitimate national aspirations of the people of the Democratic Republic of the Congo to achieve peace, national reconciliation and progress in the political, economic and social fields to the benefit of all, and opposes any interference in its internal affairs.

³ S/1997/422.

⁴ S/1997/442.

⁵ S/PRST/1997/31.

The Council recalls its resolution 1097 (1997) of 18 February 1997, in which it endorsed the United Nations five-point peace plan.

The Council welcomes the end of the fighting and expresses its satisfaction that stability has begun to return to the country.

The Council reaffirms the national sovereignty and the territorial integrity of the Democratic Republic of the Congo and calls for the withdrawal of all external forces, including mercenaries.

The Council, in accordance with the United Nations five-point peace plan, calls for the rapid and peaceful settlement of the crisis through dialogue and the convening of an international conference on peace, security and development in the Great Lakes region. The Council also reaffirms the statement by its President of 30 April 1997 calling for rapid agreement on peaceful transitional arrangements leading to the holding of democratic and free elections with the participation of all parties.

The Council believes that the convening of an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity is essential for promoting regional peace and stability.

The Council, in accordance with the United Nations five-point peace plan, calls for protection and security for all refugees and displaced persons and facilitation of access to humanitarian assistance. It reiterates its call for full respect for the rights of refugees and displaced persons, and for access and safety for humanitarian relief workers. It also reiterates in the strongest terms its call for complete cooperation with the United Nations mission investigating reports of massacres, other atrocities and violations of international humanitarian law in the country, including to provide it full and immediate access and ensuring its security. It is particularly concerned by reports that refugees in the east of the country are being systematically killed. It calls for an immediate end to the violence against refugees in the country.

The Council expresses its deep appreciation to the Secretaries-General of the United Nations and the Organization of African Unity and their Special Representative, to the Government of South Africa, and to all those inside and outside the region for their efforts to facilitate a peaceful solution to the crisis in the Democratic Republic of the Congo.

B. Letter dated 29 June 1998 from the Secretary-General addressed to the President of the Security Council

Letter dated 25 June 1998 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the Secretary-General

Letter dated 25 June 1998 from the Permanent Representative of Rwanda to the United Nations addressed to the Secretary-General

Decision of 13 July 1998 (3903rd meeting): statement by the President

By a letter dated 29 June 1998 addressed to the President of the Security Council, the Secretary-General transmitted the report of his Investigative Team in the Democratic Republic of the Congo.⁶ He had established the Team in July 1997 to help break a deadlock between the Government of the Democratic Republic of the Congo and the Joint Investigative Mission mandated by the Commission on Human Rights to investigate allegations of massacres and other violations of human rights which arose from the situation that had prevailed in what was then eastern Zaire since September 1996. The Government had objected to the participation in the Mission of the Special Rapporteur on the situation of human rights in Zaire and to the period covered by its mandate. They urged that the mandate be extended back to 1 March 1993, in order to include: the ethnic violence between self-styled “indigenous Zairians” against Zairians of both Hutu and Tutsi origin, as well as subsequent developments including the influx of Hutu refugees from Rwanda in 1994 following the genocide there; the insecurity generated in both Zaire and Rwanda by armed members of the ex-Forces armées rwandaises and Interhamwe militia who maintained strict control over the refugees and launched raids into Rwanda; and the increasing violence to which Zairian Tutsis were subjected until the October 1996 uprising. In response, the Secretary-General had extended the period under investigation back to 1 March 1993 and appointed

⁶ S/1998/581.

Chief Justice Atsu-Koffi Amega (Togo) as leader of his Investigative Team, with a mandate to investigate serious violations of human rights and international humanitarian law alleged to have been committed in the Democratic Republic of the Congo up to 31 December 1997. The Secretary-General noted that the events described in the report of the Team had not occurred in a vacuum. The background to those events was the 1994 genocide in Rwanda, which led directly to the violence of the 1994-1996 period in eastern Zaire, which had been publicly denounced by the Rwandan Government as a resumption in a neighbouring country of the 1994 genocidal practices. That same violence resulted in the creation, in September 1996, of the Alliance of Democratic Forces for the Liberation of the Congo, and its successful military campaign against the regime of President Mobutu Sese Seko, which ended in Kinshasa on 17 May 1997. While it was a source of regret that the Team was not allowed to carry out its mission fully and without hindrance, they were able to reach a number of conclusions that were supported by strong evidence. The report found that all parties to the violence during the period under consideration had committed serious violations of human rights or international humanitarian law. It also found that the killings and the denial of humanitarian assistance to Rwandan Hutu refugees by the Alliance of Democratic Forces for the Liberation of the Congo (AFDL) and its allies, including elements of the Rwandan Patriotic Army, constituted crimes against humanity. The members of the Team also believed that some of the killings may have constituted genocide and called for further investigation of those crimes and of their motivation. The Secretary-General underlined that as the members of the Council read the report they would encounter one of the root causes of the recent conflicts in the Great Lakes region of Africa: a vicious cycle of violations of human rights and revenge, fuelled by impunity. That cycle had to be brought to an end if lasting peace and stability were to be restored to the region. He maintained that the international community, and especially donor countries, had a prominent role to play in all of this. He stated that in considering the attached report the Council would no doubt wish to respond to it in a way that reflected their responsibility for the maintenance of international peace and security and at the same time gave full weight to consolidating the fragile stability in the region. Violations of human rights on such a scale as to

constitute crimes against humanity had to be regarded as posing a threat to international peace and security. At the same time, full weight needed to be given to the importance of consolidating the fragile stability in the region, which plainly required a great deal of international assistance. It would, in his view, be a serious mistake if the international community were to turn its back on the countries concerned. What was needed was a consistent policy of critical engagement.

By a letter dated 25 June 1998 addressed to the Secretary-General,⁷ the representative of the Democratic Republic of the Congo stated with regard to the report of the Investigative Team that the Democratic Republic of the Congo was being charged by certain sectors of international public opinion, which alleged that units of the Alliance of Democratic Forces for the Liberation of the Congo had carried out massacres of Rwandan Hutu refugees. The frequent allusions to atrocities falsely attributed to AFDL had led the United Nations High Commissioner for Human Rights to request the Special Rapporteur for the former Zaire, appointed on 9 March 1994 by the Commission on Human Rights, to make another visit to the Democratic Republic of the Congo, who had prepared a very controversial report, which reflected a large degree of partiality. Particularly, he had deliberately and completely failed to mention that the main factors which led to the tragedy that occurred in the eastern part of the Democratic Republic of the Congo were criminal acts committed by the former regimes in the Great Lakes region. From the outset and in keeping with the spirit of Security Council resolution 1161 (1998) of 9 April 1998, the Government of the Democratic Republic of the Congo had requested that the United Nations investigation should include the period prior to the war of liberation because it was a period characterized by numerous violations of human rights committed by the former Forces armées zaïroises, the former Rwandan Army and the Interahamwe militias. Despite the differences between the parties, a compromise was struck, and after discussions, the Preparatory Commission and the Congolese Government on 4 June 1997 signed a protocol of agreement concerning the conduct of the investigation of the alleged massacres and other violations of human rights. However, notwithstanding the signing of the protocol of agreement, the

⁷ S/1998/582.

investigative mission had continually distinguished itself by violating the agreed provisions. He noted that the Government of the Democratic Republic of the Congo had protested against: the failure of the mission to respect the agreed space and time period of the investigation; interference in the internal political affairs of the Congo; failure to respect the cultural values of the region being investigated; and a deliberate attempt to instigate incidents inimical to the Government of the Democratic Republic of the Congo.

He further stated that the report was a dangerous document that, contrary to the ideals of international peace and security propagated by the United Nations, exacerbated the ethnic hatred between Hutus and Tutsis by oversimplifying the complex problems which plagued the Great Lakes region. It was also politically motivated, its object being to camouflage the responsibilities of the Powers implicated in the genocide in Rwanda, specifically France in Operation Turquoise; and to upset the political stability of the Great Lakes region. Moreover, the rumours collected after several investigations were based on samplings too small to be statistically viable, with the result that the document was not based on concrete facts. As a result, he stated that the Government simply rejected the conclusions of the report as being a collection of unfounded allegations.

By a letter dated 25 June 1998 addressed to the Secretary-General,⁸ the representative of Rwanda stated that the report was incomplete and thus inconclusive, as the Team had admitted throughout the text; that the text was emotive; and significantly biased and bent on non-substantive issues of the terms of reference or mandate. Publication of such a report did not serve the human rights cause, and would compromise the possibility of getting to the truth as to what happened. He stated that it was also regrettable that there had been intensive and selective sensitization and lobbying of some Member States about the report before its publication. This was highly inappropriate, as any action that sought to influence Member States contradicted the Charter requirement of the neutrality of the Secretariat, and was a total breach of confidentiality. He maintained that the Government of Rwanda categorically denied and resented the insinuation in the report that Rwandan Government

soldiers had committed any human rights violations against a section of its own people or anyone else, in the then Zaire. He maintained that the record of the Government of Rwanda was clear. The Rwandan refugees in the then Zaire had been held hostage by the ex-Forces armées rwandaises, Interahamwe militia and the Forces armées zaïroises, a fact of which the United Nations was well aware. He underlined that it had been the duty of the Government of Rwanda to rescue its people, and that this had been successfully done.

At its 3903rd meeting, held on 13 July 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the above-mentioned letters in its agenda. Following the adoption of the agenda, the President (Russian Federation), with the consent of the Council, invited the representatives of the Democratic Republic of the Congo and Rwanda, at their request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁹

The Security Council condemns the massacres, other atrocities and violations of international humanitarian law committed in Zaire/Democratic Republic of the Congo, and especially its eastern provinces, including crimes against humanity and those other violations described in the report of the Secretary-General's Investigative Team. It notes the responses to the report provided by the Governments of the Democratic Republic of the Congo and Rwanda. It recognizes the work of the Investigative Team in documenting some of these violations, in spite of the fact that the Team was not allowed to carry out its mission fully and without hindrance.

The Council reaffirms its commitment to the unity, sovereignty and territorial integrity of the States of the Great Lakes region.

The Council recognizes the necessity to investigate further the massacres, other atrocities and violations of international humanitarian law and to prosecute those responsible. It deplores the delay in the administration of justice. The Council calls upon the Governments of the Democratic Republic of the Congo and Rwanda to investigate without delay, in their respective countries, the allegations contained in the report of the Investigative Team and to bring to justice any persons found to have been involved in these or other massacres, atrocities and violations of international humanitarian law. The Council takes note of the stated willingness of the Government of the Democratic Republic of the Congo to try any of its nationals who are guilty of or were

⁸ S/1998/583.

⁹ S/PRST/1998/20.

implicated in the alleged massacres. Such action is of great importance in helping to bring an end to impunity and to foster lasting peace and stability in the region. It urges Member States to cooperate with the Governments of the Democratic Republic of the Congo and Rwanda in the investigation and prosecution of these persons.

The Council encourages the Governments of the Democratic Republic of the Congo and Rwanda to seek international assistance, such as technical assistance, as needed, in this process. It also invites the Governments concerned to consider the inclusion of international observers, as appropriate. It requests the Governments concerned to provide an initial progress report to the Secretary-General by 15 October 1998 on the steps being taken to investigate and prosecute those responsible.

The Council expresses its readiness to consider, as necessary in the light of actions by the Governments of the Democratic Republic of the Congo and Rwanda, additional steps to ensure that the perpetrators of the massacres, other atrocities and violations of international humanitarian law are brought to justice.

The Council urges Member States, relevant United Nations bodies and agencies and other international agencies to provide the necessary technical and other assistance, as requested, to the Governments of the Democratic Republic of the Congo and Rwanda in the development of independent and impartial judicial systems.

