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National Security Council - African Affairs

Swayne, Mark

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Folder Title:

Great Lakes [Folder 1] [1] - [3]

Withdrawn/Redacted Material

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001a	Chart	Department of State, Bureau for African Affairs	1	N.D.	P1/b1; P5;
003	Memorandum	Great Lakes Contact Group	2	09/19/2005	P1/b1; P5;
005	Memorandum	Great Lakes Contact Group	2	9/19/2005	P1/b1; P5;
006	Memorandum	PCC on Great Lakes	1	09/27/2005	P1/b1; P5;
008	Handwritten Note	Tripartite	4	09/16/2005	P1/b1; P5;
009	Handwritten Note	Great Lakes Contact Group	2	09/19/2005	P1/b1; P5;
010	Chart	[Chart]	3	09/15/2005	P1/b1;

COLLECTION TITLE:

National Security Council - African Affairs

SERIES:

Swayne, Mark

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011	Handwritten Note	Contact Group	4	09/19/2005	P1/b1; P5;
012	Memorandum	Tripartite Joint Commission	10	N.D.	P1/b1; P5;
012b	Memorandum	Tripartite Joint Commission	7	N.D.	P5; b7c; b7e; b7f;
014	List	Great Lakes Contact Group	4	09/19/2005	P6/b6;
016	Memorandum	Mesures de Suivi...	4	09/15/2005	P1/b1;
017	Handwritten Note	Tripartite	2	09/16/2005	P1/b1; P5;
018	Memorandum	Information Memo	1	N.D.	P5;

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019	Magazine	Journal Officiel de la Republique du Zaire [with Handwritten Notes]	6	10/15	P1/b1; P5;
021	Report	[Report]	2	09/16/2005	P1/b1;
025	Memorandum	Great Lakes Contact Group	2	09/19/2005	P1/b1; P5;
028	Draft	Tripartite Agreement on Regional Security on the Great Lakes	10	09/07/2004	P5;
029	Draft	Tripartite Agreement on Regional Security on the Great Lakes	14	08/25/2004	P5;
030	Draft	Tripartite Agreement on Regional Security on the Great Lakes	13	08/25/2004	P5;

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Mark (Jane)

N The overall summary is that the financing gap situation has improved from disastrous to serious. There remains a financing gap of about \$20m (and possibly a bit more if the GDRC ultimately is not able to fully meet its \$20m commitment despite best efforts). USG direct contributions to elections remains zero.

To figures. As with most complicated budgets, it depends on what you include. Some total elections figures thrown about (e.g. USD 422 million) include direct security and MONUC logistics support costs, all of which are in fact direct election-related incremental costs, but generally funded separately. The recent UNSC resolution took care of a significant chunk of the logistics support element, for example. For simplicity's sake and given the way our funding works, the detailed info below relates to the core budget of the Independent Electoral Commission (CEI), and excludes MONUC costs, as well as those flowing through the Ministries of Interior and Defense from various sources for security related costs.

The total CEI budget estimate has been brought down to roughly USD 270.4 million. About USD 20 million of that is being covered by the GDRC (a total which includes roughly USD 7.2 million of designated direct French budgetary support funds).

Of the CEI budget total, approximately USD 160.4 million was pledged by various donors prior to the EU-organized Brussels conference seeking new funds. Roughly USD 72.3 million in new pledges for the CEI have come out of that conference from the EU, Belgium, U.K., Germany, Sweden, and Switzerland. (Note: USD figures can change a bit given fluctuating exchange rates). The total pledge list is summarized as follows (some rounding errors reflected in the lists):

European Union	\$ 157.4 million
Belgium	\$ 15.6 million
Great Britain	\$ 18.6 million
Germany	\$ 12.3 million
The Netherlands	\$ 8.9 million

Sweden	\$ 2.6 million
Italy	\$.7 million

EU Sub-Total	\$ 216.0 million
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(Note: Excluding French direct budgetary support payments and direct security-support costs)

GDRC	\$ 20.0 million
(Note: Including \$7.2 million French budgetary support)	
Japan	\$ 7.6 million
Canada	\$ 5.3 million
UNDP	\$ 1.2 million
Switzerland	\$ 0.9 million
Norway	\$ 0.9 million
Total pledged	\$ 251.7 million
Current CEI budget gap (9/20/05)	\$ 18.7 million

FYI, the related Election Security Budget totals roughly \$48.6 million. Subsequent to the Brussels conference, there are pledges from the GDRC (\$ 4 million) and EU (EU + member states bilaterally - \$53.8 million) more than covering this total amount. Obviously, in the case of both CEI and the Security budgets, not all pledges have yet been received, although in fact a surprisingly large percentage of the CEI budget in fact has. I won't confuse the issue by giving all the figures here. Also FYI, a majority of the donor funds, notably the EU funds, are going in to a UNDP-administered "basket fund," although some donors and the GDRC directly fund expenses/activities separately.

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National Security Council - African Affairs

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Great Lakes [Folder 1] [1]

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2

Tripartite Plus Joint Commission Ministerial
Waldorf Astoria Hotel
New York, New York
September 16, 2005

SUMMARY OF DECISIONS

Members of the Tripartite Commission commended Burundi's successful political transition, officially welcomed Burundi as a full participant and adopted the new name Tripartite Plus Joint Commission.

The Tripartite Plus members:

- reiterated their commitment to prevent negative elements from using their respective territories to destabilize neighboring countries.
- agreed to continue military and political pressure on the FDLR to ensure that it fulfills its commitment to disarm and repatriate.
- agreed to continue military and diplomatic pressure on all other militia to ensure their disarmament and repatriation or reintegration.
- agreed to retain September 30, 2005, as the deadline for voluntary disarmament and repatriation or reintegration and that failure to do so would trigger imposition of sanctions.
- agreed that the Tripartite Joint Commission has contributed to the reduction of tension in the Great Lakes region and that additional confidence-building measures are necessary to bring stability to the area, including:
 - DRC authorization of a Ugandan office in Beni to encourage, in conjunction with MONUC and the DRC, the disarmament and repatriation or reintegration of ADF, NALU and PRA.
 - Consideration of how to extradite Mutebusi, Nkunda and other leaders of armed groups.
 - Articulation of the mechanisms the U.S. and EU should employ against all militia operating in eastern DRC by members of the Tripartite.
- agreed to have the EU, in conjunction with the GOR, draft an information package for distribution to the FDLR that outlines measures to encourage their disarmament and repatriation or reintegration.

-- welcomed the African Union's announcement of plans for an October reconnaissance mission that will lead to recommendations on how to proceed with the establishment of an AU force in eastern DRC.

-- welcomed the continued effort of the international community to augment and build the capacity of the FARDC in order to bring stability to eastern DRC.

-- agreed that MONUC's response in eastern DRC had improved, but that additional capacity was necessary to enforce its mandate.

-- agreed that the facilitator will draft a timeline of actions by the Tripartite members and Contact Group through December 31, 2005, that are aimed at ensuring stability in the Great Lakes region, to include:

- Develop sanctions that will be imposed on militia after September 30, 2005 should voluntary disarmament not occur.
- Install Tripartite Fusion Cell (TPC) in Kisangani and Tripartite Plus member capitals.
- Develop and distribute an incentive package to encourage FDLR and other militia to return to their country of origin.
- Undertake an AU reconnaissance mission in the DRC.

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Memorandum	Great Lakes Contact Group	2	09/19/2005	P1/b1; P5;

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Delegations to the Tripartite Ministerial Meeting
New York, New York
September 16, 2005

DRC

Ramanazi Baya, Foreign Minister
Guillerme Samba Kaputo, National Security Advisor
Antoine Ghonda, Special Ambassador, Presidency
Andre Kapanga, Diplomatic Advisor to the President
Alexis Thambwe, Minister of Plan
Mbusa Nyamwisi, Minister of Regional Cooperation

Rwanda

Charles Murigande, Foreign Minister
Ambassador Dr. Richard Sezibera, President's Special Envoy for the Great
Lakes

Uganda

Sam Kuteesa, Foreign Minister
Ambassador Adonia Ayebare, Ambassador to Rwanda and Burundi
Arthur Kafeero, Personal Assistant to the Minister

Burundi

Antoinette Batumubwira, Foreign Minister
Balthazar Habonimana, Director General for Europe, North America and
International Organizations
Appollonie Simbizi, Director for International Organizations
Bernard Ntahiraja, Head of Protocol
Leonidas Nikingiye, charge des Affaires for Burundi's Permanent Mission
to the UN

MONUC

Ambassador William Swing, Special Representative of the UN Secretary General for the DRC

ONUB

Carolyn McAskie, Special Representative of the UN Secretary General for Burundi

DPKO

Jean-Marie Guehenno, Under Secretary General for the Department of Peacekeeping Operations

Hedi Annabi, Assistant Secretary General, Department of Peacekeeping Operations

Dmitry Titov, Director, Africa Division, Department of Peacekeeping Operations

Kathryn Jones, Senior Political Affairs Office, Team Leader for the Great Lakes

Africa Union

Ambassador Said Djinnit, Peace and Security Commissioner

Christopher Maganga, Senior Political Officer, AU Liaison Office for the Great Lakes, Nairobi

European Union

Rachel Brass, United Kingdom, Representing the EU Presidency

Aldo Ayello, EU Special Representative for the Great Lakes

Marie-Louise Lindorfer, Advisor to the EU Special Representative

Jan Mutton, Belgian Special Envoy for the Great Lakes

United States

Jendayi Frazer, Assistant Secretary for African Affairs

Cindy Courville, Senior Director For Africa, National Security Council

Don Yamamoto, Deputy Assistant Secretary for African Affairs
Jane Gaffney, Director, Office for Central African Affairs
Joyce Leader, Senior Coordinator for the Tripartite Commission
Tim Shortley, Senior Project Development Officer, Office of East African
Affairs, USAID
Chuck Kosak, Principal Director, Office of African Affairs, Office of the
Secretary of Defense
Col. Kelly Langdorf, Director, Central Africa Region, Office of African
Affairs, Office of the Secretary of Defense
Madeline Seidenstricker, Desk Officer, DRC
Rosalinda Montanez-Muhinda, Desk Officer, Rwanda and Burundi
Mark Swayne, Director for Africa, National Security Council
Rick Ehrenreich, Analyst, Bureau of Intelligence and Research

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Handwritten Note	Tripartite	4	09/16/2005	P1/b1; P5;

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COLLECTION:

National Security Council - African Affairs

SERIES:

Swayne, Mark

FOLDER TITLE:

Great Lakes [Folder 1] [1]

FRC ID:

35914

OA Num.:

NSC 1677

NARA Num.:

FOIA ID and Segment:

2019-0082-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Handwritten Note	Great Lakes Contact Group	2	09/19/2005	P1/b1; P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Chart	[Chart]	3	09/15/2005	P1/b1;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Tripartite Joint Commission	10	N.D.	P1/b1; P5;

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**Tripartite Joint Commission
Sub-Commission on Security and Defence Matters
Tripartite Fusion Cell
Minimum Housing and Workspace Modification Requirements**

The Government of the Democratic Republic of Congo (GRDC) accepts responsibility for the cost of rehabilitation and modification of the housing and workspace located on the Tripartite Fusion Cell (TFC) compound.

Following are the minimum standards to which the housing and workspace will be rehabilitated and modified -

Compound Water System –

- The compound's water and sewage system must be inspected, repaired, or upgraded, as required.
- A back-up water reservoir system for the compound, to include a supply for each house, is required sufficient to meet a three-day demand.

Compound Electrical System –

- The compound's electrical system must be inspected, repaired, or upgraded, as required.
- A back-up electrical system (generator), to include a supply for each house, as required.