The Council expresses support for United Nations and other international activities to reduce ethnic tensions and promote national reconciliation in the region, and encourages the Governments concerned to continue to cooperate in these activities to bring about a real improvement in the situation.

The Council attaches great importance to the role of the Organization of African Unity and welcomes its decision to establish the International Panel of Eminent Personalities to Investigate the Genocide in Rwanda and the Surrounding Events. It appeals to Member States to contribute to the special trust fund established to support the work of the Panel.

The Council will remain actively seized of the matter.

C. The situation concerning the Democratic Republic of the Congo

(continued)

Decision of 31 August 1998 (3922nd meeting): statement by the President

At the 3922nd meeting of the Security Council, held on 31 August 1998 in accordance with the understanding reached in its prior consultations, the President (Slovenia), with the consent of the Council, invited the representative of the Democratic Republic

of Congo, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:¹⁰

The Security Council expresses its deep concern about the current conflict in the Democratic Republic of the Congo, which poses a serious threat to regional peace and security. The Council expresses alarm at the plight of the civilian population throughout the country.

The Council reaffirms the obligation to respect the territorial integrity and national sovereignty of the Democratic Republic of the Congo and other States in the region and the need for all States to refrain from any interference in each other's internal affairs. In this context, the Council calls for a peaceful solution to the conflict in the Democratic Republic of the Congo, including an immediate ceasefire, the withdrawal of all foreign forces, and the initiation of a peaceful process of political dialogue with a view to national reconciliation. The Council expresses support for all the regional diplomatic initiatives aimed at a peaceful settlement of the conflict. The problems of the Democratic Republic of the Congo must be solved on the basis of a process of all-inclusive national reconciliation which fully respects the equality and harmony of all ethnic groups and which leads to the holding of democratic, free and fair elections as soon as possible.

The Council urges all parties to respect and protect human rights and respect humanitarian law, in particular the Geneva Conventions of 1949 and the Additional Protocols thereto, of 1977, as applicable to them. It condemns reported summary executions, torture, harassment and detention of civilians based on their ethnic origin, the recruitment and use of child soldiers, the killing or wounding of combatants who have laid down their weapons, hate propaganda, sexual violence and other abuses by any side. In particular, the Council calls for the protection of the civilian population. It recalls the unacceptability of the destruction or rendering useless of objects indispensable to the survival of the civilian population, and in particular of using cuts in the electricity and water supply as a weapon against the population. The Council reaffirms that all persons who commit or order the commission of grave breaches of the above-mentioned instruments are individually responsible in respect of such breaches.

The Council calls for safe and unhindered access for humanitarian agencies to all those in need in the Democratic Republic of the Congo. It calls for unrestricted access by the International Committee of the Red Cross to all detainees in the Democratic Republic of the Congo. It urges all parties to guarantee the safety and security of United Nations and humanitarian personnel.

¹⁰ S/PRST/1998/26.

The Council encourages the Secretary-General to continue to consult, as a matter of urgency, with regional leaders in coordination with the Secretary-General of the Organization of African Unity about ways to bring about a peaceful and durable solution to the conflict, and to keep it informed about developments and his own efforts. It reaffirms the importance of holding an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity.

The Council will follow the situation in the Democratic Republic of the Congo closely. It will remain actively seized of the matter.

Decision of 11 December 1998 (3953rd meeting): statement by the President

At the 3953rd meeting of the Security Council, held on 11 December 1998 in accordance with the understanding reached in its prior consultations, the President (Bahrain), made the following statement on behalf of the Council:¹¹

The Security Council recalls the statement by its President of 31 August 1998 on the situation in the Democratic Republic of the Congo. It remains deeply concerned about the continuing conflict in the Democratic Republic of the Congo, which threatens peace, security and stability in the region, and about its grave humanitarian consequences.

The Council reaffirms the obligation to respect the territorial integrity, political independence and national sovereignty of the Democratic Republic of the Congo and other States in the region, including the obligation to refrain from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations. It also reaffirms the need for all States to refrain from any interference in each other's internal affairs, in accordance with the Charter of the United Nations.

The Council, in this context, calls for a peaceful solution to the conflict in the Democratic Republic of the Congo, including an immediate ceasefire, the orderly withdrawal of all foreign forces, arrangements for security along the international borders of the Democratic Republic of the Congo, the re-establishment of the authority of the Government of the Democratic Republic of the Congo over the whole territory of the country, and the initiation of an all-inclusive national reconciliation process in the Democratic Republic of the Congo which fully respects the equality and rights of all, irrespective of ethnic origin, and of a political process which leads to the early holding of democratic, free and fair elections.

The Council expresses its support for the regional mediation process begun by the Organization of African Unity

and the Southern African Development Community, and currently led by the President of Zambia, takes note of the steps, including the establishment of the ad hoc liaison committee, that have been taken towards a peaceful settlement of the conflict and encourages the President of Zambia to continue his efforts.

The Council welcomes in particular the initiative taken by the Secretary-General at the Twentieth Conference of Heads of State of Africa and France, held in Paris from 26 to 28 November 1998, to bring about an end to the conflict and reach an immediate, unconditional ceasefire. The Council welcomes the public commitments made in Paris in this regard by the President of the Democratic Republic of the Congo, the Presidents of Uganda and Rwanda and the Presidents and heads of delegation of Namibia, Zimbabwe, Angola and Chad. It strongly urges them to give effect to these commitments. To that end, the Council calls upon all the parties concerned to participate at the highest level possible in the upcoming summit to be held in Lusaka on 14 and 15 December 1998, and urges them to work in a constructive and flexible spirit with a view to the signing of a ceasefire agreement as a matter of urgency. The Council also encourages participants at the meeting of the central organ of the Organization of African Unity, to be held in Ouagadougou on 17 and 18 December 1998, to use that opportunity to take urgent steps towards a peaceful settlement of the conflict.

The Council is prepared to consider, in the light of efforts towards peaceful resolution of the conflict, the active involvement of the United Nations, in coordination with the Organization of African Unity, including through concrete, sustainable and effective measures, to assist in the implementation of an effective ceasefire agreement and in an agreed process for a political settlement of the conflict.

The Council condemns any violations of human rights and humanitarian law, including acts of and incitement to ethnic hatred and violence by all parties. It urges all parties to respect and protect human rights and respect humanitarian law, in particular the Geneva Conventions of 1949 and the Additional Protocols thereto, of 1977, as applicable to them, and the Convention on the Prevention and Punishment of the Crime of Genocide of 1948.

The Council notes with particular concern that the worsening of tensions is resulting in a deterioration of the food situation for the civilian population and an increase in the flow of refugees and displaced persons. In this context, the Council reiterates its call for safe and unhindered access for humanitarian agencies to all those in need in the Democratic Republic of the Congo and once again urges all parties to guarantee the safety and security of United Nations and humanitarian personnel.

The Council also reaffirms the importance of holding, at the appropriate time, an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity.

¹¹ S/PRST/1998/36.

The Council strongly encourages the Secretary-General to continue to work actively with the Secretary-General of the Organization of African Unity and with all the parties concerned to help to find a peaceful and lasting solution to the conflict. It requests him to keep it informed about efforts to achieve a peaceful solution and to make recommendations on a possible role of the United Nations to this end.

The Council will remain actively seized of the matter.

**Deliberations of 19 March 1999
(3987th meeting)**

By a letter dated 4 March 1999 addressed to the President of the Security Council,¹² the representative of the Democratic Republic of the Congo requested an open debate, at the Council's earliest convenience, on the question "Peaceful settlement of the conflict in the Democratic Republic of Congo".

At its 3987th meeting, held on 19 March 1999 in accordance with the understanding reached in its prior consultations on the letter dated 4 March 1999 from the representative of the Democratic Republic of the Congo, the Security Council included the letter in its agenda.¹³ At the same meeting the President (China), with the consent of the Council, invited the representatives of Burkina Faso, Burundi, the Democratic Republic of the Congo, Egypt, Germany, Japan, Kenya, the Libyan Arab Jamahiriya, Rwanda, South Africa, the Sudan, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe, at their request, to participate in the discussion without the right to vote.

The Minister for Human Rights of the Democratic Republic of the Congo stated that Article 52 of the Charter encouraged the Security Council to encourage the development of peaceful settlement of local disputes through regional agreements. They were grateful for the Council's efforts to ensure the proper implementation of that provision, in particular in two statements it made on the situation in the Democratic Republic of the Congo. He further stated that the Council should not lose sight of the fact that the last paragraph of the same article allowed the Council simultaneously to apply the provisions of Articles 34 and 35 of the Charter. It was for that reason that he had initiated the process that led to this debate, with the goal of drawing the Council's attention to the danger

posed by the continuation of the conflict underway in the Democratic Republic of the Congo. He stated that he wished to impress on the Council the difficulties that had meant that, despite all the concessions made by his Government, the negotiating process had not yet led to the signing of a ceasefire. The efforts deployed by certain countries that were Members of their Organization, at both the regional and international levels, to find a peaceful settlement would have already succeeded had all the parties involved acted in good faith. He stated that "the stubbornness and intransigence of Rwanda and their determination to remain on Congolese territory have been the sole obstacles to a peaceful solution". Although negotiations were continuing at the regional level in the Organization of African Unity, the effective involvement of the international community would in no way thwart those regional efforts. Therefore the Democratic Republic of the Congo was appealing to the international community to become more involved. He expressed his belief that resolving the current crisis required the convening of a regional conference of the countries of the Great Lakes region. He noted that President Laurent Kabila, upon his accession to power, had focused on stabilizing the Great Lakes region and had organized a regional conference on peace and development in the subregion in close cooperation with the United Nations Development Programme. Unfortunately, in the case of Uganda and of its ally, Rwanda, just a few years after the coups d'état carried out by the current authorities of those countries, no effort had been made to reach out to the exiled opponents to integrate them into the structures of their respective societies. The war in the eastern Congo had resulted in horrible consequences for the populations, and he referred the Security Council to the "White paper on massive violations of human rights and of the basic rules of international humanitarian law by the aggressor countries (Uganda, Rwanda, and Burundi) in the eastern part of the Democratic Republic of the Congo".¹⁴ Considering the ongoing "horrors" being committed by the regular armed forces of neighboring countries, he believed that a strong condemnation of those violations of the basic principles of the Charters of the OAU and the United Nations would prevent the negotiations from being bogged down and further atrocities from being committed on the ground. He

¹² S/1999/278.

¹³ S/PV.3987, p. 2.

¹⁴ S/1999/205.

stated that paragraph 2 of Article 24 of the United Nations Charter called on the Council to act in accordance with the purposes and principles of the United Nations in such circumstances, which was why his Government wanted the Security Council to become more involved in the search for a peaceful solution to the current conflict. The Democratic Republic of the Congo agreed to sign a ceasefire agreement, followed by the deployment along the border of a buffer force, with a precise timetable for the withdrawal of aggressor troops. The force would be given the task of monitoring and securing the borders shared by the Democratic Republic of the Congo and Burundi, Rwanda and Uganda. The Government was also determined to re-establish a state of law and fundamental freedoms and had formalized the opening of the political landscape by promulgating a law liberalizing the activities of political parties and had proposed a convention that would include all groups in the country including the rebels. He stated that he was convinced that the Democratic Republic of the Congo would succeed in restoring peace and domestic harmony but that the international community had the duty and the obligation to help Burundi, Rwanda and Uganda resolve their internal problems, which were the source of the regional destabilization. In view of the Council's powers in the area of international security, the least his Government expected from this meeting was for the Council to recognize that the Democratic Republic of the Congo was a victim of armed aggression, as defined in resolution 3314 (XXIX) adopted by the General Assembly with a view to defining aggression. Second, he expected the Council to condemn that aggression. Third, he sought full respect by the aggressors for international humanitarian law. Fourth, he expected the Council to make use of the provisions of Articles 39 to 42 of the Charter of the United Nations to facilitate the withdrawal of the troops of aggression from their territory. Fifth, he sought the deployment of an interposing force along common borders by the Security Council, since the pretext used by the aggressors to justify their aggression was insecurity along borders. Finally, he called for the convening of an international conference on the restoration of lasting peace in the Great Lakes region.¹⁵

¹⁵ S/PV.3987, pp. 2-5.