Houses –

- The internal water and electrical systems each house must be inspected, repaired, or upgraded, as required.
 - All electrical fixtures (receptacles, sockets, lights, plugs, switches, etc) must be inspected and repaired or replaced, as required.
 - All water fixtures (hot water heaters, faucets, sinks, toilets, bathtubs, showers, plumbing, etc) must be inspected and repaired or replaced, as required.
- Kitchens – Kitchens must be inspected and repaired, as required.
 - All major appliances (hot water heater, electric stove and refrigerator/freezer) must be installed.
 - All electrical and water fixtures must be inspected and repaired or replaced, as required.

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- Bathrooms – Bathrooms be inspected and repaired, as required. All electrical and water fixtures must be inspected and repaired or replaced, as required. A hot water heater must be installed.
- Bedrooms – Bedrooms must be inspected and repaired, as required. Bedrooms must have curtains and/or blinds.
- Reinforced doors - A reinforced door must be installed separating the bedrooms from the common areas.
- Common Areas – Common areas must be inspected and repaired, as required. Common areas must have curtains and/or blinds.
- Interior walls and floors – Must be inspected and repaired, painted and cleaned, as required.
- Windows – All broken windowpanes must be replaced. Fly screens must be inspected and repaired, as required.
- Exterior Walls - Must be inspected and repaired, painted and cleaned, as required.
- Exterior Lights - Must be inspected and repaired, as required.
- Roofs – Must be inspected and repaired, as required.
- Air Conditioning – All bedrooms and common spaces (living & dining rooms) must have individual air conditioners.
- Furnishings –
 - Each house must be equipped with four bedroom sets of furniture (beds with pillows and mattresses, nightstands, lamps, and wardrobes, as required).
 - Each house must be equipped with a dinning room set of furniture.
 - Each house must be equipped with a living room set of furniture.

Grounds –

- The garden areas of the compound, to include pool area, must be cleaned up and cleared of all overgrown vegetation and put back into reasonable order.
- All walkways and driveways must be inspected be inspected and repaired, as required.

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- The Pool and Bar area, to include changing rooms and bathrooms, must be inspected and repaired, as required. (This is the last priority).

"Guest House" Amenities – The following services and/or supplies will be provided -

- Domestics – To perform cleaning, and laundry services.
- Gardeners – To care for the TFC compound grounds.
- Towels and linens - Bed linens, bath towels, hand towels, bath mats, etc.
- Kitchen supplies and equipment – Coffee pot, tea kettle, pots, pans, plates, cups, glasses, cutlery, etc
- Household supplies - Cleaning supplies, toilet paper, etc.
- Utilities – Water and Electricity, etc.
- Satellite Dish and TV in each house (including monthly subscription costs).
- Fuel for generators.
- Pool Maintenance.

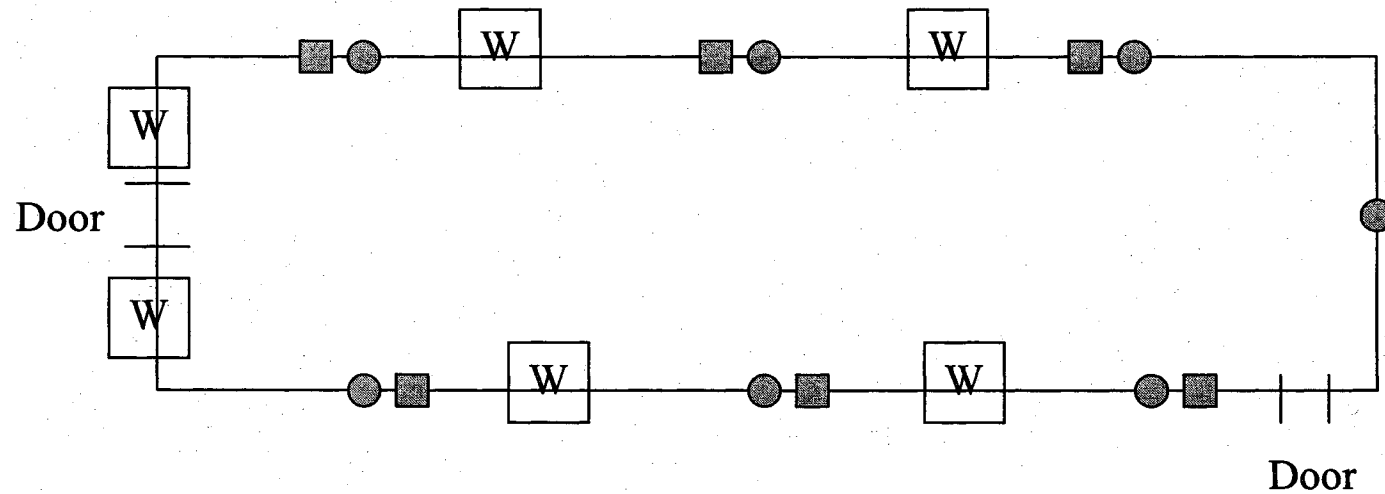
TFC Working Space –

- The former restaurant area adjacent to the pool and bar area must be inspected, repaired, and modified, as required, creating a room that is large enough to conduct TFC training and ultimately house the operational TFC. (See attached diagram one.)
- Masonry walls must be constructed to seal all open aspects, as required.
 - Doors and windows must be installed in the new masonry walls.
 - Doors must have locks and security bars.
 - Windows must have security bars installed.
 - Windows must have curtains and/or blinds.
 - Air passages in existing masonry walls must be sealed.
- A ceiling must be installed.
- A cement floor must be installed.

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- The working space must be connected to the compound's electrical system with backup.
- Overhead lighting (fluorescent recommended) must be installed.
- Electrical fixtures (receptacles, sockets, lights, plugs, switches, etc) must be installed inside the working space.
- Interior Walls – Must be inspected and repaired, painted and cleaned, as required.
- Exterior Walls - Must be inspected and repaired, painted and cleaned, as required.
- Roof – Must be inspected and repaired, as required.
- Air Conditioning – Six individual air conditioners, along with necessary electrical connections, must be installed.
- Furnishings –
 - Six six-person tables and 36 office chairs.
 - Six four-person tables.
 - Five portable self-standing wood dividers measuring 2 meters high by four meters long.
 - Four four-shelf bookshelves measuring 2 meters high by one meter wide.
 - Four four-drawer filing cabinets.

Tripartite Fusion Cell Compound Workspace



● Double Plug

■ Air Conditioner

W Window

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Tripartite Joint Commission	7	N.D.	P5; b7c; b7e; b7f;

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1

REPATRIATION UPDATE

12 September
2005

Ex-combatants

Civilians

Total

Rwandan

3891

3686

7577

Ugandan

388

239

627

S/Total

4279

3925

8204*

BURUNDESE Withdrawals

Assisted by MONUC

355

124

479

Self-organized

3250

0

3250

S/Total

3605

124

3729 **

TOTAL

7884

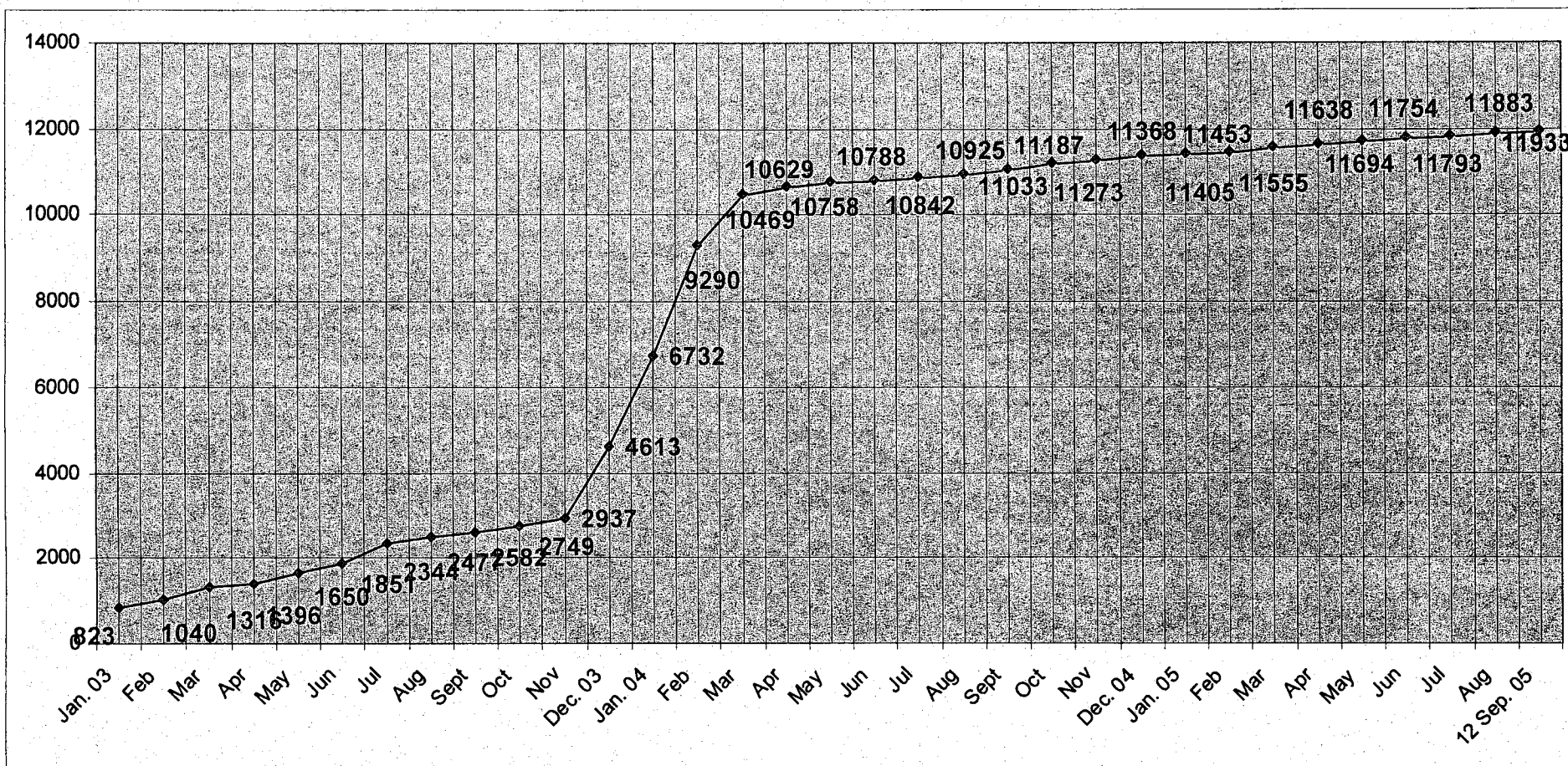
4049

11933

*Includes combatants and dependents repatriated by MONUC and the Rwandan Government.

** Based on figures and information provided by Burundese and Congolese authorities, as well as AMIB.

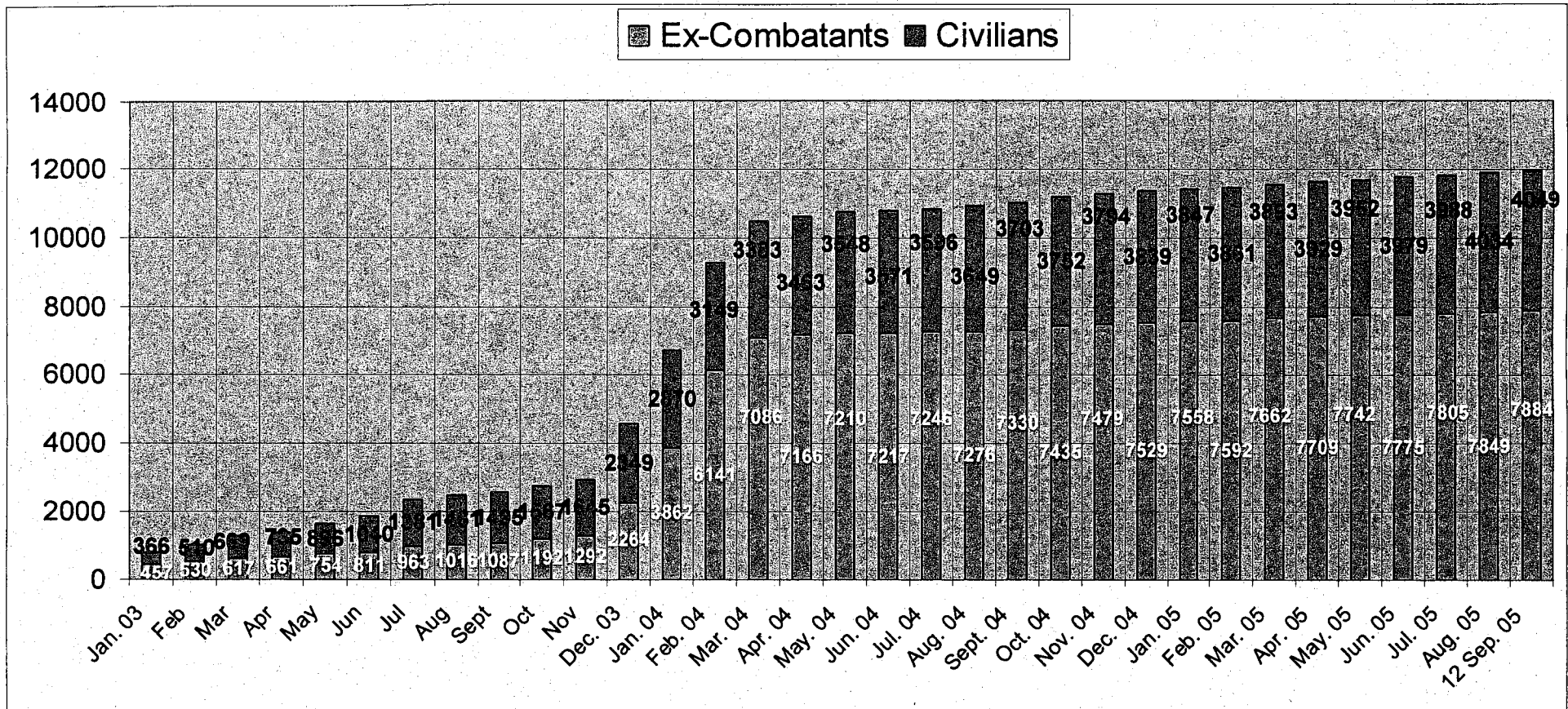
② Cumulative on repatriation



* Including Rwandan, Ugandan and Burundese combatants and civilians, whether repatriated by MONUC or not.

③ Cumulative by status

*



* Including Rwandan, Ugandan and Burundese combatants and civilians, whether repatriated by MONUC or not.

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List	Great Lakes Contact Group	4	09/19/2005	P6/b6;

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TO: US

FROM: Troy Setiawan

DATE: Mon Sep 26 2005 10:13 EDT

15

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Attached is an advance copy of the **nineteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo** for the information of the members of the Security Council. This report will be issued as a document of the Security Council under the symbol S/2005/603.

26 September 2005

Nineteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1592 (2005) of 30 March 2005, by which the Council extended the mandate of the United Nations Mission in the Democratic Republic of the Congo (MONUC) until 1 October 2005, and resolution 1565 (2004) of 1 October 2004, by which the Council requested me to keep it informed regularly of developments in the Mission area. This report covers major developments since my last report to the Council dated 2 August 2005 (S/2005/506).

II. Political developments

2. During the reporting period, significant progress was made in the voter registration process for the elections, together with some progress in the integration of military units, and training of the Congolese National Police (PNC). Increased cooperation amongst the Congolese parties represented in the Transitional Government enhanced policy coordination regarding the main challenges of the transitional process, including elections, military and police reform and the security threat posed by the continued presence of foreign armed groups in eastern Democratic Republic of the Congo. There was also some improvement in overall relations between the Democratic Republic of the Congo and neighbouring States.

3. Among notable events, a number of additional appointments were made to the petite territoriale (local administration) by three presidential decrees issued in July and September. However, appointments to mayoral posts in several important cities, including Lubumbashi, Bukavu, Tshikapa and Likasi, have yet to be made due to lack of consensus within the Transitional Government. Further appointments to public enterprises were made in a presidential decree issued on 3 August. Concerns have been raised, however, that many of the nominees have little relevant experience in the management of public enterprises. Meanwhile, appointments from amongst the parties signatory to the Global and All Inclusive Agreement to the civilian intelligence and immigration services need to be made so that the Transitional Government's capacity to control the border areas, particularly in Ituri and the Kivus, is strengthened.

4. Calls for a boycott of the electoral process by the Union pour le Progrès et la Démocratie Sociale (UDPS), which claims that it has not been properly registered as a political party by the Ministry of Interior, continued to cause tensions in Katanga and the Kasais, where UDPS supporters have protested voter registration activities. Efforts to persuade UDPS leaders to join the electoral process have thus far been unsuccessful.

5. The Joint Commissions on Essential Legislation, Security Sector Reform and also Elections have continued their work. At the request of the Transitional Government, on 25 August, my Special Representative for the Democratic Republic of the Congo, transmitted to President Kabila, on behalf of the International Committee in Support of the Transition (CIAT), a concept paper regarding the establishment of a fourth joint commission to address issues of good governance and economic management.

Legislative agenda

6. On 25 July, the Joint Commission on Essential Legislation provided the draft electoral law to the Parliament which transmitted it to the Transitional Government. The Joint Commission and CIAT have encouraged the Government to expeditiously review, adopt and forward the draft law to the Parliament. CIAT has also called for an extraordinary Parliamentary session to review the draft; however, it appears that the session will not be held until October.

7. The adoption by Parliament of the electoral law would enable the Independent Electoral Commission (IEC) to establish the electoral calendar and proceed with the organisation of the elections. The Parliament also needs to adopt without delay other outstanding essential legislation, including on amnesty, the status of magistrates, financing of political parties as well as the organization of the judiciary, before the elections are held.

Electoral Process

8. Voter registration has progressively extended to the provinces since it started in Kinshasa on 20 June. As at 17 September, more than 11 million voters had registered, including 2.9 million in Kinshasa, out of an estimated electorate of some 20 to 25 million. Voter registration is scheduled to end on 25 September nationwide; however, registration timelines have been extended, mainly due to logistical difficulties encountered by the IEC and the slow rate of voter registration in several areas, such as in Katanga and the Kasais.

9. The international community has provided crucial and massive support for the electoral process, including through addressing the budgetary shortfall. However, as of 6 September, pledges by donors for the electoral budget amounted to \$274 million, of which only \$165 million had been received. Meanwhile, the Transitional Government has disbursed \$13 million of the \$40 million it had pledged in direct support to the IEC in the 2005 and 2006 budgets.

Regional relations

10. On 10 August, Vice-President Ruberwa met with President Museveni of Uganda in Kampala on the issue of armed groups operating in the Democratic Republic of the Congo, as well as other issues of concern to the two countries. Subsequently on 23 August, the Government of Uganda, in a much overdue and welcome step, declared six leaders of the Ituri armed groups associated with the Mouvement Révolutionnaire Congolais (MRC), *personae non gratae* and expelled them from Uganda. In the meantime, the Transitional Government of the Democratic Republic of Congo is still considering issuing international arrest warrants for the leaders of the Ituri armed groups.

11. On 24 to 25 August, senior Congolese, Rwandan and Ugandan officials met in Kigali within the framework of the United States - facilitated Tripartite Commission. Representatives of Burundi, the African Union Commission, the European Union Presidency, and MONUC attended as observers. Participants expressed serious concerns at the failure of the Forces Démocratiques de Liberation du Rwanda (FDLR) to disarm and repatriate, in

accordance with the group's Declaration issued in Rome on 31 March. Participants agreed that the Transitional Government should maintain contacts with FDLR to ensure the implementation of the Declaration and that failure by FDLR to comply by 30 September would have serious consequences, including the imposition of sanctions. Furthermore, participants agreed to step up pressure to disarm militias operating in eastern Democratic Republic of the Congo and to negotiate bilateral extradition treaties concerning the remnant militia leaders.

12. Meanwhile, further progress was made towards the establishment of an Intelligence Fusion Cell (IFC) under the framework of the Tripartite mechanism. On 16 and 17 August, a United States delegation, accompanied by Rwandan, Ugandan and Congolese military officers visited Kisangani to assess progress towards its establishment. The United States is taking the lead in the training of the Congolese, Rwandan, Ugandan and MONUC personnel who will comprise the IFC. The IFC will facilitate the exchange of intelligence among the Democratic Republic of the Congo, Rwanda and Uganda on matters related to the activities of armed groups, for the operational use of Forces Armées de la République démocratique du Congo (FARDC) commanders in eastern Democratic Republic of the Congo, and will be a confidence-building measure amongst the three countries.

13. Progress in this and other areas was again reviewed at the Tripartite Commission meeting convened at the ministerial level at the margins of the 60th General Assembly session in New York on 16 September at which Burundi became a full participant, of what is now to be called the Tripartite plus one Commission. The meeting also discussed ways and means of increasing pressure on the foreign armed groups and steps to be taken in this regard by the participating Member States, the African Union and the Security Council.

14. The core countries of the International Conference on the Great Lakes Region, held under United Nations and African Union auspices, have continued discussions on the priority projects and programmes, to be adopted at the second summit on the Great Lakes to be held on 15 and 17 December in Nairobi. Despite some improvement in regional relations and lessening of tensions, there has been no breakthrough in the establishment of diplomatic relations between the Democratic Republic of the Congo and Rwanda. Furthermore, Uganda has yet to appoint an ambassador to the Democratic Republic of the Congo.

III. Implementation of the mandate of the Mission

Security situation

Ituri

15. Throughout the reporting period, the security situation in Ituri remained tense, as remnant militia continued to commit human rights violation against the local population in areas where MONUC or FARDC are not present. Voter registration, however, made good progress in the district, with more than 1.2 million voters registering from an estimated electorate of 1.6 million by 14 September.

16. Joint FARDC and MONUC operations continued to play a very important role in improving the security situation in Ituri. Regular joint area domination and cordon-and-

search operations have resulted in the apprehension of some militia elements and the seizure of illegal arms and ammunition, as well as limiting the operational room for manoeuvre of the militia groups. One such operation was undertaken on 28 August, in the Boga area, 78 km south of Bunia, to verify reports of continued militia activities, and dispersed some militia elements into the surrounding area. Joint MONUC and FARDC operations along the southern shores of Lake Albert seem to have discouraged the illicit cross-border transport action of weapons across the lake.