The representative of Canada expressed hope that the debate could serve to define a solution to the conflict and reaffirmed that a military solution could not resolve a dispute that was essentially political and that only negotiations could lead to a lasting solution. He stated that like the OAU and the Security Council, Canada attached the highest importance to respect for the sovereignty and territorial integrity of States, whether those of the Democratic Republic of Congo or those of its neighbours. Canada supported without reservation the efforts of regional leaders to achieve a negotiated solution and invited the Southern African Development Community to continue their tireless efforts. He stated that it was an essential condition for the restoration of peace and security that all forces participate in a ceasefire while respecting the sovereignty and territorial integrity of the Democratic Republic of the Congo, accompanied by a timetable for the withdrawal of all foreign forces involved in the conflict and monitoring arrangements in accordance with the Lusaka agreement. Canada was prepared to examine the active involvement of the United Nations in coordination with OAU in the implementation of a ceasefire agreement and an agreed process for a political settlement and would support adoption by the Security Council of concrete and effective measures to that end. He expressed Canada's support for an international conference on peace, stability and socio-economic development in the Great Lakes region of Africa, under the auspices of the United Nations and OAU and their belief that not only the countries of the region but Africa's civil society as a whole needed to participate in such a conference.¹⁶

The representative of Argentina stated that in their view the conflict was legally complex, neither exclusively internal nor international and was politically sensitive because it involved major countries of the subregion and had the potential to spread. He stated their support for the regional efforts underway and the Lusaka process, but underlined that this did not exclude the Security Council from playing a role by providing concrete support to the regional initiative. While negotiations in such conflicts were essentially political, this did not exclude the implementation of the principles and norms of international law. He expressed Argentina's belief that the following legal principles were essential: first,

¹⁶ *Ibid.*, pp. 5-7.

there was an obligation to peacefully resolve the dispute and mechanisms for inclusive dialogue, without prejudging the legal status of the actors, should be sought. Second, the use of force did not bring territorial rights or legitimize changes in established borders: the immutability of colonial borders was a principle of general international law. He also reiterated the principle of non-interference in the domestic affairs of other States, which was incompatible with presence of foreign forces. Within that legal context, he reiterated that the serious violations of human rights and international humanitarian law that had taken place and continued in the Democratic Republic of the Congo were also the essence of the problem and deserved to be condemned, and he urged that they be duly investigated and punished. Finally, he expressed his belief that convening an international conference on the Great Lakes region, could, under the proper circumstances and at the appropriate time, provide an appropriate forum to analyse all those aspects of the regional situation in a comprehensive manner.¹⁷

The representative of Namibia stated that the invasion of the Democratic Republic of the Congo by Uganda and Rwanda had “plunged that country into a devastating war” — whose premises were against the purposes and objectives enshrined in the Charter of OAU. He noted that in 1964 OAU had accepted the boundaries inherited from colonial states and informed the Council that the Inter-State Defence and Security Committee meeting of SADC in 1995 had decided to take collective action in the event of attempts to change the legitimate Governments of Member States by military means. Therefore, SADC had a stated obligation to ensure that the legitimate Government of a fellow member would not be removed by invasion. Namibia adhered to that principle and believed in the non-violability of the territorial integrity and sovereignty of States. Namibia’s adherence to these principles had compelled them, along with Angola and Zimbabwe, to intervene in the Democratic Republic of the Congo at the expressed invitation of President Kabila and his legitimate Government. The sole purpose of their requested intervention was to prevent the collapse of the State machinery and the violation of the sovereignty and territorial integrity of a fellow SADC member State. He informed the Council that the

¹⁷ *Ibid.*, pp. 8-9.

SADC Summit held on 13 and 14 September 1998, had reaffirmed its call for an immediate cessation of hostilities and commended the Governments of Angola, Namibia and Zimbabwe for providing troops in a timely manner to help the Democratic Republic of the Congo defeat the illegal attempt by rebels and their allies to capture the capital city and other strategic areas. He called on all States Members of the United Nations to subscribe to the principles enshrined in the Charter by respecting the sovereignty and territorial integrity of the Democratic Republic of the Congo. While the security concerns of any State were legitimate, he stated that they should refrain from defining their security needs beyond their own borders without working within the framework of the United Nations and of OAU. He underlined that the unprovoked invasion of the Democratic Republic of the Congo constituted an act of interference in the internal affairs of the country. He emphasized that OAU and SADC were continuing to make efforts to bring an end to the conflict. On January 18 1999, Namibia had hosted a summit of countries involved in the fighting at the request of Uganda, where the respective leaders resolved that a ceasefire agreement should be signed without delay. However, attacks continued on government and allied forces. Therefore, in their view, the time had come for the Council to become involved, in accordance with its Charter obligation to maintain international peace and security.¹⁸

The representative of Brazil noted that the Security Council, on 31 August 1998, had reaffirmed the obligation to respect the territorial integrity and national sovereignty of the Democratic Republic of the Congo and called for a ceasefire, the withdrawal of foreign forces and the initiation of political dialogue.¹⁹ While upholding the principle of non-interference, he recognized the right of a state threatened by foreign invasion to call for external assistance and the need to differentiate between those foreign forces within the Democratic Republic of the Congo that were invited and those whose presence reflected different motivations. He also noted that resolution 1197 (1998) stressed the responsibility of regional organizations. The Organization of African Unity and the Southern African Development Community had played a leading role in the attempts to solve the impasse in the

¹⁸ *Ibid.*, pp. 9-11.

¹⁹ S/PRST/1998/26.

Democratic Republic of the Congo. There was, however, a need for increased political will on the part of many players.²⁰

The representative of France noted that the principle of non-interference in the domestic affairs of states, as set out in the Charter of the United Nations, had not been respected in the situation in the Democratic Republic of the Congo. He stated that France deplored those violations and called for their immediate cessation. He stated that concluding a ceasefire was a matter of priority and he noted that the Council had declared itself ready to contemplate the active involvement of the United Nations,²¹ in coordination with OAU. This would require considerable effort on the part of the Organization and he hoped that the United Nations would fully play its part. A settlement would also require the implementation of an authentic process of national reconciliation, and he noted positively the President of the Democratic Republic of the Congo's recent proposal to organize a national debate. Finally, a settlement would require the negotiation of the necessary arrangements to guarantee the security, stability and future developments of the region, including respect for the territorial integrity and national sovereignty of all states, and, in that context, the orderly withdrawal of forces. It would also require arrangements for security along the borders; respect for human rights and humanitarian law; tackling the question of refugees; and the re-establishment of the authority of the Government of the Democratic Republic of the Congo over the whole territory of the country. He stated that the United Nations should provide the necessary assistance to the countries of the region so that those objectives could be attained. In that regard, he recalled the usefulness, at the appropriate time, of the convening of an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and OAU.²²

The representative from the United States stated that the ongoing conflict in the Democratic Republic of the Congo represented one of the gravest threats to peace, stability and development in sub-Saharan Africa in decades and had led to a deepening humanitarian

crisis. He informed the Council that the United States had just concluded a ministerial meeting with representatives of over 40 African countries where participants had agreed on a partnership agenda, a blueprint for the future of United States/African relations and the future of the continent. However, the goals discussed and the substantial process that had been made could be jeopardized by the growing conflict. The United States approach to the conflict was guided by the preservation of the territorial integrity and national sovereignty of the Democratic Republic of the Congo, the belief that no military solution was possible, and the belief that the human and humanitarian rights of all people must be respected. He expressed his support for the regional mediation efforts under way, particularly those led by SADC, known as the Lusaka process, as well as for the work being done by OAU and the United Nations. He condemned the reported violations of human rights and expressed deep concern about the danger of renewed genocide in the region and urged all parties to respect international human rights and humanitarian law. He also noted that his Government was particularly troubled by the ethnicization of the conflict. They were in addition concerned by the apparent willingness of some regional States to collaborate militarily with ex-Forces armées rwandaises and Interahamwe, known *genocidaires*. They were also concerned by any development that encouraged insurgent movements, including UNITA, to threaten and destabilize neighbouring States from Congolese soil. He noted that any agreement reached by the Government of the Democratic Republic of the Congo, the rebels and external State actors would be unsustainable if an effective means to contain those groups was not found. He stated that United Nations investigative reports had pointed towards atrocities and violations of international humanitarian law in the Congo since 1996 and that the Government and other parties had failed to cooperate with United Nations efforts to investigate those abuses. In that regard, he welcomed the recent invitation by the Government of the Democratic Republic of the Congo to the United Nations human rights investigator. He called on members of the international community to redouble their efforts to limit arms flows to the region of conflict, called for safe and unhindered access for humanitarian agencies to all those in need and for all parties to guarantee the safety and security of United Nations and humanitarian personnel. He then reiterated the United States

²⁰ S/PV.3987, pp. 11-12.

²¹ S/PRST/1998/36.

²² S/PV.3987, pp. 12-13.

position: they would consider supporting a peacekeeping operation in the Democratic Republic of the Congo if there were a comprehensive agreement among the belligerents to end the conflict and to observe a ceasefire. He stated that any monitoring force should be limited in size and that its mandate should be to observe and monitor, not to enforce the peace or to maintain the security of the Congo's borders.²³

The representative of the Russian Federation stated that they shared the serious concerns expressed at the ongoing conflict in the Democratic Republic of the Congo which represented a serious threat to regional peace and security. Russia had constantly advocated achieving a peaceful political settlement of the crisis while preserving the sovereignty and territorial integrity of the Democratic Republic of the Congo and had consistently supported the efforts of OAU, SADC and regional leaders. He emphasized the need for all States to abide by the principles of non-intervention in the internal affairs of other countries and the non-use of force, in accordance with the Charter and the aims of the United Nations. The basis for regulating the protracted conflict should be the approach suggested by the countries of the subregion based on a ceasefire agreement, the withdrawal of foreign troops from the territory and guarantees of peace and security along its borders with contiguous States. A key provision should be ensuring the territorial integrity of the Democratic Republic of the Congo. It was quite obvious that lasting peace and security in the Democratic Republic of the Congo could not be achieved unless the Congolese themselves organized a nationwide dialogue with the participation of all segments of Congolese society. The Russian delegation actively supported the policy of strengthening the coordination of the activities of the United Nations, OAU and SADC in order to reach a political settlement of the conflict in the Democratic Republic of the Congo. He expressed his belief that the initiative of the Secretary-General to send a special envoy to the region was a timely one. He stated that the possibility of the future deployment of a United Nations peacekeeping operation in the Democratic Republic of the Congo as well as the desirability and modalities of such an operation could be determined only after a stable ceasefire had been achieved. The

²³ Ibid., pp. 13-14.