17. Despite the disarmament of 15,600 former combatants in Ituri, the Commission Nationale de Demobilization et Reinsertion (CONADER) continues to face difficulties in discharging its responsibilities, in particular regarding the payment of demobilization allowances to ex-combatants, has led to increased discontent among them; and allowances need to be urgently and regularly paid. In the meantime, the United Nations Development Programme (UNDP) is implementing a short-term reinsertion programme targeting 5,200 ex-combatants and the communities where they are resettling. More than 120 micro-projects worth an estimated \$3.5 million have commenced. These short-term, labour-intensive and income-generating activities have been hindered, however, by security conditions in certain parts of the Djugu and Irumu territories of the district, where the remnants of the Ituri militias are still active. The weak capacities of local implementing partners and lack of a banking system also constrain effective implementation. Despite UNDP's increased activities, approximately 40 per cent of ex-combatants in the region have not yet directly received any reintegration support. CONADER is reviewing proposals for medium-term reinsertion programmes, whose implementation should help improve the situation.

18. The declaration made on 23 August by the Government of Uganda that six MRC leaders are personae non gratae on Ugandan territory, is an encouraging development. However, the MRC's potential to still undermine a tangible progress in stabilising Ituri remains of concern, particularly, given the Transitional Government's incapacity so far to bring armed group leaders to justice and to prevent their movement into and from Uganda. Moreover, although several of the most influential Ituri armed group commanders remain in the custody of the Transitional Government, it is important that formal legal action against them start without further delay, especially against those accused of war crimes and gross violations of human rights and international humanitarian law.

19. In order to facilitate efforts to extend State administration, MONUC and CIAT organised a meeting on 21 August at which representatives of the Transitional Government from Ituri agreed to establish a special commission to address land disputes, and organise a follow-up meeting in Bunia with local community leaders.

The Kivus

20. The situation in north and south Kivu remained tense during the reporting period, with local authorities and MONUC continuing to actively follow-up on the FDLR declaration of 31 March regarding the repatriation of the group to Rwanda. Meanwhile, on 21 August, voter registration started in the two provinces and has generally proceeded smoothly.

21. In North Kivu on 26 August, tensions escalated near Rutshuru, following repeated clashes between Mayi-Mayi elements and ex-Rassemblement Congolais pour la Démocratie-

Goma (RCD-G) elements who have yet to participate in the brassage process. Delays in the integration process and the reluctance of some of the ex-RCD-G military units to undergo integration into the army, has contributed to rising mistrust among different ethnic groups in North Kivu. Meanwhile, the voluntary disarmament and demobilization of a number of Mayi-Mayi elements and the incorporation of some of them, following training, into integrated FARDC forces may have helped reduce tensions in some areas of North Kivu. However, protracted delays in payments of salaries of FARDC personnel are causing discontent and increasing desertions and the risk of mutinies within the force.

22. On 25 August, a statement attributable to General Laurent Nkunda, one of the main perpetrators of the Bukavu crisis in May 2004, was published in Goma, in which he threatened to bring down the Transitional Government. In response, by a special decree issued on 2 September, the Council of Ministers stripped Nkunda of his rank, removed him from the army and decided to prosecute him. Authorities in North Kivu have since arrested several persons with alleged connections to Nkunda. Meanwhile, MONUC supported by the FARDC 8th Military Region are considering ways to bring Nkunda, who remains at large, to justice.

23. Joint or parallel MONUC and FARDC operations, including area domination and cordon-and-search missions, as well as day and night patrols have resulted in an improved security situation in South Kivu. 1,000 troops, comprising two FARDC battalions, took part in one such operation from 6 to 9 September in the Kahuzi Beiga Park area, which is an area of FDLR concentration. There are reports that FDLR elements have dispersed in South Kivu and that their ability to move freely in population centres and to attack civilians has been restricted. FDLR's capacity to carry out attacks should not be underestimated, however, particularly given FARDC's limited resources, poor military training and lack of discipline of the FARDC units in the area, and the occasional collaboration with FDLR commanders. Additional steps need to be taken by the members of the Tripartite plus one Commission, and the Security Council if the FDLR do not meet the 30 September deadline established for implementation by FDLR of the 31 March Rome declaration.

Katanga

24. Law and order problems continue to contribute to the fragile security situation in some areas of Katanga where the Transitional Government has not established effective security mechanisms for the protection of civilians. Despite calls by the UDPS for a boycott of voter registration, this process has nonetheless continued in Katanga generally peacefully.

25. In northern and central Katanga, most Mayi-Mayi commanders have so far refused to join the brassage process and lawlessness continues to prevail in ten out of Katanga's 21 territories. Tensions remain high especially in northeast Katanga where several clashes have occurred between FARDC units and Mayi-Mayi groups. On 10 and 11 August, FARDC exchanged fire with a Mayi-Mayi group near the Lunga gold mine, about 200 km from Kalemie, and took control of the area. However, it is doubtful that FARDC contingents deployed in the province would be able to establish effective, sustained control over the whole of Katanga, and significantly limit the Mayi-Mayi's ability to harass the local population, and illegally exploit natural resources. The lack of State authority as well as tensions between ethnic groups, pose a serious potential threat to the security of the electoral process.

26. In southern Katanga, there is concern that ethnic tensions might intensify during the electoral process. In some cities, there has been an increase in the number of armed youth groups whose anti-"non-indigenous" rhetoric and willingness to resort to violence is likely to create an atmosphere of fear during the elections and spark ethnic violence.

27. FARDC continues to be poorly equipped and sustained and MONUC believes that an enhanced military presence would be required to help secure the elections in several key areas of Katanga. At its current level, MONUC does not have the capacity to assist in providing electoral security in northern and central Katanga, or to extract electoral and other United Nations personnel in those volatile areas, as well as in and around Mbuji-Mayi. I would therefore recommend once again to the Security Council that due consideration be given to authorising the deployment to MONUC of an additional brigade of 2,580 personnel comprising a headquarters, three battalions and enabling assets including one Level II Hospital, one Engineer company, one observation helicopter unit and one utility helicopter unit.

28. The brigade would focus its efforts on primarily addressing the Mayi-Mayi threat in the northern Nyunzu-Kabalo-Kongolo-Moba and central Pweto-Mitwaba-Manono axes. One battalion and headquarters enabling assets would be needed to: secure the Kalemie airport; provide a secure environment for the electoral process; monitor the arms embargo at the airport and ports on Lake Tanganyika-Moba; deter movement of armed elements from South Kivu to Katanga; monitor and encourage the Mayi-Mayi in north and central Katanga to join the brassage or disarmament, demobilisation and reintegration process; and, provide an extraction capability for MONUC and other United Nations personnel located in northern Katanga and the Kasais.

29. A second battalion would deploy to the southern town of Kamina: protect the Kamina airfield; provide a secure environment for the electoral process within its area of operations; monitor and encourage the Mayi-Mayi in the south to take part in the brassage or disarmament, demobilisation and reintegration process; support and mentor FARDC, specifically in Kamina. A third battalion would deploy two companies, one to protect United Nations installations at the Lubumbashi airport, while maintaining a brigade reserve with the other company and the battalion headquarters in Lubumbashi. The reserve would also support Formed Police Units deployed to the area.

Disarmament and repatriation of foreign armed groups

30. Following the 16 July Communiqué by the Transitional Government that it would take forcible action to disarm FDLR, consensus has been emerging within the Transitional Government on how to address the problem of foreign armed groups, and particularly FDLR. In this connection, a meeting was held in Bukavu on 5 August between representatives of the Transitional Government, FDLR and MONUC, to discuss modalities for encouraging the voluntary return of FDLR combatants to Rwanda, in accordance with the Rome Declaration of 31 March.

31. Meanwhile, as was described in paragraphs 20 to 23 above, the FARDC-MONUC joint operations in the Kivus continue to limit FDLR's scope for operational manoeuvre in the

more densely populated areas and their ability to threaten civilians. This new resolve of the Transitional Government to take more robust military action deserves to be actively supported by the international community, particularly by enhancing FARDC's military capabilities.

32. The Transitional Government should also be encouraged to take more decisive steps in using its own assets to help consolidate State authority and establish effective security mechanisms in areas where FDLR are no longer present. This aspect is becoming increasingly urgent, as the growing split among some FDLR commanders and pre-conditions recently posed by the group may further affect the implementation of the Rome declaration. MONUC has continued its efforts to take advantage of any opportunities for the peaceful repatriation of FDLR combatants and their dependents. The Mission is discussing with some Rwandan combatant leaders and with the Transitional Government the technical modalities of repatriation, and has publicized the decision taken by the Government of Rwanda that it would not prosecute any returning combatant aged 14 or younger at the time of the 1994 genocide.

Security sector reform and disarmament, demobilisation and reintegration

33. In July, the FARDC and security sector reform partners prepared a plan for the second and third phases of army integration. This plan should result in the formation of 12 additional integrated brigades – six in each phase, prior to the holding of the elections, which would bring the overall number of integrated brigades to 18. Nine of these brigades would be deployed to eastern Democratic Republic of the Congo, three in Ituri, three in North Kivu and three in South Kivu, while a further nine would be deployed elsewhere in the country. Meanwhile, the sixth and last brigade from the first phase of army integration is expected to be ready for deployment in late September.

34. During the reporting period, the fourth integrated brigade was deployed to Ituri and the fifth to North Kivu. Unfortunately, a cholera outbreak amongst soldiers of the fourth brigade, as well as irregular payments of salaries and lack of food and other support for these troops has raised concerns regarding the lack of oversight and control by the Transitional Government regarding the integration of these brigades, as well as by the international partners on security sector reform.

35. A nationwide census of the army being carried out by a South African team is expected to be completed by December. Preliminary results indicate that less than half of the 350,000 combatants initially declared by the Transitional Government could be identified. Meanwhile, the European Union, in cooperation with MONUC and FARDC, is working on an administrative reform plan for FARDC, including a salary structure and an assessment of training necessary for the various ranks.

36. FARDC and MONUC are also working closely on designing a strategy for supporting and sustaining the nine integrated brigades to be deployed to eastern Democratic Republic of the Congo to conduct joint operations with MONUC. They would be stationed close to MONUC units to facilitate their training for joint operations. A short-term focus would be on border and natural resources control in Ituri, restriction of movement of elements of the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU) in North Kivu, control of the areas vacated by FDLR after MONUC/FARDC joint operations, and assistance

to PNC in provision of security for the population in South Kivu. The medium-term focus would be on control of the mining areas and eliminating the threat of the Ituri armed groups and restriction of the FDLR presence in selected areas in view of the disarmament, demobilisation, repatriation, reintegration and rehabilitation process.

37. The implementation of this plan requires that the integrated brigades are adequately equipped and sustained. Such sustained support would include food, medicine and fuel, clothing and individual equipment, communications equipment, vehicles and marine assets. It is proposed that the Transitional Government would focus on providing weapons and ammunition, optical equipment, accommodation and medical equipment. Due to the lack of infrastructure in the country, a mechanism might need to be established to facilitate the administration and distribution of this support. The continuing efforts of the European Union, South Africa, Belgium and Angola to contribute towards the reform of the armed forces in the Democratic Republic of the Congo are vital and most welcome. However, increased, sustained support by donors for the critically important task of strengthening the capability of FARDC and ensuring its effective, long-term functioning is critical for ensuring security and durable stability in the country. Progress by FARDC in ensuring effective responsibility for security nationwide would also constitute a key benchmark guiding the exit strategy for MONUC.

38. Meanwhile, CONADER has opened additional orientation centres for combatants, including near the vicinity of the six currently-operational army integration sites, to lower the costs of transporting for ex-combatants who have opted to integrate into the army. Although the World Bank is addressing the issue of transporting combatants from their original locations to the army integration centres, the transportation of integrated units from these centres to their deployment areas is continuing to delay the process.

Police reform

39. During the reporting period, the MONUC Police component made further progress in fulfilling its mandate to assist PNC with its preparations to secure the electoral process. Meanwhile, following an assessment of the security challenges posed by current voter registration activities, the Transitional Government increased from 32,000 to 39,000, the number of trained police personnel required to secure the electoral process, including 18,500 officers and also crowd-control and other specialised units. As of 16 September, MONUC-trained PNC instructors had provided refresher courses for over 14,900 of the required police officers. The training of some 4,700 of them was funded by the International Cooperation Agency of the Government of Japan.

40. MONUC police officers are now co-located with the Inspector General of Police and ten of the eleven provincial inspectors, to whom they provide technical advice on various aspects of policing. MONUC has also completed the training of some 674 crowd control personnel in Bukavu, Matadi and Mbuji Mayi and will be conducting similar training programmes in Mbandaka, Mbuji-Mayi, Kindu and Kinshasa in the coming weeks. In this regard, MONUC's efforts are being complemented by bilateral support from Angola, France, the United Kingdom, South Africa and the European Union, whose experts are undertaking separate training programmes for crowd control and counter-terrorism units.

41. Meanwhile, PNC officers trained in electoral policing are being used in areas where voter registration is taking place, including for the transport and securing of electoral materials, protection of IEC officials and voter registration sites, as well as the maintenance of law and order. Some of these activities have, however, been disrupted by delays in the payment of daily allowances which the Transitional Government pledged to provide to the police personnel providing electoral security. The verification of PNC personnel, which is underway in Kinshasa, should lead to the establishment of the payrolls needed to facilitate the regular payment of salaries.

42. Meanwhile, only limited progress has been made by donors in providing the resources pledged in support of security for the electoral process to the UNDP-managed basket fund. As of 6 September, only \$7.6 million had been received out of \$48.4 million pledged by donors. UNDP has continued to use the available funding to purchase non-lethal and communications equipment for PNC. Meanwhile, the Transitional Government has disbursed \$1.6 million out of \$4 million it has pledged.

Humanitarian situation

43. On the humanitarian front, the special Action Plan for the Democratic Republic of the Congo is being developed, with a preliminary budget of \$800 million. The major objectives of the Plan are to save lives, reduce vulnerability and facilitate the transition, with reintegration as a cross-cutting issue. The national plan is based on provincial action plans, developed by humanitarian and development personnel throughout the country with the support of the Office for the Coordination of Humanitarian Affairs(OCHA) and United Nations agencies. The Democratic Republic of the Congo is also a pilot country for the Good Humanitarian Donorship (GHD) initiative, and in accordance with GHD principles, donors are encouraged to channel funds for humanitarian assistance and transitional activities exclusively through the Humanitarian Action Plan. It is of great concern that as of 6 September, only \$92 million, or 48 per cent of the \$193 million requested for the 2005 Consolidated Appeal had been provided, while the country is facing a dire humanitarian situation.

44. UNHCR is assisting some 388,000 Congolese refugees located in all nine countries bordering the Democratic Republic of the Congo. Of these, 152,000 are in Tanzania, 40,000 in Rwanda and 30,000 in Burundi. The voter registration process, as well as reduced food rations in refugee camps in Tanzania and the end of the school year have contributed to a recent increase in refugee returns. Continuing insecurity in the Kivus, however, has led the Office of the United Nations High Commissioner for Refugees (UNHCR) to caution against premature returns. In August, UNHCR met with representatives of the Congolese and Tanzanian governments to discuss the matter; however, the two governments intend to begin supporting voluntary returns in September. MONUC is supporting the preparation of areas of return and is providing logistical support to UNHCR.

45. The humanitarian community is also supporting the return of internally displaced persons in Ituri. During August, non-governmental organisations assisted the return of more than 3,000 families to areas in the Djugu territory and in July and August of more than 1,000 families to Ituri from the Beni-Erengeti axis. A further 2,000 are expected to return over the next few months.

46. MONUC is also addressing widespread malnutrition in Congolese prisons, although the humanitarian community is reluctant to undertake institutional feeding. MONUC has organised or supported initiatives in this regard in Mbuji Mayi, Lubumbashi, Kisangani and Bunia. MONUC Quick Impact Project (QUIPS) funds are being used to rehabilitate prisons where conditions are particularly poor, including in Lubumbashi, Kindu, Kinshasa and Kisangani.

Human rights

47. During the reporting period, MONUC investigated a number of attacks by armed groups on villages in South Kivu. In late July, a multi-disciplinary team found that at least 50 civilians, mostly women and children, had been killed and some 3,000 displaced in an attack on 9 July by an armed group on the village of Kabingu in Bunyakiri territory. In North Kivu, MONUC teams continue to monitor the volatile security situation in the Rutshuru and Masisi territories. Frequent clashes between FARDC troops and armed groups operating in the area have resulted in numerous civilian casualties. In Katanga, Mayi-Mayi groups remain a key source of instability in the province, and MONUC has investigated several cases of killing, rapes and abductions of civilians, that they have perpetrated.

48. The high prevalence of sexual violence against women and girls remains a major concern in several provinces. FARDC soldiers and police personnel are the main perpetrators of these acts. MONUC has been working closely with its local partners to raise awareness on the issue of sexual violence and is continuing to impress upon judicial authorities the need to arrest and prosecute perpetrators and is using QUIPS funds to support non-governmental organisations, which are assisting victims.

49. Many challenges remain in combating impunity, particularly due to the limited capacity of civilian and military judicial authorities to carry out independent and thorough investigations and to provide protection to victims and witnesses. After the murder of a human rights activist in Bukavu in July, a military commander intervened in the investigation and ordered the release of the suspects, which highlighted the lack of judicial independence.

Child protection

50. During the reporting period, discussions were held between national authorities and MONUC and other child protection partners on the establishment of specialized police units to address child protection issues, alternatives to imprisonment for juvenile suspects, and the reform of the 1950 juvenile delinquency law.

51. As a result of the brassage process, MONUC and child protection partners have monitored an increase in children leaving the armed groups. Between January and the end of August, more than 2,000 children passed through transit centres in North Kivu, including Beni, and some 800 in South Kivu. The development of sustainable reintegration programmes including education, skills training and community-based projects for children released from armed groups, remains a major challenge, particularly due to a limited capacity to meet outstanding needs. In some areas, there is credible evidence of harassment and threats of re-recruitment of children released from armed groups have continued, and lack of security continues to hamper reintegration.

52. Allegations of rapes of minors, including very young girls continues to be a very worrisome issue and MONUC has participated regularly in regional commissions on sexual violence as a means of strengthening support for child victims of rape. While few cases of rape of minors have reached the courts, most are either not followed up or settled out of court, as was the case of a 17-year-old allegedly raped by a FARDC soldier in mid-August in South Kivu and other cases reported in North Katanga.

Rule of Law

53. During the reporting period, MONUC supported the Office of the Auditeur Général in Kinshasa in developing a training package for military and civilian magistrates on ethics in the administration of justice for a mobile pilot programme to begin in September in Kisangani. MONUC is also supporting the development of a similar programme led by the Ministry of the Interior, targeting the role of civil authorities in the administration of justice.

Public information

54. During the reporting period, Radio Okapi launched additional programming on its shortwave frequency devoted to voter education regarding the electoral process. On 12 September, the station began a new schedule of elections-related issues, including interviews with representatives of political parties, civic education, as well as programs highlighting candidates' platforms.

55. In partnership with UNDP and Projet d'Appui au Processus Électoral en République démocratique du Congo (APEC), MONUC has produced several video clips on the electoral process in the five national languages are being widely broadcasted locally by 30 national television stations.

Integrated Mission Concept

56. Steps are being taken to strengthen the role of the United Nations Country Team (UNCT), including the recruitment of a new Chief of the Resident's Coordinator Office and the identification of additional staff. The existing coordination structure, which includes more than 15 joint sectoral groups comprising representatives from the Government, donors, United Nations agencies, MONUC and non-governmental organizations and which is supported by the UNCT, is being reviewed to ensure the most effective use of donor resources. The UNCT is also developing Regional Transition Plans for each province to build confidence in the peace process by outlining the immediate actions envisaged by the international community at the regional level following the holding of elections. These will focus on programmes to improve economic conditions in vulnerable communities.

57. UNDP, together with the Ministry for Foreign Affairs, supported a nine-day training course for 15 new chiefs of diplomatic missions, focusing on diplomatic protocol, international relations, international security and development cooperation. Furthermore, UNDP, together with the Transitional Government organized a seminar on transparency, ethics, and good governance for the 550 new appointees to public enterprises. They

participated in a programme on public sector management, legal principles, anti-corruption regulations and institutional relations between the enterprises and relevant ministries.

IV. Disciplinary matters

58. Pursuant to General Assembly resolution 59/287, MONUC is preparing the transfer by 30 September of all remaining investigations and allegations relating to sexual exploitation and abuse and its investigative capacity from its Office for Addressing Sexual Exploitation and Abuse (OASEA) to the Office of Internal Oversight Services (OIOS). OASEA and OIOS are working closely together to ensure a smooth transfer. By December, OASEA will be replaced by the Conduct and Discipline Unit dealing with sexual exploitation and abuse and other forms of misconduct.

59. From 25 December 2004 to 1 September, OASEA concluded and submitted more than 100 investigations to the Department of Peacekeeping Operations (DPKO). As a result of those investigations, ten staff members were charged, six of whom have been suspended without pay and two suspended with pay, pending final disciplinary decisions. Three United Nations volunteers were summarily dismissed and two reprimanded. DPKO has authorized the repatriation of 25 military personnel on disciplinary grounds, including contingent commanders. A 120-person Formed Police Unit was also withdrawn by the contributing country in September owing to charges of sexual exploitation against several of its members.

60. Under the overall guidance of the Mission's headquarters, the heads of the regional offices in MONUC are responsible for developing and implementing regional action plans for the prevention of sexual exploitation and abuse in their respective areas. Accordingly, each Head of Office has been requested to regularly complete a Regional Action Plan checklist and provide it to OASEA. MONUC has also developed a training programme on sexual exploitation and abuse is being expanded to include all personnel, in line with DPKO's global training policy. Similarly, the Force Commander and Police Commissioner have been tasked to develop and implement similar regional actions plans. Brigade, sector and contingent commanders have been requested to regularly complete a Regional Action Plan checklist and provide it to OASEA.

61. The inter-agency focal point network on sexual exploitation and abuse, chaired by MONUC, is following a joint approach to combating sexual exploitation and abuse. Common standards and procedures are being developed in six key areas, in particular: the code of conduct; training materials and strategies; standardization of procedures for the referral of complaints within an agency; community outreach; standardization of procedures for implementing partners of United Nations agencies and MONUC in compliance with the Secretary-General's Bulletin (ST/SGB/2003/13); and, the transmission of complaints received by one agency about an incident involving a staff member of another agency. Furthermore, a training programme for the Heads of Agencies and focal points is also planned.

62. MONUC recently established a Sexual Violence Working Group, chaired by OASEA, which is developing a range of training and advocacy packages for the Congolese military, police and judiciary, as well as a review of relevant, existing legislation. The group is also

consolidating all activities and information on sexual violence by MONUC sections and coordinates with the national and regional inter-agency fora.

63. As part of MONUC's approach to assisting victims of sexual exploitation and abuse, the first of several QUIPS projects in this area has been implemented. A system is to be created under which victims of sexual exploitation and abuse would be referred on a case-by-case basis to a non-governmental organization, which would provide necessary support. MONUC has also established a database to facilitate the provision of assistance for individual victims.

V. Administrative aspects

64. Since late June, assistance to the electoral process, and in particular the logistical support for the distribution and retrieval of the materials and personnel associated with the voter registration process, has been MONUC's primary focus. Supporting the compressed timelines for voter registration has added to MONUC's already-formidable logistical challenges associated with the difficult terrain and size of the country and its very limited infrastructure. Although MONUC has diverted a considerable part of its logistics effort to support voter registration, the Mission's inadequate transportation resources compared to the magnitude of the electoral task, has contributed to delays in the timely establishment of the registration centres.