Security Council's decision on that matter needed to be preceded by a very careful and thorough analysis of the situation both in the country and in the region. Finally, he stated their support for an international conference on peace and security in the Great Lakes region.²⁴

The representative of the United Kingdom stated that the tribulations in Africa must be successfully addressed by the United Nations system as a whole, or that system would show itself incapable of meeting the increasing demands put on it. He informed the Council that the United Kingdom was prepared to make a special effort to establish how non-Africans could best help Africans and specifically OAU end the conflict. He informed the Council that the British Minister of State had gone to the region as a Special Envoy to explore what scope there was for ending the war. The Special Envoy had found common ground among the parties among the parties on what needed to be done to stop the fighting but he had also found a "startling lack of political will and creative thinking among the parties to get the building-blocks of a settlement into place". This was not for a want of external pressure or help. The Southern African Development Community and the Organization of African Unity had given the task of mediation, three Presidents and fifteen conferences had been held. The Special Envoy had judged that the key leaders involved could stop the war if they really wanted to. The representative of the United Kingdom maintained that the responsibility of the United Nations and other international actors was to make them want to. He noted that it was encouraging that there was such a clear consensus among representatives who had spoken on the steps which needed to be taken: a ceasefire agreement, the withdrawal of foreign troops and coherent international involvement to motivate, monitor and sustain those processes. As part of that process, the Security Council had already indicated its readiness to consider how it could assist in the implementation of a ceasefire and settlement. The United Kingdom, with several partners, had already done work on possibilities for a peacekeeping presence. The fourth and fifth steps were a framework for tackling the wider problems in the Great Lakes region and, finally, the economic angle and the need to

²⁴ Ibid., p. 21.

plan for an economic development conference for the Great Lakes.²⁵

Speaking on behalf of the African States, the representative of Burkina Faso stated that the conflict in the Democratic Republic of the Congo — because of its polymorphic nature, the overt and covert involvement of the countries of the region and its stakes for the belligerents — entailed serious dangers whose ramifications could harm the entire African edifice. Since it was an inextricable situation, it was easy to understand why neither the OAU meetings nor the efforts of the countries of the subregion had led to a conclusive settlement. At the African level, OAU had taken praiseworthy steps. In particular the most recent summit meeting of the Central Organ of its Mechanism for Conflict Prevention, Management and Resolution, held on 17 December 1998, reaffirmed the guiding principles, contained in the OAU Charter, which alone could guarantee a lasting settlement of the Congolese crisis. Another fact of paramount importance was that the African heads of State reaffirmed their support for the Government of the Democratic Republic of the Congo as the sole legitimate authority, representative of the entire Congolese people. However, the OAU took into consideration another requirement of its charter: that all African disputes must be settled by peaceful means. He therefore appealed to the wisdom, patriotism and political will of all the actors to silence the weapons and to promote the establishment of real national accord. It was also increasingly becoming a question of an interposition force — a peacekeeping force — and an international conference on the Great Lakes. From that standpoint, it should be noted that there was no antagonism between the United Nations and OAU on the Congolese question. The Organization of African Unity had shown expertise in the area of conflict settlement. The only obstacle thwarting its efforts was the critical lack of logistical means and he expected that the United Nations and the international community would help reinforce those capacities.²⁶

The representative of Germany, speaking on behalf of the European Union and associated countries,²⁷ reiterated its support for the territorial

integrity and national sovereignty of the Democratic Republic of the Congo and the need for all States to refrain from any interference in each other's internal affairs in accordance with the Charter of the United Nations. The European Union reiterated that the current conflict could be solved only through a negotiated settlement between all the parties concerned with a view to an urgent political solution to the conflict. He also reiterated their support for an international conference on peace, security and development and the regional peace initiatives undertaken by, among others, SADC and OAU. He welcomed more active involvement by the United Nations and the OAU to coordinate the various peace efforts. He informed the Council that the European Union was supporting regional peace efforts, through the assistance of the European Union Special Envoy for the Great Lakes region. It reiterated that it might find it increasingly difficult to continue its present level of budgetary assistance to countries involved in this conflict should they persist with the military option. He welcomed the statement of the President of the Security Council of 11 December 1998,²⁸ which expressed the preparedness of the Council to consider, in the light of efforts to achieve peaceful resolution of the conflict, the active involvement of the United Nations to assist in the implementation of a ceasefire and political settlement of the conflict.²⁹

Several other speakers also emphasized the need for a peaceful solution and immediate ceasefire, the importance of respecting the sovereignty and territorial integrity of all states involved, praised the work of regional organizations, particularly SADC and OAU, reiterated the need for an international conference on peace and security and supported the idea of appropriate action by the Security Council after a ceasefire had been obtained.³⁰

At the same meeting the President, with the concurrence of the members of the Council, suspended the meeting.

When the Council resumed its 3987th meeting on 19 March, 1999, the Council invited Jamaica, at their

²⁵ Ibid., pp. 22-23.

²⁶ Ibid., p. 25.

²⁷ Ibid., p. 25 (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Cyprus).

²⁸ S/PRST/1998/36.

²⁹ S/PV.3987, pp. 25-27.

³⁰ Ibid., pp. 7-8 (Gambia); pp. 14-15 (Gabon); pp. 15-16 (Slovenia); pp. 17-18 (the Netherlands); pp. 18-19 (Bahrain); pp. 19-20 (Malaysia); and p. 23 (China).

request, to participate in the discussion without the right to vote.³¹

The representative of the Sudan noted that Chapter I of the Charter of the United Nations stated that the most important purpose of the United Nations was to maintain international peace and security and to that end it should take effective collective measures for the prevention and elimination of threats to the peace and for the suppression of acts of aggression or other breaches of the peace. Citing those principles, he recalled the steps taken by the Democratic Republic of the Congo when it provided timely notice regarding the aggression of a neighbouring State. The Democratic Republic of the Congo had requested the Council to meet its obligation to maintain international peace and security by condemning that aggression, demanding that the forces of aggression withdraw and asking the forces of aggression to respect the sovereignty of their country. However, the Council had remained idle and all the Government's requests had remained "dead letters". He noted that he regarded the position of the Council regarding this dispute as another testimony to the policy of "double standards" that had come to characterize the work of the Council. Sometimes the Council deplored and condemned and even considered the application of the provisions of Chapter VII, while on other occasions, in response to similar cases, "it completely closed its eyes". He stated that he expected the Security Council to fulfil its obligations and responsibilities in order to maintain peace and security by putting an end to the aggression and ensuring the withdrawal of forces that had violated the territorial integrity and national sovereignty of the Democratic Republic of the Congo. The Government of the Democratic Republic of the Congo had made enormous efforts to restore peace and security in the Great Lakes region, and those efforts deserved to be commended. Therefore, he called on the Security Council to make a sincere effort to reach a peaceful resolution of the conflict that would ensure stability and restore the sovereignty of the country. He stated that the delegation of the Sudan supported all regional initiatives aimed at achieving a peaceful resolution of the conflict, including those of SADC.³²

³¹ S/PV.3987 (Resumption 1), p. 2.

³² *Ibid.*, pp. 2-3.

The representative of Japan stated his deep concern about the situation and the urgent need for humanitarian assistance in the Democratic Republic of the Congo. He maintained that the conflict had to be resolved through dialogue and negotiation and appreciated the efforts of neighbouring countries, including Zambia, SADC and OAU. He called on all parties to further intensify efforts to bring this conflict to a peaceful resolution. He noted that the international community had to also focus on ensuring that post-conflict rehabilitation was successful in the context of both the reconstruction of the economy and reconciliation between peoples. Finally, he pointed out the fact that the parties involved in African disputes, which did not have the ability to produce weapons, nevertheless possessed vast quantities of them. As a country that prohibited the export of any weapons, Japan requested all States to ask themselves whether their own actions might not be leading to the intensification of conflicts in Africa.³³

The representative of Rwanda expressed his belief that the regional negotiation process was well under way and that the Council needed to support it as it had in the past in its resolutions and presidential statements. His view was that the Council should reaffirm its support for the regional processes, especially the Lusaka process, in which the OAU and the United Nations continued to play a major role. On all the issues dealt with by the Lusaka process, palpable progress had been made. The factor that caused insecurity to Rwanda was the presence in the Democratic Republic of the Congo of large numbers of armed elements of Rwandan nationality, including former Government forces and militia who were responsible for the genocide of 1994. Another disturbing factor was the attempt by the Government to disown nationals who happened to have Rwandan culture. He stated that a comprehensive resolution of the crisis in Democratic Republic of Congo should be reached: first, through a resolution of the crisis of governance and leadership in the Democratic Republic of the Congo; second, through the neutralization, dismantling and containment of the non-State armies operating on the Democratic Republic of the Congo territory; and third, through the condemnation and isolation of all those who embraced the ideology and acts of genocide in the region. He reiterated his respect

³³ *Ibid.*, pp. 3-4.

for the territorial integrity and sovereignty of all countries, as enshrined in the Charters of the United Nations and the OAU and called on the Democratic Republic of the Congo to use its sovereign rights and “put its act together” in order to dismantle the dozen non-State armies which were being used in aggression against the territorial integrity of its neighbors. Finally, he reaffirmed Rwanda’s respect for human rights and humanitarian law and their resolve to join others in a coalition against the recurrence of genocide and terrorism in the Great Lakes region and elsewhere.³⁴

The representative from Zambia stated that his country was honored to be requested to spearhead a mediation effort in pursuit of the mandate by regional leaders. He felt that this was an indication of Africa’s strong belief that only a negotiated settlement could guarantee lasting peace. He thanked OAU and the United Nations for their contributions in the overall search for a peaceful solution. The mediation effort had revealed that the matter was as delicate as it was complex. Therefore there was a need to proceed with caution and patience to ensure that the solution enjoyed the support of all the parties concerned. The mediation effort was also expensive in time and energy and resources. Therefore he called for assistance from the international community to enrich the regional efforts. He recalled that the Security Council, by its statement of 11 December 1998,³⁵ had stated that it was prepared to consider the active involvement of the United Nations in assisting a political settlement. The fact that the Council was involved was as it should be, since under the Charter the Council had the primary responsibility for the maintenance of international peace and security, which were currently being threatened by the conflict in the Democratic Republic of the Congo. For now it was essential that, given the limitations of the regional efforts, the Council should be able to augment those efforts in a tangible way. In that regard, he urged the Council at the appropriate time to put in place the machinery needed for policing the ceasefire once it had been realized.³⁶

The representative of Egypt stated that they had done their utmost to promote a ceasefire and had participated in peace initiatives at the regional and other levels within the context of OAU and the Central

Organ of its Mechanism for Conflict Prevention, Management and Resolution. Egypt was also very interested in a pan-African summit meeting aimed at strengthening security in the Great Lakes region under the auspices of the United Nations and OAU. On the role of the Council he noted with concern “the emergence of a trend in the Security Council not to take steps to halt crises in Africa”. He also noted that it was sometimes decided that the Council did not need to play its part when regional efforts were under way to defuse a crisis. However, regional efforts should merely complement the role of the Council, which was to maintain international peace and security. He maintained that the role of the Council must not be reduced to one of simply endorsing resolutions adopted by regional bodies. He stated that the steps taken by the Council in the increasingly complex conflicts in Africa had proved to be inadequate and that the Council needed to look at each crisis individually and seek to resolve Africa’s problems overall.³⁷

The representative of Uganda maintained their commitment to the peaceful and negotiated resolution of the conflict. He noted the efforts of Uganda as one of the leaders behind most of the initiatives to find a diplomatic solution to the problems, including initiating the meeting in Victoria Falls on 7 and 8 August 1998 and the Windhoek summit of January 1999. He stated that the crisis within the Democratic Republic of the Congo had two dimensions: an internal dimension and an external or regional dimension. The regional dimension had begun with the war that took place in Rwanda resulting in the 1994 genocide. He stated that the Government of the former Zaire had helped the *génocidaires*, who had fled Rwanda after 1994, to reorganize and gave them territorial support to recapture power in Rwanda. The Government of the former Zaire had also forged an alliance with the National Islamic Front regime in the Sudan, not only to aid and abet the crime of genocide in Rwanda, but also specifically to destabilize Uganda so that it would not be in a position to support Rwanda. Attacks were then launched from what was then Zairian territory and at the same time the reorganization and rearming of the *génocidaires* had reached an advanced stage. The Government of Uganda decided to act in self-defense by first recapturing the territory those criminals had captured and following them into Zairian territory, an

³⁴ Ibid., pp. 4-6.