65. Staff shortages continue to constrain MONUC's capacity to support the multiple demands of the electoral process and robust military operations in eastern DRC, in addition to supporting the Mission's other mandated activities. As noted in my last report (S/2005/506 of 2 August), MONUC has a very high rate of attrition and difficulties in recruiting qualified staff. Cooperation between the military and administrative components, including the assignment of military personnel to augment their civilian colleagues, has assisted; however, the logistical components are currently stretched to their limit. MONUC is reviewing means of accelerating the recruitment of international staff for essential management and technical roles, and in the forthcoming 2006-07 budget period will seek approval for a further increase in national staff positions in the mission.

66. Cooperation between MONUC and the United Nations Operation in Burundi (ONUB) and the United Nations Mission in Sudan (UNMIS), has continued to increase including in the areas of air transport, troop deployments and rotation, and to address the storage of vehicles and equipment. The three Missions are also looking at further expanding cooperation regarding the charter of high-capacity passenger aircraft for troop rotations; establishing a jointly-staffed regional procurement office; and enhancing the MONUC facility at Entebbe, Uganda, which already services MONUC, ONUB and UNMIS, to provide troop transit accommodation and a primary point of entry for consignments for all three Missions, amongst other issues.

VI. Financial Aspects

67. As I indicated in my previous report to the Security Council (S/2005/506, paragraph 80), the General Assembly, by its resolution 59/285 B of 22 June 2005, authorized me to enter into commitments in an amount not exceeding \$383,187,800 for the maintenance of MONUC for the period from 1 July to 31 October 2005. My proposed budget for MONUC

for the full 12-month period from 1 July 2005 to 30 June 2006, including requirements for the support of elections and the additional civilian police personnel authorized by the Council in its resolution 1621 (2005) is currently under preparation and will be submitted to the General Assembly for review and action shortly.

68. I shall inform the Council of the financial implications arising from the proposed deployment to the Democratic Republic of the Congo of the Katanga Brigade in an addendum to the present report.

69. As at 31 August, unpaid assessed contributions to the MONUC special account amounted to \$358.1 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to \$2,187.3 million.

70. Since its establishment in October 1999, the trust fund to support the peace process in the Democratic Republic of the Congo has received voluntary contributions amounting to \$1.4 million, with expenditure to date of \$1 million. With the appointment of the Ituri District Administration by the Transitional Government, the trust fund to support the Ituri Pacification Commission established in July 2003 had accomplished its purpose. Following consultations with the donors, I have authorized the use of the remaining balance of contributions to the trust fund in the amount of some \$67,700 to support the Ituri District Administration.

VII. Observations and recommendations

71. Despite delays, largely caused by logistical problems, encouraging progress has been made so far in the voter registration process, which is an important step towards the holding of democratic elections in the Democratic Republic of the Congo. It is vital that the necessary legislation, including the electoral law, is adopted by the Transitional Government and Parliament with a minimum of delay so that the elections can be organised no later than June 2006. In this connection, the commendable support provided by the international partners to the electoral process needs to be sustained. I would urge donors to accelerate the disbursement of their generous pledges for financing the organisation of the elections. Meanwhile, MONUC is expanding its extensive role nationwide in providing logistical and other support to the Independent Electoral Commission, which will be crucial for the successful holding of the polls.

72. In the meantime, considerable progress has been made in training of the Congolese National police who will provide security for the elections. Furthermore, I am grateful to the Security Council for the authorisation for additional formed police units, which will be deployed in the coming weeks and will increase MONUC's capacity to assist in providing security during the electoral period. However, as also indicated in my last report on MONUC (S/2005/506 of 2 August), an enhancement of MONUC's military capacity will be required to address the threats posed by armed groups in Katanga and contribute to establishing the necessary security conditions for elections in this volatile province. In this regard, I hope that the Council will give due consideration to my recommendation on an increase of 2,580 in MONUC's force strength, to carry out the tasks outlined in paragraphs 27 to 29 above.

73. Good governance, including, in particular, the proper management of natural resources and State funds, including those provided for the elections, as well as ensuring the regular payment of salaries to military personnel, police and civil servants, is vital in ensuring that the transitional process is credible and enjoys widespread public support. In this connection, the Transitional Government, needs to demonstrate a commitment to working closely together with its international partners to establish a mechanism to ensure the sound, transparent and accountable management of public finances and to effectively address corruption.

74. While well-trained and equipped police and military presences are vital to achieving security, law and order cannot be achieved without effective judicial and corrections institutions to underpin law enforcement activity. In many areas in the country, however, there is neither detention capacity nor any functioning courts, obliging law enforcement authorities to release allegedly dangerous perpetrators or request that MONUC contingents confine suspects for reasons of security and protection of civilians. The Transitional Government needs to take urgent action to increase judicial capacity and to ensure humane conditions of detention. In this regard, I call on the Congolese authorities to allocate adequate financial resources for strengthening the justice sector in the 2006 State budget and also for donors to increase their support to this vital area.

75. In the remaining months of the transition, the extension of State administration throughout the country, and the improved delivery of basic services to the population, should be accorded priority by the Transitional Government. In this connection, the Government and its international partners should focus on developing and implementing a plan to integrate Ituri more fully into the rest of the Democratic Republic of the Congo, particularly with regard to financial, administrative and security aspects. The transitional authorities should also take the necessary measures to establish control over the exploitation of Ituri's natural resources, to promote reconstruction and development, and provide a tangible peace dividend for the people. In this regard, the development of security mechanisms to protect civilians, and facilitate the monitoring of cross-border movements of combatants in the east of the country and violations of the arms embargo should be priority tasks.

76. Despite the immense suffering of the people of the Democratic Republic of the Congo, too little attention has been paid by the international community to the continuing humanitarian catastrophe in the country. The work being undertaken to launch a 2006 Humanitarian Action Plan seeking to address basic needs of the Congolese people is highly commendable, and I would urge donors to support this important, comprehensive initiative, as well as to provide additional resources to the 2005 Consolidated Appeal.

77. During the past three years, MONUC has sought to disarm and demobilize foreign armed groups on the territory of the Democratic Republic of the Congo and to voluntarily facilitate their return to their countries of origin. Almost 12,000 combatants and their dependents have been repatriated. During that period, MONUC and CIAT have urged the Transitional Government to take measures to forcibly disarm the remaining foreign armed groups and facilitate their repatriation. The general consensus within the Transitional Government on carrying out a process of forcible disarmament is encouraging. However, FARDC still needs to build sufficient capacity to take effective action against FDLR and additional international financial and logistical support will be crucial in achieving this.

Meanwhile, clear public commitments from the Governments of Rwanda and Uganda on security guarantees and incentives for returnees, who have not been responsible for gross human rights violations, will be vital in encouraging progress in the disarmament and repatriation process.

78. Some progress has been made in the reform of the armed forces of the Democratic Republic of the Congo, including the integration and deployment of five brigades, and it is vital that the Transitional Government assumes fully responsibility in this important area. In this regard, I would call for increased support by international partners for the security sector reform including through addressing the main requirements for supporting and sustaining the FARDC brigades, which are outlined in paragraphs 36 and 37.

79. Further concerted efforts need to be made to stop the continued gross human rights violations by armed groups and FARDC against civilians in Ituri, the Kivus, and central and northern Katanga, which are seriously undermining efforts to stabilize these areas and affecting the organization of elections. Under the Mission's mandate for the protection of civilians, MONUC, as well as United Nations humanitarian and human rights personnel, intend to carry out protection activities, particularly where State institutions are insufficient. I therefore commend the ongoing efforts to bring all components of the Mission, together with other partners, under a common framework for the protection of the civilian population. In this regard, deterrent operations by MONUC's military component will complement the monitoring, advocacy, assistance and support activities performed by humanitarian and human rights actors, and a close coordination of efforts is essential in optimising joint efforts.

80. The Constitutional referendum is scheduled to be held before the expiration of the first extension of the transition on 31 December. Parliament is likely to have voted, by that time, for the second and final six-month extension of the transition, to allow the IEC to organize the elections. In this context, I would recommend that the mandate of MONUC be extended for a year, until 1 October 2006, which would include the period up until the elections and the immediate post-transitional period following the installation of the new Government.

81. In conclusion, I would like to thank my Special Representative, William Lacy Swing, and the men and women of MONUC, the United Nations system and international partners for their untiring efforts, often under conditions of personal risk, to bring peace to the Democratic Republic of the Congo.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Mesures de Suivi...	4	09/15/2005	P1/b1;

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COLLECTION:

National Security Council - African Affairs

SERIES:

Swayne, Mark

FOLDER TITLE:

Great Lakes [Folder 1] [1]

FRC ID:

35914

OA Num.:

NSC 1677

NARA Num.:**FOIA ID and Segment:**

2019-0082-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

- P1 National Security Classified Information [(a)(1) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Handwritten Note	Tripartite	2	09/16/2005	P1/b1; P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Information Memo	1	N.D.	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Magazine	Journal Officiel de la Republique du Zaire [with Handwritten Notes]	6	10/15	P1/b1; P5;

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Tripartite Joint Commission Ministerial Meeting
New York, New York
September 16, 2005

AGENDA

<u>Time</u>	<u>Item</u>	<u>Responsible</u>
12:00 – 12:10	Opening Remarks by NSC Senior Director for Africa, Cindy Courville	Facilitator
12:10 – 12:30	Remarks by Assistant Secretary for Africa, Jendayi Frazer and exchange with delegations	Facilitator, Members, Observers
12:30 – 12:45	Signing Ceremony: Addendum to the Tripartite Agreement making Burundi a full participant in the Commission	Members Burundi Facilitator
12:45 – 1:00	Break: Buffet Lunch (Members collect food and return to seats.)	Facilitator
1:00 – 1:10	Review decisions at Kigali for increasing diplomatic and military pressure on militias	Facilitator
1:10 – 2:20	Militias: Discussion on actions taken since Kigali and next steps	Facilitator, DRC, Uganda, Rwanda, Burundi, MONUC, AU, EU
2:20 – 2:30	Summary and concluding remarks by NSC Senior Director for Africa, Cindy Courville	Facilitator

Delegations to the Mini-Tripartite Meeting
New York, New York
September 16, 2005

DRC

Ramanazi Baya, Foreign Minister
Guillerme Samba Kaputo, National Security Advisor
Antoine Ghonda, Special Ambassador, Presidency
Andre Kapanga, Diplomatic Advisor to the President
Alexis Thambwe, Minister of Plan
Mbusa Nyamwisi, Minister of Regional Cooperation.