³⁵ S/PRST/1998/36.

³⁶ S/PV.3987 (Resumption 1), pp. 6-7.

³⁷ Ibid., pp. 8-9.

act of self-defense which “had regional and international understanding and support”. This resulted in the fall of President Mobutu Sese Seko of Zaire and the rise to power of President Kabila. President Kabila, pleading incapacity to handle the situation, invited Uganda to deploy its forces inside the Democratic Republic of the Congo to flush out the Allied Democratic Forces, a rebel group that had been infiltrated into Zaire by the Sudan, and a protocol was signed between the two Governments on 24 April 1998. In the meantime, because of the internal political contradictions, rebellion broke out in August 1998 and the Democratic Republic of the Congo looked for military assistance which was given by Zimbabwe, Angola and Namibia, who decided on a unilateral military intervention rather than waiting for a regional, concerted approach. The intervention was made on the pretext that the Democratic Republic of the Congo had been invaded by Uganda and Rwanda. At that time Uganda had only two battalions in the country. While they were primarily concerned about the activities of the Ugandan rebel groups in the Democratic Republic of the Congo, the intervention by Zimbabwe, Angola, Namibia and later on, Chad and the Sudan, introduced a new dimension to the conflict. To counter the perceived threat of the increased destabilization of Uganda, especially by the Sudan, using Congolese territory as they had done previously, Uganda had deployed additional forces. He stated that thus Uganda and Rwanda had acted in self-defence. He informed the Council that a lot of progress had already been registered. For example, it had already been agreed by all parties that there should be a ceasefire, whose principles had already been adopted at the regional level in draft form. The following positions to enhance the signing of a ceasefire agreement had also been agreed to: a cessation of hostilities; addressing of the security concerns of the neighbouring countries and the Democratic Republic of Congo; the need for rebel involvement in the peace process and deployment of a neutral international peacekeeping force as an interposition force in the Democratic Republic of the Congo and the need for the United Nations to manage that process; a withdrawal of all foreign forces in accordance with a timetable worked out by the United Nations and OAU and under the supervision of the neutral interposition force; and convening of a national conference involving all Congolese political stakeholders as soon as possible with the assistance of OAU, to determine the political future of the

Democratic Republic of the Congo. On the issue of genocide, he called upon the Council and the international community as a whole to stand firm against the perpetuation of the culture of impunity in the region, measures to that effect had to include the discouragement of safe havens for génocidaires. Those who had committed crimes against humanity had to face justice. In conclusion, he asked the Security Council, the United Nations and the international community to give unqualified support to the region’s diplomatic efforts to resolve the crisis.³⁸

The representative of Zimbabwe stated that Uganda and Rwanda had decided to invade the Democratic Republic of the Congo, purportedly in search of security, however they really wanted “to tear away the eastern parts of the Democratic Republic of the Congo and to create a State to be called ‘Ruwenzori’”. He alleged that they had been appointing officials and creating borders in blatant violation of the territorial integrity and national sovereignty of the Democratic Republic of the Congo, as well as smuggling commodities out of the Congo. Territorial integrity was enshrined in the Charter of the United Nations as an inviolable principle and the Charter of the Organization of African Unity also embodied that principle as well as the sanctity of colonial boundaries. Uganda and Rwanda, members of both the United Nations and OAU, had decided to violate international law, and it was therefore the “bounden duty” of the United Nations to condemn this wayward behaviour. His country, together with Angola, Namibia and Chad, had responded to a distress call by the legitimate Government of the Democratic Republic of the Congo and were now assisting that country to uphold its territorial integrity and national sovereignty. The intervention of the allied forces of SADC was upheld by the inherent right to individual or collective self-defence, in accordance with Article 51 of the Charter of the United Nations. He maintained that the Allied forces in the Democratic Republic of the Congo had no ulterior motive and were ready to pull out as soon as there was a ceasefire, that the invading States had withdrawn and that a United Nations peacekeeping force had been placed along the common borders of the country and the invading States. He called for an international conference on peace, security and stability in the Great Lakes region to be convened at

³⁸ *Ibid.*, pp. 10-12.

the appropriate time and under the auspices of the United Nations and OAU.³⁹

The representative of Burundi called for an immediate cessation of armed hostilities and for the opening of dialogue between the parties directly or indirectly concerned, and for the initiation throughout the region of a genuine culture of peace that would restore the universal values of human rights. He called the attention of the Council to the reports of the United Nations International Commission of Inquiry on the movements of arms and of armed groups or genocidal militias in the Great Lakes region,⁴⁰ which deserved the close attention of the Security Council so that peace and security could be restored in that part of the world. He reaffirmed their support for regional initiatives, including the OAU, and called on the United Nations to take additional and complementary steps, especially in material and organizational terms.⁴¹

Several other speakers also deplored the humanitarian consequences of the war; praised the efforts of regional leaders, SADC and OAU in attempting to mediate the conflict; noted the importance of achieving a peaceful solution, condemning human rights violations; reiterated the need to respect the territorial integrity and sovereignty of all States; and maintained the need for a peace conference. Several speakers called for a peacekeeping force or appropriate international monitoring mechanism to be established under the auspices of the United Nations, the United Nations and the Organization of African Unity, or as an African force with material support from the United Nations.⁴²

The representative of the Democratic Republic of the Congo in his second intervention reiterated that his country had been a victim of aggression that constituted a breach of the peace and a serious threat to international security since August 1998. It had therefore been their duty to call on the Security Council. He maintained that the aggression pre-dated the intervention of the allied forces, implemented at the formal request of a legitimate Government in the

context of the legitimate right to self-defence recognized in the Charters of the United Nations and the Organization of African Unity. He called upon the Security Council to act appropriately under the provisions of Articles 39 and 42 of the Charter to take the steps necessary to reestablish the territorial integrity of the Democratic Republic of the Congo and security in the region.⁴³

**Decision of 9 April 1999 (3993rd meeting):
resolution 1234 (1999)**

At the 3993rd meeting of the Security Council, held on 9 April 1999 in accordance with the understanding reached in its prior consultations, the President (France), with the consent of the Council, invited the representative of the Democratic Republic of the Congo, at his request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁴

At the same meeting the President drew the attention of the Council to a letter dated 7 April 1999 from Kenya, transmitting the text of a joint statement by the Democratic Republic of the Congo and Kenya.⁴⁵

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1234 (1999), which reads:

The Security Council,

Recalling the statements by its President of 31 August and of 11 December 1998,

Expressing its concern at the further deterioration of the situation in the Democratic Republic of the Congo and the continuation of hostilities,

Expressing its firm commitment to preserving the national sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all other States in the region,

Recalling that the Assembly of Heads of State and Government of the Organization of African Unity, during its first ordinary session held in Cairo from 17 to 21 July 1964, adopted in its resolution AHG 16(1) the principle of the inviolability of national frontiers of African States, as stated in paragraph 2 of

³⁹ Ibid., pp. 16-18.

⁴⁰ S/1998/777 and S/1998/1096.

⁴¹ S/PV.3987 (Resumption 1), pp. 19-20.

⁴² Ibid., pp. 12-14 (Libyan Arab Jamahiriya); pp. 14-15 (Kenya); pp. 15-16 (South Africa); pp. 18-19 (United Republic of Tanzania); and p. 21 (Jamaica).

⁴³ Ibid., p. 22.

⁴⁴ S/1999/400.

⁴⁵ S/1999/396.

the communiqué issued on 17 August 1998 by the Central Organ of its Mechanism for Conflict Prevention, Management and Resolution,

Concerned at reports of measures taken by forces opposing the Government in the eastern part of the Democratic Republic of the Congo in violation of the national sovereignty and territorial integrity of the country,

Expressing its concern at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo, including acts of and incitement to ethnic hatred and violence by all parties to the conflict,

Deeply concerned at the illicit flow of arms and military materiel in the Great Lakes region,

Recalling the inherent right of individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations,

Welcoming the appointment by the Secretary-General of his Special Envoy for the peace process in the Democratic Republic of the Congo,

Stressing that the present conflict in the Democratic Republic of the Congo constitutes a threat to peace, security and stability in the region,

1. *Reaffirms* the obligation of all States to respect the territorial integrity, political independence and national sovereignty of the Democratic Republic of the Congo and other States in the region, including the obligation to refrain from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations, and further reaffirms the need for all States to refrain from any interference in each other's internal affairs, in accordance with the Charter of the United Nations;

2. *Deplores* the continuing fighting and the presence of forces of foreign States in the Democratic Republic of the Congo in a manner inconsistent with the principles of the Charter, and calls upon those States to bring to an end the presence of those uninvited forces and to take immediate steps to that end;

3. *Demands* an immediate halt to the hostilities;

4. *Calls for* the immediate signing of a ceasefire agreement allowing the orderly withdrawal of all foreign forces, the re-establishment of the authority of the Government of the Democratic Republic of the Congo throughout its territory, and the disarmament of non-governmental armed groups in the Democratic Republic of the Congo, and stresses, in the context of a lasting peaceful settlement, the need for the engagement of all Congolese in an all-inclusive process of political dialogue with a view to achieving national reconciliation and to the holding on an early date of democratic, free and fair elections, and for the provision of arrangements for security along the

relevant international borders of the Democratic Republic of the Congo;

5. *Welcomes* the intention of the Government of the Democratic Republic of the Congo to hold an all-inclusive national debate as a precursor to elections, and encourages further progress in this respect;

6. *Calls upon* all parties to the conflict in the Democratic Republic of the Congo to protect human rights and to respect international humanitarian law, in particular, as applicable to them, the Geneva Conventions of 1949 and the Additional Protocols thereto, of 1977, and the Convention on the Prevention and Punishment of the Crime of Genocide of 1948;

7. *Condemns* all massacres carried out on the territory of the Democratic Republic of the Congo, and calls for an international investigation into all such events, including those in the province of South Kivu and other atrocities as referred to in the report submitted by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo in accordance with Commission on Human Rights resolution 1998/61 of 21 April 1988, with a view to bringing to justice those responsible;

8. *Condemns* the continuing activity of, and support to, all armed groups, including the ex-Rwandese Armed Forces, Interahamwe, and others in the Democratic Republic of the Congo;

9. *Calls for* safe and unhindered access for humanitarian assistance to those in need in the Democratic Republic of the Congo, and urges all parties to the conflict to guarantee the safety and security of United Nations and humanitarian personnel;

10. *Welcomes* the commitment by the parties to the conflict in the Democratic Republic of the Congo to stop fighting in order to allow an immunization campaign, and urges all parties to the conflict to take concrete action in order to provide greater protection to children exposed to armed conflict in the Democratic Republic of the Congo;

11. *Expresses its support* for the regional mediation process by the Organization of African Unity and the Southern African Development Community to find a peaceful settlement to the conflict in the Democratic Republic of the Congo, and calls upon the international community to continue to support those efforts;

12. *Urges* all parties to the conflict to continue to work constructively through the regional mediation process towards the signing of a ceasefire agreement and settlement of the conflict in the Democratic Republic of the Congo, and calls upon all States in the region to create the conditions necessary for the speedy and peaceful resolution of the crisis and to desist from any act that may further exacerbate the situation;

13. *Expresses its support* for the Special Envoy of the Secretary-General for the peace process in the Democratic Republic of the Congo, calls upon all parties to the conflict to

cooperate fully with him in his mission in support of regional mediation efforts and national reconciliation, as set out in his mandate, and urges Member States and organizations to respond readily to requests from the Special Envoy for assistance;

14. *Reaffirms* the importance of holding, at the appropriate time, an international conference on peace, security and stability in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity, with the participation of all the Governments of the region and all others concerned;

15. *Reaffirms* its readiness to consider the active involvement of the United Nations, in coordination with the Organization of African Unity, including through concrete sustainable and effective measures, to assist in the implementation of an effective ceasefire agreement and in an agreed process for a political settlement of the conflict;

16. *Requests* the Secretary-General of the United Nations to work closely with the Secretary-General of the Organization of African Unity in promoting a peaceful resolution of the conflict, to make recommendations on the possible role of the United Nations to this end, and to keep the Council informed of developments;

17. *Decides* to remain actively seized of the matter.