Rwanda

Charles Murigande, Foreign Minister
Ambassador Dr. Richard Sezibera, President's Special Envoy for the Great Lakes

Uganda

Sam Kuteesa, Foreign Minister
Ambassador Adonia Ayebare, Ambassador to Rwanda and Burundi
Arthur Kafeero, Personal Assistant to the Minister

Burundi

Antoinette Batumubwira, Foreign Minister
Balthazar Habonimana, Director General for Europe, North America and International Organizations
Appollonie Simbizi, Director for International Organizations
Bernard Ntahiraja, Head of Protocol
Leonidas Nikingiye, Charge des Affaires for Burundi's Permanent Mission to the UN

MONUC

Ambassador William Swing, Special Representative of the UN Secretary General for the DRC

Africa Union

Ambassador Said Djinnit, Peace and Security Commissioner

Christophe Maganga, Senior Political Officer, AU Liaison Office for the Great Lakes, Nairobi

European Union

Rachel Brass, United Kingdom, Representing the EU Presidency
Aldo Ayello, EU Special Representative for the Great Lakes
Marie-Louise Lindorfer, Advisor to the EU Special Representative

United States

Jendayi Frazer, Assistant Secretary for African Affairs
Cindy Courville, Senior Director For Africa, National Security Council
Don Yamamoto, Deputy Assistant Secretary for African Affairs
Jane Gaffney, Director, Office for Central African Affairs
Joyce Leader, Senior Coordinator for the Tripartite Commission
Tim Shortley, Senior Project Development Officer, Office of East African Affairs, USAID
Chuck Kosak, Principal Director, Office of African Affairs, Office of the Secretary of Defense
Col. Kelly Langdorf, Director, Central Africa Region, Office of African Affairs, Office of the Secretary of Defense
Madeline Seidenstricker, Desk Officer, DRC
Rosalinda Montanez-Muhinda, Desk Officer, Rwanda and Burundi
Mark Swayne, Director for Africa, National Security Council
Rick Ehrenreich, Analyst, Bureau of Intelligence and Research

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	[Report]	2	09/16/2005	P1/b1;

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DECISIONS OF TRIPARTITE JOINT COMMISSION MEETING IN KIGALI, RWANDA 24-25 AUGUST, 2005

The members of the Tripartite Joint Commission extended their deep appreciation to the Government of Rwanda for hosting the August 24-25, 2005 meeting of the Commission in Kigali. The Democratic Republic of Congo, the Republic of Rwanda and the Republic of Uganda were joined by representatives from Burundi, the African Union, European Union and MONUC with the facilitation of the United States Government. The Commission agreed on the following issues :

1. **Militias:** Political initiatives.
 - a. The U.S., as facilitator, and international community will work with the DRC to re-engage the Sant'Egidio Community in order to increase pressure on the FDLR.
 - b. Commission members support ongoing contacts by the DRC with FDLR military leaders. It was agreed that this action would be completed by the end of September 2005.
 - c. The DRC will report at the mini-Tripartite meeting in New York in September 2005 on the prognosis on FDLR discussions. If the prognosis is poor, Tripartite members agree to implement following consequences: ban FDLR and supporters from access to media, fundraising, political discussions, and travel as well as freezing assets, restricting visa access, and possible listing on the international terrorist list.
 - d. The U.S. facilitator will work with the international community to provide assistance to build the capacity of the DRC to combat militarily the FDLR.
 - e. The Commission re-commits itself to support all efforts to implement the AU initiative to deploy AU troops in support of disarming all militia groups according to the decision taken at Libreville, January 10, 2005.
 - f. The Commission reaffirms its commitment to cut off all access to safe havens and arms flows to militias (Article II of the Tripartite Agreement).

2. **MONUC:**

- a. The Commission commends MONUC's efforts to contain militias in Eastern Congo and extends its deepest condolences on the large loss of life to MONUC peacekeepers.
- b. The Commission fully endorses the international community's complete support for the extension of MONUC's mandate in September and recognizes continued MONUC operations as critical to regional stability.
- c. The Commission commends MONUC's assistance in the establishment of a fusion cell.

3. **Confidence building measures:**

- a. The Commission commits itself to enhance close coordination and cooperation in meeting shared goals and objectives.
- b. The Commission fully supports the continuation of the Joint Verification Mechanism and other international community efforts.
- c. The Commission supports the establishment of the Uganda Amnesty Commission Office in Beni to facilitate the repatriation of ADF/NALU militia members.
- d. The Commission agreed to negotiate bi-lateral extradition treaties concerning militia leaders, terrorists, and other criminal elements.
- e. The members of the Commission agreed to pursue the legal prosecution of militia leaders, terrorists, and other criminal elements ; and to contribute to joint efforts to develop lists of targeted individuals for prosecution.

4. **Burundi:** The Commission accepted Burundi as a full participant in all its activities.

5. **African Union:** The AU pledged the deployment of troops to the DRC in the near future. They requested the international community's financial assistance and logistical support. The three military groups operating in the DRC (MONUC, FARDC, and AU) would come under an agreed command and control structure.

6. **Fusion Cell:** The Commission reaffirmed the establishment of a fusion cell, including site location, training, equipment, manning, and operations.

Future:

- a. The UN will host a Great Lakes meeting on September 16, 2005, in New York.
- b. The United States plans to host a mini-Tripartite meeting in New York the week of September 19, 2005.
- c. The Tripartite Sub-Commission on Defense and Security will formally inaugurate the fusion cell.
- d. The next Tripartite Joint Commission meeting will take place in Kampala, Uganda, in October/November, 2005, time frame.

Signed in Kigali, on 25 August, 2005

FOR THE DEMOCRATIC REPUBLIC OF THE CONGO

FOR THE REPUBLIC OF RWANDA

FOR THE REPUBLIC OF THE UGANDA

IN WITNESS THEREOF BY THE FACILITATOR

PRESS RELEASE
FINAL

August 25, 2005
Kigali, Rwanda

The Tripartite Joint Commission, composed of representatives of the governments of the Democratic Republic of the Congo (DRC), the Republic of Rwanda and the Republic of Uganda, convened in Kigali August 24-25, 2005, with facilitation by the Government of the United States and the participation of the Republic of Burundi, the African Union, the European Union Presidency and the United Nations Mission in the Democratic Republic of Congo (MONUC). The Commission held wide-ranging discussions on issues regarding security and stability in the Great Lakes region.

During its two-day meeting the Commission:

- reaffirmed its commitment to pursue the disarmament and prosecution of militia leaders, terrorists, and other criminals threatening regional stability;
- expressed its serious concern at the failure of the FDLR to disarm and repatriate as per the Rome Declaration;
- recognized that the DRC Government will maintain its contacts with the FDLR in order to obtain from the latter the implementation of the Rome Declaration by the end of September 2005;
- underscored that non-compliance by the FDLR will have serious consequences;
- recommitted to cooperation in sharing information among the member countries to meet its objectives;
- commended MONUC for its role in advancing the goal of regional stability and supports the extension of its mandate in September 2005;
- welcomed the African Union's renewed pledge to deploy forces in the eastern DRC to assist in disarming negative forces;
- agreed to step up pressure to disarm the militia operating in Eastern Congo;
- welcomed Uganda's decision to declare as *persona non grata* DRC militia leaders who had fled to Uganda ;
- agreed to negotiate bilateral extradition treaties concerning militia leaders, terrorists, and other criminal elements.
- congratulated Burundi for its successful and peaceful elections and welcomed its full participation in the Tripartite process.

The Tripartite Commission commits itself to enhancing close coordination and cooperation in order to achieve shared goals and objectives.

###

TO: US

FROM: Troy Setiawan

DATE: Mon Sep 26 2005 10:13 EDT 24

..... Attached is an advance copy of the **nineteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo** for the information of the members of the Security Council. This report will be issued as a document of the Security Council under the symbol S/2005/603.

26 September 2005

Nineteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1592 (2005) of 30 March 2005, by which the Council extended the mandate of the United Nations Mission in the Democratic Republic of the Congo (MONUC) until 1 October 2005, and resolution 1565 (2004) of 1 October 2004, by which the Council requested me to keep it informed regularly of developments in the Mission area. This report covers major developments since my last report to the Council dated 2 August 2005 (S/2005/506).

II. Political developments

2. During the reporting period, significant progress was made in the voter registration process for the elections, together with some progress in the integration of military units, and training of the Congolese National Police (PNC). Increased cooperation amongst the Congolese parties represented in the Transitional Government enhanced policy coordination regarding the main challenges of the transitional process, including elections, military and police reform and the security threat posed by the continued presence of foreign armed groups in eastern Democratic Republic of the Congo. There was also some improvement in overall relations between the Democratic Republic of the Congo and neighbouring States.

3. Among notable events, a number of additional appointments were made to the petite territoriale (local administration) by three presidential decrees issued in July and September. However, appointments to mayoral posts in several important cities, including Lubumbashi, Bukavu, Tshikapa and Likasi, have yet to be made due to lack of consensus within the Transitional Government. Further appointments to public enterprises were made in a presidential decree issued on 3 August. Concerns have been raised, however, that many of the nominees have little relevant experience in the management of public enterprises. Meanwhile, appointments from amongst the parties signatory to the Global and All Inclusive Agreement to the civilian intelligence and immigration services need to be made so that the Transitional Government's capacity to control the border areas, particularly in Ituri and the Kivus, is strengthened.

4. Calls for a boycott of the electoral process by the Union pour le Progrès et la Démocratie Sociale (UDPS), which claims that it has not been properly registered as a political party by the Ministry of Interior, continued to cause tensions in Katanga and the Kasais, where UDPS supporters have protested voter registration activities. Efforts to persuade UDPS leaders to join the electoral process have thus far been unsuccessful.

5. The Joint Commissions on Essential Legislation, Security Sector Reform and also Elections have continued their work. At the request of the Transitional Government, on 25 August, my Special Representative for the Democratic Republic of the Congo, transmitted to President Kabila, on behalf of the International Committee in Support of the Transition (CIAT), a concept paper regarding the establishment of a fourth joint commission to address issues of good governance and economic management.

Legislative agenda

6. On 25 July, the Joint Commission on Essential Legislation provided the draft electoral law to the Parliament which transmitted it to the Transitional Government. The Joint Commission and CIAT have encouraged the Government to expeditiously review, adopt and forward the draft law to the Parliament. CIAT has also called for an extraordinary Parliamentary session to review the draft; however, it appears that the session will not be held until October.

7. The adoption by Parliament of the electoral law would enable the Independent Electoral Commission (IEC) to establish the electoral calendar and proceed with the organisation of the elections. The Parliament also needs to adopt without delay other outstanding essential legislation, including on amnesty, the status of magistrates, financing of political parties as well as the organization of the judiciary, before the elections are held.

Electoral Process

8. Voter registration has progressively extended to the provinces since it started in Kinshasa on 20 June. As at 17 September, more than 11 million voters had registered, including 2.9 million in Kinshasa, out of an estimated electorate of some 20 to 25 million. Voter registration is scheduled to end on 25 September nationwide; however, registration timelines have been extended, mainly due to logistical difficulties encountered by the IEC and the slow rate of voter registration in several areas, such as in Katanga and the Kasais.

9. The international community has provided crucial and massive support for the electoral process, including through addressing the budgetary shortfall. However, as of 6 September, pledges by donors for the electoral budget amounted to \$274 million, of which only \$165 million had been received. Meanwhile, the Transitional Government has disbursed \$13 million of the \$40 million it had pledged in direct support to the IEC in the 2005 and 2006 budgets.

Regional relations

10. On 10 August, Vice-President Ruberwa met with President Museveni of Uganda in Kampala on the issue of armed groups operating in the Democratic Republic of the Congo, as well as other issues of concern to the two countries. Subsequently on 23 August, the Government of Uganda, in a much overdue and welcome step, declared six leaders of the Ituri armed groups associated with the Mouvement Révolutionnaire Congolais (MRC), *personae non gratae* and expelled them from Uganda. In the meantime, the Transitional Government of the Democratic Republic of Congo is still considering issuing international arrest warrants for the leaders of the Ituri armed groups.