**Decision of 24 June 1999 (4015th meeting):
statement by the President**

At the 4015th meeting of the Security Council, held on 24 June 1999 in accordance with the understanding reached in its prior consultations, the President (Gambia) drew the attention of the Council to the following documents: letters dated 21 May, 2 June and 4 June 1999, respectively, from the representative of Uganda addressed to the President of the Security Council,⁴⁶ from Uganda, transmitting, respectively, a peace agreement on the Democratic Republic of the Congo; a joint communiqué issued by Uganda and the Democratic Republic of the Congo; and a joint communiqué issued by Uganda after the conclusion of a mini-summit in Dar-es-Salaam. The President also drew the attention of the Council to a letter dated 9 June 1999 from the Permanent Representative of Germany addressed to the Secretary-General.⁴⁷

⁴⁶ S/1999/623, S/1999/635 and S/1999/654, respectively.

⁴⁷ Letter transmitting a statement on the Democratic Republic of the Congo by the Presidency of the European Union (S/1999/683).

At the same meeting, the President made the following statement on behalf of the Council:⁴⁸

The Security Council recalls the statements by its President of 31 August and 11 December 1998. It reaffirms its resolution 1234 (1999) of 9 April 1999 on the situation in the Democratic Republic of the Congo and calls upon all parties to comply with this resolution. It expresses its continued concern at the continuing conflict in the Democratic Republic of the Congo.

The Council reaffirms its commitment to preserving the national unity, sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all other States in the region. It further reaffirms its support for the regional mediation process facilitated by the President of the Republic of Zambia on behalf of the Southern African Development Community in cooperation with the Organization of African Unity and with support from the United Nations to find a peaceful settlement to the conflict in the Democratic Republic of the Congo.

The Council takes note of the constructive efforts being made to promote a peaceful settlement of the conflict in the context of the above-mentioned regional mediation process, including the meeting and the agreement signed at Sirte, Libyan Arab Jamahiriya, on 18 April 1999. It calls upon all parties to demonstrate commitment to the peace process and to participate with a constructive and flexible spirit in the forthcoming summit in Lusaka scheduled for 26 June 1999. In this context, the Council calls upon the parties immediately to sign a ceasefire agreement which includes the appropriate modalities and mechanisms for its implementation.

The Council reaffirms its readiness to consider the active involvement of the United Nations, in coordination with the Organization of African Unity, including through concrete sustainable and effective measures, to assist in the implementation of an effective ceasefire agreement and in an agreed process for political settlement of the conflict.

The Council emphasizes the need for a peaceful settlement of the conflict in the Democratic Republic of the Congo in order to permit the economic reconstruction of the country, so as to enhance development and foster national reconciliation.

The Council stresses the need for a continuing process of genuine national reconciliation and democratization in all States of the Great Lakes region. It reaffirms the importance of holding, at the appropriate time, an international conference on peace, security and stability in the Great Lakes region and as in previous years and encourages the international community to help to facilitate such a conference.

The Council expresses its appreciation and full support for the continuing efforts of the Secretary-General and his Special Envoy for the peace process in the Democratic Republic of the Congo.

The Council will remain actively seized of the matter.

⁴⁸ S/PRST/1999/17.

**Decision of 6 August 1999 (4032nd meeting):
resolution 1258 (1999)**

At its 4032nd meeting, held on 6 August 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General dated 15 July 1999 on the United Nations preliminary deployment in the Democratic Republic of the Congo in its agenda.⁴⁹ Following the adoption of the agenda, the President (Namibia), with the consent of the Council, invited the representative of the Democratic Republic of the Congo, at his request, to participate in the discussion without the right to vote.

In his report, the Secretary-General reported on the implications for the United Nations of the signing of the Lusaka Agreement on 10 July 1999 and made recommendations concerning preliminary actions that the United Nations could take. The Lusaka agreement contained proposals for an “appropriate force” to be constituted, facilitated and deployed by the United Nations in collaboration with OAU. The Secretary-General observed that the conflict in the Democratic Republic of the Congo had inflicted terrible suffering and the war’s effects had spread beyond the subregion to afflict the continent of Africa as a whole. The international community and the United Nations needed to therefore do everything in their power to assist the Government of the Democratic Republic of the Congo, parties and people, as well as the other Governments involved, in achieving a peaceful solution. He stated that for any United Nations peacekeeping force to be effective it would have to be large and expensive, require the deployment of thousands of international troops and civilian personnel and face tremendous risks and obstacles. In the light of those difficulties, he strongly recommended that the Security Council immediately authorize the deployment of up to 90 United Nations military personnel, together with the necessary staff, to the subregion. They would serve mainly as liaison officers to the national capitals and rear military headquarters of the main belligerents. As a second stage, on the basis of the report of the technical survey team and liaison group, he would recommend a further deployment of up to 500 military observers within the Democratic Republic of the Congo and other States as

⁴⁹ S/1999/790.

required. He informed the Council that he had decided to appoint a Special Representative to lead the observer mission, which would be called the United Nations Observer Mission in the Democratic Republic of the Congo (MONUC). He had also ordered the dispatch of a small advance team to the region “to clarify the role to be played by the United Nations”. He noted that the problem of armed groups was at the core of the conflict and its resolution was crucial to a lasting peace. Since a military solution appeared impossible he would revert to the Security Council with detailed proposals for the deployment of a peacekeeping mission and a programme for disarmament, demobilization and reintegration. He also noted that it was essential for the Congolese parties to proceed with their national debate in order to work towards national reconciliation. When this happened, the international community could then be in a position to convene an international conference on the Great Lakes region in order to secure the commitment of donors to recovery of the region as a whole.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council’s prior consultations.⁵⁰

At the same meeting the President drew the attention of the Council to a letter dated 23 July 1999 from the representative of Zambia addressed to the President of the Security Council, transmitting the text of the Ceasefire Agreement.⁵¹

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1258 (1999), which reads:

The Security Council,

Reaffirming its resolution 1234 (1999) of 9 April 1999, and recalling the statements by its President of 31 August 1998, 11 December 1998, and 24 June 1999,

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

Reaffirming the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all States in the region,

⁵⁰ S/1999/852.

⁵¹ S/1999/815.

Determined to resolve with all parties concerned the grave humanitarian situation in the Democratic Republic of the Congo in particular, and in the region as a whole, and to provide for the safe and free return of all refugees and displaced persons to their homes,

Recognizing that the current situation in the Democratic Republic of the Congo demands an urgent response by the parties to the conflict with support from the international community,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Welcoming the report of the Secretary-General of 15 July 1999 on the United Nations preliminary deployment in the Democratic Republic of the Congo,

1. *Welcomes* the signing of the Ceasefire Agreement on the conflict in the Democratic Republic of the Congo by the States concerned, in Lusaka on 10 July 1999, which represents a viable basis for a resolution of the conflict in the Democratic Republic of the Congo;

2. *Also welcomes* the signing of the Ceasefire Agreement on 1 August 1999 by the Movement for the Liberation of the Congo, expresses deep concern that the Congolese Rally for Democracy has not signed the Agreement, and calls upon the latter to sign the Agreement without delay in order to bring about national reconciliation and lasting peace in the Democratic Republic of the Congo;

3. *Commends* the Organization of African Unity and the Southern African Development Community for their efforts to find a peaceful settlement of the conflict in the Democratic Republic of the Congo, and commends in particular the President of the Republic of Zambia, and also the Secretary-General, the Special Envoy of the Secretary-General for the peace process in the Democratic Republic of the Congo, the Representative of the Secretary-General to the Great Lakes Region and all those who contributed to the peace process;

4. *Calls upon* all parties to the conflict, in particular the rebel movements, to cease hostilities, to implement fully and without delay the provisions of the Ceasefire Agreement, to cooperate fully with the Organization of African Unity and the United Nations in the implementation of the Agreement and to desist from any act that may further exacerbate the situation;

5. *Stresses* the need for a continuing process of genuine national reconciliation, and encourages all Congolese to participate in the national debate to be organized in accordance with the provisions of the Ceasefire Agreement;

6. *Stresses also* the need to create an environment conducive to the return in safety and dignity of all refugees and displaced persons;

7. *Notes with satisfaction* the prompt establishment of the Political Committee and the Joint Military Commission by

the States signatories to the Ceasefire Agreement as part of their collective effort to implement the Agreement;

8. *Authorizes* the deployment of up to ninety United Nations military liaison personnel, together with the necessary civilian, political, humanitarian and administrative staff, to the capitals of the States signatories to the Ceasefire Agreement and the provisional headquarters of the Joint Military Commission, and, as security conditions permit, to the rear military headquarters of the main belligerents in the Democratic Republic of the Congo and, as appropriate, to other areas the Secretary-General may deem necessary, for a period of three months, with the following mandate:

- To establish contacts and maintain liaison with the Joint Military Commission and all parties to the Agreement;
- To assist the Joint Military Commission and the parties in developing modalities for the implementation of the Agreement;
- To provide technical assistance, as requested, to the Joint Military Commission;
- To provide information to the Secretary-General regarding the situation on the ground, and to assist in refining a concept of operations for a possible further role of the United Nations in the implementation of the Agreement once it is signed by all parties;
- To secure from the parties guarantees of cooperation and assurances of security for the possible deployment in-country of military observers;

9. *Welcomes* the intention of the Secretary-General to appoint a Special Representative to serve as the head of the United Nations presence in the subregion relating to the peace process in the Democratic Republic of the Congo and to provide assistance in the implementation of the Ceasefire Agreement, and invites him to do so as soon as possible;

10. *Calls upon* all States and parties concerned to ensure the freedom of movement, security and safety of United Nations personnel in their territory;

11. *Calls for* safe and unhindered access for humanitarian assistance to those in need in the Democratic Republic of the Congo, and urges all parties to the conflict to guarantee the safety and security of all humanitarian personnel and to respect strictly the relevant provisions of international humanitarian law;

12. *Requests* the Secretary-General to keep it regularly informed of developments in the Democratic Republic of the Congo and to report at the appropriate time on the future presence of the United Nations in the Democratic Republic of the Congo in support of the peace process;

13. *Decides* to remain actively seized of the matter.

**Decision of 5 November 1999 (4060th meeting):
resolution 1273 (1999)**

At its 4060th meeting, held on 5 November 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the second report of the Secretary-General dated 1 November 1999 on the United Nations preliminary deployment in the Democratic Republic of the Congo in its agenda.⁵² Following the adoption of the agenda, the President (Slovenia), with the consent of the Council, invited the representative of the Democratic Republic of the Congo, at his request, to participate in the discussion without the right to vote.

In his report, submitted pursuant to paragraph 12 of resolution 1258 asking the Secretary-General to keep the Council regularly informed of developments, the Secretary-General observed that despite the enormous obstacles facing a United Nations operation in the Democratic Republic of Congo, the United Nations had to continue to support the peace process to the full extent of its capacities. He therefore recommended the extension of the mandate of the United Nations personnel currently in the Democratic Republic of the Congo until 15 January 2000. Subject to further progress in the peace process, he envisaged reverting to the Council with a further report containing recommendations and a proposed mandate and concept of operations for the deployment of United Nations peacekeeping troops, accompanied by military observers. In the meantime he would keep the Council informed of all developments and he urgently called on all parties to cooperate fully with the United Nations mission. He noted that the Joint Military Commission, established pursuant to the Lusaka Ceasefire Agreement, had a central role to play in the peace process and needed support to function effectively. While the deployment of four military liaison officers to Lusaka was a first step, he proposed that the United Nations provide the Joint Military Commission with the necessary logistical and other operational support and invited donors to redeem their pledges as rapidly as possible. He noted that he looked forward to continued close cooperation with OAU and intended to follow up the dispatch of two military liaison officers to OAU, including the permanent deployment of

⁵² S/1999/1116 and Corr.1.

United Nations military personnel at OAU headquarters.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁵³

Also at the same meeting the President drew the attention of the Council to a letter dated 18 October 1999 from the representative of Finland addressed to the President of the Security Council,⁵⁴ transmitting a statement on the Democratic Republic of the Congo on behalf of the European Union.

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1273 (1999), which reads:

The Security Council,

Recalling its resolutions 1234 (1999) of 9 April 1999 and 1258 (1999) of 6 August 1999 and the statements by its President of 31 August 1998, 11 December 1998 and 24 June 1999,

Reaffirming the sovereignty, territorial integrity, and political independence of the Democratic Republic of the Congo and all States in the region,

Reaffirming also that the Ceasefire Agreement signed at Lusaka on 10 July 1999 represents a viable basis for a resolution of the conflict in the Democratic Republic of the Congo,

Welcoming the report of the Secretary-General of 1 November 1999,

Noting with satisfaction the deployment of United Nations military liaison personnel to the capitals of the States signatories to the Ceasefire Agreement and to the Joint Military Commission established by them, and underlining the importance of their full deployment as provided for in its resolution 1258 (1999),

Noting that the Joint Military Commission and the Political Committee have held meetings as mandated under the Ceasefire Agreement,

Urging all parties to the Ceasefire Agreement to cooperate fully with the technical assessment team dispatched to the Democratic Republic of the Congo by the Secretary-General as indicated in his report of 15 July 1999, in order to allow it to assess conditions and to prepare for subsequent United Nations deployments in the country,

⁵³ S/1999/852.

⁵⁴ S/1999/1076.

1. *Decides* to extend the mandate of the United Nations military liaison personnel deployed under paragraph 8 of resolution 1258 (1999) until 15 January 2000;

2. *Requests* the Secretary-General to continue to report to it regularly on developments in the Democratic Republic of the Congo, including on the future presence of the United Nations in the country in support of the peace process;

3. *Calls upon* all parties to the Ceasefire Agreement signed at Lusaka to continue to abide by its provisions;

4. *Decides* to remain actively seized of the matter.

Decision of 30 November 1999 (4076th meeting): resolution 1279 (1999)

At the 4076th meeting of the Security Council, held on 30 November 1999 in accordance with the understanding reached in its prior consultations, the President (Slovenia), with the consent of the Council, invited the representative of the Democratic Republic of the Congo, at his request, to participate in the discussion without the right to vote.

At the same meeting the President again drew the attention of the Council to the second report of the Secretary General on the United Nations Preliminary Deployment in the Democratic Republic of the Congo.⁵⁵ The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations,⁵⁶ which was then put to the vote and adopted unanimously as resolution 1279 (1999), which reads:

The Security Council,

Recalling its resolutions 1234 (1999) of 9 April 1999, 1258 (1999) of 6 August 1999 and 1273 (1999) of 5 November 1999 and the statements by its President of 31 August 1998, 11 December 1998 and 24 June 1999,

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

Reaffirming the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all States in the region,

Reaffirming also that the Ceasefire Agreement signed at Lusaka on 10 July 1999 represents the most viable basis for a resolution of the conflict in the Democratic Republic of the

Congo, and noting the role it requests the United Nations to play in the implementation of the ceasefire,

Expressing its concern at the alleged violations of the Ceasefire Agreement, and urging all parties to refrain from any declarations or action that could jeopardize the peace process,

Stressing the responsibilities of the signatories for the implementation of the Ceasefire Agreement, and calling upon them to permit and facilitate the full deployment of United Nations military liaison officers and other personnel necessary for the fulfilment of their mandate throughout the territory of the Democratic Republic of the Congo,

Welcoming the pledges of support made to the Joint Military Commission by States and organizations, and calling upon others to contribute, together with the signatories to the Ceasefire Agreement, to the funding of the body,

Noting with concern the humanitarian situation in the Democratic Republic of the Congo, and calling upon all Member States to contribute to current and future consolidated humanitarian appeals,

Expressing its concern at the severe consequences of the conflict for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo,

Expressing its concern also at the adverse impact of the conflict on the human rights situation in the Democratic Republic of the Congo, particularly in the eastern parts of the country, and the continuing violations of human rights and international humanitarian law committed throughout the territory of the Democratic Republic of the Congo,

Having considered the recommendations of the Secretary-General contained in his report of 1 November 1999,

Reiterating the importance of the successful completion of the mission of the technical assessment team dispatched to the Democratic Republic of the Congo to assess conditions and to prepare for possible subsequent United Nations deployment in the country as well as to obtain firm guarantees from the parties to the conflict over the safety, security and freedom of movement of United Nations and associated personnel,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Underlining the importance of the full deployment of the United Nations military liaison personnel as provided for by resolution 1258 (1999),

1. *Calls upon* all parties to the conflict to cease hostilities, to implement fully the provisions of the Ceasefire Agreement signed at Lusaka, and to use the Joint Military Commission to resolve disputes over military issues;

2. *Stresses* the need for a continuing process of genuine national reconciliation, encourages all Congolese to participate in the national dialogue to be organized in

⁵⁵ S/1999/1116 and Corr.1; see also 4060th meeting.

⁵⁶ S/1999/1207.

coordination with the Organization of African Unity, and calls upon all Congolese parties and the Organization of African Unity to finalize agreement on the facilitator for the national dialogue;

3. *Welcomes* the appointment by the Secretary-General of his Special Representative for the Democratic Republic of the Congo to serve as the head of the United Nations presence in the subregion relating to the peace process in the Democratic Republic of the Congo and to provide assistance in the implementation of the Ceasefire Agreement;

4. *Decides* that the personnel authorized under its resolutions 1258 (1999) and 1273 (1999), including a multidisciplinary staff of personnel in the fields of human rights, humanitarian affairs, public information, medical support, child protection, political affairs and administrative support, which will assist the Special Representative, shall constitute the United Nations Organization Mission in the Democratic Republic of the Congo until 1 March 2000;

5. *Decides also* that the Mission, led by the Special Representative of the Secretary-General, consistent with resolutions 1258 (1999) and 1273 (1999), shall carry out the following ongoing tasks:

(a) Establish contacts with the signatories to the Ceasefire Agreement at their headquarters levels, as well as in the capitals of the States signatories;

(b) Liaise with the Joint Military Commission and provide technical assistance in the implementation of its functions under the Ceasefire Agreement, including in the investigation of ceasefire violations;

(c) Provide information on security conditions in all areas of its operation, with emphasis on local conditions affecting future decisions on the introduction of United Nations personnel;

(d) Plan for the observation of the ceasefire and disengagement of forces;

(e) Maintain liaison with all parties to the Ceasefire Agreement to facilitate the delivery of humanitarian assistance to displaced persons, refugees, children, and other affected persons, and assist in the protection of human rights, including the rights of children;

6. *Underlines* the fact that the phased deployment of United Nations military observers with the necessary support and protection elements in the Democratic Republic of the Congo will be subject to its further decision, and expresses its intention to take such a decision promptly on the basis of further recommendations of the Secretary-General, taking into account the findings of the technical assessment team;

7. *Requests* the Secretary-General to accelerate the development of a concept of operations based on assessed conditions of security, access and freedom of movement and cooperation on the part of the signatories to the Ceasefire Agreement;

8. *Also requests* the Secretary-General to keep it regularly informed and to report to it as soon as possible on the situation in the Democratic Republic of the Congo and submit his recommendations on further deployment of United Nations personnel in the country and on their protection;

9. *Requests* the Secretary-General, with immediate effect, to take the administrative steps necessary for the equipping of up to 500 United Nations military observers with a view to facilitating future rapid United Nations deployments as authorized by the Council;

10. *Decides* to remain actively seized of the matter.

Deliberations of 16 December 1999 (4083rd meeting)

At the 4083rd meeting of the Security Council, held on 16 December 1999 in accordance with the understanding reached in its prior consultations, the President (United Kingdom), with the consent of the Council, invited the Under-Secretary-General for Peacekeeping Operations to give a briefing on the situation concerning the Democratic Republic of the Congo, under rule 39 of Council's provisional rules of procedure.

At the same meeting the Under-Secretary-General for Peacekeeping Operations informed the Council that the military and security situation in the Democratic Republic of the Congo had seriously deteriorated. As far as the deployment of United Nations personnel was concerned, the new Special Representative of the Secretary-General for the Democratic Republic of the Congo had arrived in Kinshasa to assume his functions. In addition, MONUC had deployed 62 of the 90 military liaison officers authorized under Security Council resolution 1258 (1999), of 6 August 1999. However, until MONUC was guaranteed the full security and freedom of movement it needed by both sides, it would not be able to complete its technical survey of the country or to station military liaison officers at the rear military headquarters of the parties, as stipulated by the Council. He stated that until they had the needed information from the survey and the relevant military headquarters they would not be able to submit a detailed and comprehensive concept of operations to the Council, as called for in resolution 1279 (1999). He stated that he intended to submit a further

report on the situation in mid-January, which he anticipated would contain options and recommendations.⁵⁷

The representative of the United States noted that, while the Lusaka Agreement was an excellent document that was done by the parties themselves, it was being widely disregarded and violated. He welcomed the nomination of Sir Ketumile Masire, former President of the Republic of Botswana, to assume the role of neutral facilitator for the inter-Congolese political negotiations. He noted that the United States would have found it difficult to move forward in support of peacekeeping absent a facilitator to work on the critical political component. He underlined that the Joint Military Commission, OAU, the United Nations and MONUC needed to work more closely together. The United States really needed to know the composition and structure of the peacekeeping force and believed that it was imperative that there be a more intense planning effort involving the Department of Peacekeeping Operations, the nations on the Security Council and other potential major troop and money contributors. The relationship between OAU, SADC and the United Nations, the command and control situation on the ground, the mandate, the size, the costs and the backup all needed to be known, and the United States would not vote for a resolution until they knew what they were voting for.⁵⁸

The representative of the Netherlands reminded the Council that from the first day they had discussed the Lusaka Agreement they had already been put under pressure to dispatch peacekeepers right away despite the fact that none of the rebels had yet been prepared to sign. If the Lusaka Agreement was a "litmus test", it was, first of all, one for the people who signed it, and if the parties themselves did not fulfil their engagements, there was nothing the Council could do. Noting the "emergence of the myth that it was the dilly-dallying of the Security Council that killed the Lusaka Agreement" he asked whether anyone believed that the Agreement was being observed by all parties for the first three months and had only begun to unravel due to the Council's inaction. He maintained that the commitment of the Netherlands to Africa could not be called into question and there had been no slackening in its

⁵⁷ S/PV.4083, pp. 2-4.

⁵⁸ Ibid., pp. 4-5.

commitment to African projects that were of special concern to the Security Council.⁵⁹

The representative of the Gambia stated that they were eagerly awaiting the report of the technical survey team and the report of the Secretary-General on the deployment to the Democratic Republic of the Congo and were gratified to note that the Joint Military Commission and the Political Committee established by the parties to the Agreement were up and running. He thanked the United States for their generous contribution to the Commission and encouraged others that could do so to help. He hoped the Security Council would act expeditiously with a view to deploying a fully fledged peacekeeping mission to the Democratic Republic of the Congo when the time was ripe.⁶⁰

The representative from Canada noted continuing concern with the major ceasefire violations by all sides in the Democratic Republic of the Congo. Such violations suggested that the security conditions required for the deployment of United Nations military observers did not yet exist. He requested the Secretariat's views on how, short of deploying additional personnel to the Democratic Republic of the Congo, the United Nations could further assist in the implementation of the Lusaka Agreement in the face of continuing fighting. He welcomed the nomination of former President Masire of Botswana as facilitator for the inter-Congolese dialogue and urged all parties to commit themselves to the dialogue so that the process of reconciliation could begin in earnest.⁶¹

The representative of France stated that the situation was catastrophic and that a real, concrete effort was needed from the Council. He suggested that the Council ask itself what it could do immediately in order to try to deal with the immediate dangers in the region, which were leading to losses of human life. He suggested that they urge the Secretariat to continue its efforts to produce a concept of operations. He welcomed the nomination of former President Masire of Botswana as facilitator and the arrival of the Special Representative of the Secretary-General. He asked the Under-Secretary-General whether it wasn't already possible for MONUC to provide some military assistance to the Joint Military Commission by

⁵⁹ Ibid., pp. 5-7.

⁶⁰ Ibid., pp. 7-8.

⁶¹ Ibid., p. 10.

providing it with staff officers to help the Commission do its work. He also wondered whether the Commission might not be able to provide reports to the Security Council on actions they were taking. This would respond to the wishes expressed for greater coordination between the regional organizations, specifically the Organization of African Unity, and the United Nations.⁶²

The representative from China stated that the peace process remained bogged down in difficulties and that the United Nations and the Security Council had been quite slow in responding to the situation. While welcoming the news of the nomination of former President Masire of Botswana as facilitator and stating his support for the holding of national political dialogues between the parties in the Democratic Republic of the Congo, he emphasized that it was an immediate priority of the Council and the United Nations to send in military observers and peacekeeping troops as soon as possible, because there could be effective monitoring and maintenance of the ceasefire only when such a force was deployed. He expressed his agreement with the view that had been expressed earlier that the Council's ability to push through a settlement of the conflict in the Democratic Republic of the Congo with concrete actions would be the "litmus test" of the importance the Council attached to African conflicts. In that connection, while he looked forward to the implementation of resolution 1279 (1999) and welcomed the Secretariat's preparations for that purpose, he also expected that Council members would be unanimous on taking concrete actions as soon as possible for the deployment of military observers in the Democratic Republic of the Congo.⁶³

The representative of Namibia, while welcoming the appointment of former President Masire of Botswana as mediator for the national dialogue, stated that his delegation had noted that media reports had indicated that investors from several countries were doing business with the rebel movement, especially in the eastern part of the Democratic Republic of the Congo and that those actions clearly violated the territorial integrity of the country. He maintained that nobody was saying that the situation was easy but time was of the essence and the Council should assume its

responsibilities in the Democratic Republic of the Congo. He called on all parties to carry out their commitment to the Lusaka Ceasefire Agreement and reiterated Namibia's commitment to full implementation. However, he maintained that while Namibia would maintain its position passively they would not offer themselves as "helpless targets when fired at by the rebels and those who support them". While welcoming the deployment of regional joint military commissions inside the Democratic Republic of the Congo and OAU observers, he expressed his hope that the Security Council would soon take a decision to authorize the deployment of military observers. He underlined the need for a rapid deployment, given the provisions of resolution 1279 and stated that "if we wait for perfection in the Democratic Republic of the Congo, we will lose everything that has been achieved in the Lusaka peace process".⁶⁴

The representative of Brazil asked how they could reconcile two contradictory positions, both of which were right. His colleagues, especially his African colleagues, had presented very clearly the need for the Security Council to act "very, very swiftly" and the representative of France had drawn their attention to the need for a concept of operations to be developed in a very precise and clear-cut way. All these were positive elements that they certainly needed to take into account in seeking a solution of the problem. He stated that the strength of peacekeeping operations would have to be "robust", and expressed his belief that if they analysed all the consequences of that adjective and added "sent urgently", they could begin to solve the problem.⁶⁵

The representative of the United Kingdom stated that they were coming to a critical moment: there was a peace agreement but the situation was deteriorating and not all parties were complying with their commitments. He suggested that the Council focus on six areas in particular. First, they needed to insist that all parties return to their Lusaka obligations and emphasize that there was no alternative to the negotiated peace. Second, they needed to do all they could to support the Lusaka framework. Third, they should support the deployment of an effective United Nations force to help implement the Lusaka Agreement. A peacekeeping

⁶² Ibid., pp. 10-12.

⁶³ Ibid., p. 13.

⁶⁴ Ibid., pp. 13-15.

⁶⁵ Ibid., pp. 15-16.

force had to be capable of monitoring the ceasefire, verifying the withdrawal of foreign forces and investigating reports of military activities by other armed groups. However, the countries in the region had to bear the principal responsibility for their own future. Fourth, they needed a plan for the successful disarmament, demobilization and reintegration of the armed militia groups. He urged all parties to work through the Joint Military Commission, in close collaboration with OAU and the United Nations to continue to draw up a credible plan that would attract the levels of international support that were needed to make implementation of a disarmament, demobilization and reintegration process possible. Fifth, they had to address profiteering from and exploitation of the vast resources of the Democratic Republic of the Congo which were being used by all sides to sustain the war. Sixth, they should sustain their support for an international conference on the Great Lakes to address the region's underlying problems, to take place when the parties had implemented the main elements of Lusaka. He welcomed the nomination of former President Masire. He expressed his hope that the Political Committee established by the Lusaka Agreement would convene at an early date to discuss implementation.⁶⁶

The representative for Gabon welcomed the nomination of former President Masire of Botswana as the facilitator and the progress made in the activities of the Joint Military Commission, given the resources available to it. He expressed his belief that the Council "should focus its will to settle the conflict rather than on the difficulties" and that it would not be realistic to want to obtain absolute security guarantees. Africa expected real, immediate action and had already waited too long since the signing of the Agreement. The Security Council had to shoulder its responsibilities and also continue to exert pressure on the parties to ensure that they complied with their commitments under the Lusaka Agreement.⁶⁷

The representative of the Russian Federation stated his agreement with what had been said both by those who spoke about the need to take urgent decisions and those who saw the need to establish the necessary conditions. He stated his deep concern that

the technical survey team, through no fault of its own, had not been able to complete its work on time, but trusted that when the relevant information was available the Security Council would take the appropriate decision on the deployment of up to 500 United Nations military observers pursuant to resolution 1279 (1999). He expressed his belief that there were two decisive factors: the willingness of the parties to the conflict to comply in good faith with their commitments and their cooperation with the United Nations, primarily in respect to practical matter relating to the technical survey team. He thanked those who had drawn attention to the particular importance of the swift organization of a national dialogue in the Democratic Republic of the Congo, as provided for in the Lusaka Agreement. In conclusion, he reiterated the Russian Federation's support for holding, under the auspices of the United Nations and OAU, an international conference on peace and security in the Great Lakes region, which would need to have a very strong political component, which would make it possible to consider the key issues of the strengthening of peace and security in the region as a whole.⁶⁸

Several other speakers stated the need for the deployment of a peacekeeping mission with all due speed following the assessment of the technical survey team and the establishment of sufficient security; emphasized the need for greater cooperation between OAU, the United Nations and SADC; welcomed the nomination of former President Masire of Botswana as mediator and Mr. Kamel Morjane as the Secretary-General's special representative; expressed concern over violations of the ceasefire; and called on all parties to comply with the provisions of the Lusaka Agreement. Some delegations questioned the delay in the peace process and why the United Nations was so reluctant to engage in the intervention necessary to replace the "current precarious" peace with a solid lasting one.⁶⁹

At the same meeting the President gave the floor to those members who wanted to make a second intervention.

The representative of the United States noted the emerging consensus on most aspects of the problem.

⁶⁶ *Ibid.*, pp. 16-17.

⁶⁷ *Ibid.*, pp. 17-18.

⁶⁸ *Ibid.*, pp. 19-20.

⁶⁹ *Ibid.*, pp. 9-10 (Malaysia); pp. 8-9 (Argentina); pp. 18-19 (Slovenia); and pp. 12-13 (Bahrain).

Regarding deployment of a peacekeeping force, he stated that the question was not “whether, but when and how”. He stated their desire to vote for the resolution once they knew the mandate, the size and the costs. He expressed his hope that as a result of the meeting they would be able to accelerate, intensify and clarify what it was that they would be asked to approve, which required a lot of staff work internally that the United States was prepared to do.⁷⁰

The representative of the Netherlands expressed his agreement with the representative of the United States. He also wondered whether it might be conceivable to ask the Joint Military Commission to “step up the frequency of its meetings a little”.⁷¹

The representative of France expressed his agreement with the representative of the United States. He also noted the great desire of the Council to move ahead swiftly and the strong backing for an international conference on peace and security in the Great Lakes region under the auspices of the United Nations and OAU. He asked the representative of the

Secretariat to invite the next President of the Council to call for consideration of the subject of an international conference. He expressed his belief that the issue of Africa must be considered by the Council on a permanent basis.⁷²

The President, drawing some informal conclusions from the debate, reiterated that the Democratic Republic of the Congo was the major challenge facing Africa. The Lusaka Agreement was predicated on international support and there was thus a need for the United Nations to help implement that agreement through a further deployment. He underlined the point made that the parties needed to show their determination to meet their commitments before it would be right or sensible for the United Nations to deploy more widely. All those with responsibilities under the Lusaka Agreement needed to take them up urgently and the Security Council would act as rapidly and effectively as it could. The Council would return to this subject soon, analysing and acting on the import of this debate.⁷³

⁷⁰ Ibid., p. 20.

⁷¹ Ibid., p. 20.

⁷² Ibid., pp. 20-21.

⁷³ Ibid., pp. 23-24.

12. The situation in the Central African Republic

Initial proceedings

Decision of 6 August 1997 (3808th meeting): resolution 1125 (1997)

By identical letters dated 18 July 1997 addressed to the Secretary-General and to the President of the Security Council,¹ the President of the Central African Republic informed the Council of a grave crisis, in a context of regional instability, which stemmed from the army rebellions which broke out in 1996 and had left a large supply of weapons in the hands of the ex-rebels and militias. He requested the Security Council to authorize the States of the Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB), which had been set up at his request to help restore peace and security, to carry out the necessary operations, neutrally and impartially, to attain the

objectives defined by the mandate of MISAB and to authorize, under Chapter VII of the Charter of the United Nations, those States and the States supporting them to ensure the security and freedom of movement of Inter-African Mission personnel. He also transmitted the mandate of the inter-African force to monitor the implementation of the Bangui Agreements and the text of the agreement on the status of this force.

At its 3808th meeting, held on 6 August 1997 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda without objection the letters and the item entitled “The situation in the Central African Republic”.

At the same meeting, the President (United Kingdom), with the consent of the Council, invited the representative of the Central African Republic, at his

¹ S/1997/561.