11. On 24 to 25 August, senior Congolese, Rwandan and Ugandan officials met in Kigali within the framework of the United States - facilitated Tripartite Commission. Representatives of Burundi, the African Union Commission, the European Union Presidency, and MONUC attended as observers. Participants expressed serious concerns at the failure of the Forces Démocratiques de Liberation du Rwanda (FDLR) to disarm and repatriate, in

accordance with the group's Declaration issued in Rome on 31 March. Participants agreed that the Transitional Government should maintain contacts with FDLR to ensure the implementation of the Declaration and that failure by FDLR to comply by 30 September would have serious consequences, including the imposition of sanctions. Furthermore, participants agreed to step up pressure to disarm militias operating in eastern Democratic Republic of the Congo and to negotiate bilateral extradition treaties concerning the remnant militia leaders.

12. Meanwhile, further progress was made towards the establishment of an Intelligence Fusion Cell (IFC) under the framework of the Tripartite mechanism. On 16 and 17 August, a United States delegation, accompanied by Rwandan, Ugandan and Congolese military officers visited Kisangani to assess progress towards its establishment. The United States is taking the lead in the training of the Congolese, Rwandan, Ugandan and MONUC personnel who will comprise the IFC. The IFC will facilitate the exchange of intelligence among the Democratic Republic of the Congo, Rwanda and Uganda on matters related to the activities of armed groups, for the operational use of Forces Armées de la République démocratique du Congo (FARDC) commanders in eastern Democratic Republic of the Congo, and will be a confidence-building measure amongst the three countries.

13. Progress in this and other areas was again reviewed at the Tripartite Commission meeting convened at the ministerial level at the margins of the 60th General Assembly session in New York on 16 September at which Burundi became a full participant, of what is now to be called the Tripartite plus one Commission. The meeting also discussed ways and means of increasing pressure on the foreign armed groups and steps to be taken in this regard by the participating Member States, the African Union and the Security Council.

14. The core countries of the International Conference on the Great Lakes Region, held under United Nations and African Union auspices, have continued discussions on the priority projects and programmes, to be adopted at the second summit on the Great Lakes to be held on 15 and 17 December in Nairobi. Despite some improvement in regional relations and lessening of tensions, there has been no breakthrough in the establishment of diplomatic relations between the Democratic Republic of the Congo and Rwanda. Furthermore, Uganda has yet to appoint an ambassador to the Democratic Republic of the Congo.

III. Implementation of the mandate of the Mission

Security situation

Ituri

15. Throughout the reporting period, the security situation in Ituri remained tense, as remnant militia continued to commit human rights violation against the local population in areas where MONUC or FARDC are not present. Voter registration, however, made good progress in the district, with more than 1.2 million voters registering from an estimated electorate of 1.6 million by 14 September.

16. Joint FARDC and MONUC operations continued to play a very important role in improving the security situation in Ituri. Regular joint area domination and cordon-and-

search operations have resulted in the apprehension of some militia elements and the seizure of illegal arms and ammunition, as well as limiting the operational room for manoeuvre of the militia groups. One such operation was undertaken on 28 August, in the Boga area, 78 km south of Bunia, to verify reports of continued militia activities, and dispersed some militia elements into the surrounding area. Joint MONUC and FARDC operations along the southern shores of Lake Albert seem to have discouraged the illicit cross-border transport action of weapons across the lake.

17. Despite the disarmament of 15,600 former combatants in Ituri, the Commission Nationale de Demobilization et Reinsertion (CONADER) continues to face difficulties in discharging its responsibilities, in particular regarding the payment of demobilization allowances to ex-combatants, has led to increased discontent among them; and allowances need to be urgently and regularly paid. In the meantime, the United Nations Development Programme (UNDP) is implementing a short-term reinsertion programme targeting 5,200 ex-combatants and the communities where they are resettling. More than 120 micro-projects worth an estimated \$3.5 million have commenced. These short-term, labour-intensive and income-generating activities have been hindered, however, by security conditions in certain parts of the Djugu and Irumu territories of the district, where the remnants of the Ituri militias are still active. The weak capacities of local implementing partners and lack of a banking system also constrain effective implementation. Despite UNDP's increased activities, approximately 40 per cent of ex-combatants in the region have not yet directly received any reintegration support. CONADER is reviewing proposals for medium-term reinsertion programmes, whose implementation should help improve the situation.

18. The declaration made on 23 August by the Government of Uganda that six MRC leaders are personae non gratae on Ugandan territory, is an encouraging development. However, the MRC's potential to still undermine a tangible progress in stabilising Ituri remains of concern, particularly, given the Transitional Government's incapacity so far to bring armed group leaders to justice and to prevent their movement into and from Uganda. Moreover, although several of the most influential Ituri armed group commanders remain in the custody of the Transitional Government, it is important that formal legal action against them start without further delay, especially against those accused of war crimes and gross violations of human rights and international humanitarian law.

19. In order to facilitate efforts to extend State administration, MONUC and CIAT organised a meeting on 21 August at which representatives of the Transitional Government from Ituri agreed to establish a special commission to address land disputes, and organise a follow-up meeting in Bunia with local community leaders.

The Kivus

20. The situation in north and south Kivu remained tense during the reporting period, with local authorities and MONUC continuing to actively follow-up on the FDLR declaration of 31 March regarding the repatriation of the group to Rwanda. Meanwhile, on 21 August, voter registration started in the two provinces and has generally proceeded smoothly.

21. In North Kivu on 26 August, tensions escalated near Rutshuru, following repeated clashes between Mayi-Mayi elements and ex-Rassemblement Congolais pour la Démocratie-

Goma (RCD-G) elements who have yet to participate in the brassage process. Delays in the integration process and the reluctance of some of the ex-RCD-G military units to undergo integration into the army, has contributed to rising mistrust among different ethnic groups in North Kivu. Meanwhile, the voluntary disarmament and demobilization of a number of Mayi-Mayi elements and the incorporation of some of them, following training, into integrated FARDC forces may have helped reduce tensions in some areas of North Kivu. However, protracted delays in payments of salaries of FARDC personnel are causing discontent and increasing desertions and the risk of mutinies within the force.

22. On 25 August, a statement attributable to General Laurent Nkunda, one of the main perpetrators of the Bukavu crisis in May 2004, was published in Goma, in which he threatened to bring down the Transitional Government. In response, by a special decree issued on 2 September, the Council of Ministers stripped Nkunda of his rank, removed him from the army and decided to prosecute him. Authorities in North Kivu have since arrested several persons with alleged connections to Nkunda. Meanwhile, MONUC supported by the FARDC 8th Military Region are considering ways to bring Nkunda, who remains at large, to justice.

23. Joint or parallel MONUC and FARDC operations, including area domination and cordon-and-search missions, as well as day and night patrols have resulted in an improved security situation in South Kivu. 1,000 troops, comprising two FARDC battalions, took part in one such operation from 6 to 9 September in the Kahuzi Beiga Park area, which is an area of FDLR concentration. There are reports that FDLR elements have dispersed in South Kivu and that their ability to move freely in population centres and to attack civilians has been restricted. FDLR's capacity to carry out attacks should not be underestimated, however, particularly given FARDC's limited resources, poor military training and lack of discipline of the FARDC units in the area, and the occasional collaboration with FDLR commanders. Additional steps need to be taken by the members of the Tripartite plus one Commission, and the Security Council if the FDLR do not meet the 30 September deadline established for implementation by FDLR of the 31 March Rome declaration.

Katanga

24. Law and order problems continue to contribute to the fragile security situation in some areas of Katanga where the Transitional Government has not established effective security mechanisms for the protection of civilians. Despite calls by the UDPS for a boycott of voter registration, this process has nonetheless continued in Katanga generally peacefully.

25. In northern and central Katanga, most Mayi-Mayi commanders have so far refused to join the brassage process and lawlessness continues to prevail in ten out of Katanga's 21 territories. Tensions remain high especially in northeast Katanga where several clashes have occurred between FARDC units and Mayi-Mayi groups. On 10 and 11 August, FARDC exchanged fire with a Mayi-Mayi group near the Lunga gold mine, about 200 km from Kalemie, and took control of the area. However, it is doubtful that FARDC contingents deployed in the province would be able to establish effective, sustained control over the whole of Katanga, and significantly limit the Mayi-Mayi's ability to harass the local population, and illegally exploit natural resources. The lack of State authority as well as tensions between ethnic groups, pose a serious potential threat to the security of the electoral process.

26. In southern Katanga, there is concern that ethnic tensions might intensify during the electoral process. In some cities, there has been an increase in the number of armed youth groups whose anti-"non-indigenous" rhetoric and willingness to resort to violence is likely to create an atmosphere of fear during the elections and spark ethnic violence.

27. FARDC continues to be poorly equipped and sustained and MONUC believes that an enhanced military presence would be required to help secure the elections in several key areas of Katanga. At its current level, MONUC does not have the capacity to assist in providing electoral security in northern and central Katanga, or to extract electoral and other United Nations personnel in those volatile areas, as well as in and around Mbuji-Mayi. I would therefore recommend once again to the Security Council that due consideration be given to authorising the deployment to MONUC of an additional brigade of 2,580 personnel comprising a headquarters, three battalions and enabling assets including one Level II Hospital, one Engineer company, one observation helicopter unit and one utility helicopter unit.

28. The brigade would focus its efforts on primarily addressing the Mayi-Mayi threat in the northern Nyunzu-Kabalo-Kongolo-Moba and central Pweto-Mitwaba-Manono axes. One battalion and headquarters enabling assets would be needed to: secure the Kalemie airport; provide a secure environment for the electoral process; monitor the arms embargo at the airport and ports on Lake Tanganyika-Moba; deter movement of armed elements from South Kivu to Katanga; monitor and encourage the Mayi-Mayi in north and central Katanga to join the brassage or disarmament, demobilisation and reintegration process; and, provide an extraction capability for MONUC and other United Nations personnel located in northern Katanga and the Kasais.

29. A second battalion would deploy to the southern town of Kamina: protect the Kamina airfield; provide a secure environment for the electoral process within its area of operations; monitor and encourage the Mayi-Mayi in the south to take part in the brassage or disarmament, demobilisation and reintegration process; support and mentor FARDC, specifically in Kamina. A third battalion would deploy two companies, one to protect United Nations installations at the Lubumbashi airport, while maintaining a brigade reserve with the other company and the battalion headquarters in Lubumbashi. The reserve would also support Formed Police Units deployed to the area.

Disarmament and repatriation of foreign armed groups

30. Following the 16 July Communiqué by the Transitional Government that it would take forcible action to disarm FDLR, consensus has been emerging within the Transitional Government on how to address the problem of foreign armed groups, and particularly FDLR. In this connection, a meeting was held in Bukavu on 5 August between representatives of the Transitional Government, FDLR and MONUC, to discuss modalities for encouraging the voluntary return of FDLR combatants to Rwanda, in accordance with the Rome Declaration of 31 March.

31. Meanwhile, as was described in paragraphs 20 to 23 above, the FARDC-MONUC joint operations in the Kivus continue to limit FDLR's scope for operational manoeuvre in the

more densely populated areas and their ability to threaten civilians. This new resolve of the Transitional Government to take more robust military action deserves to be actively supported by the international community, particularly by enhancing FARDC's military capabilities.

32. The Transitional Government should also be encouraged to take more decisive steps in using its own assets to help consolidate State authority and establish effective security mechanisms in areas where FDLR are no longer present. This aspect is becoming increasingly urgent, as the growing split among some FDLR commanders and pre-conditions recently posed by the group may further affect the implementation of the Rome declaration. MONUC has continued its efforts to take advantage of any opportunities for the peaceful repatriation of FDLR combatants and their dependents. The Mission is discussing with some Rwandan combatant leaders and with the Transitional Government the technical modalities of repatriation, and has publicized the decision taken by the Government of Rwanda that it would not prosecute any returning combatant aged 14 or younger at the time of the 1994 genocide.

Security sector reform and disarmament, demobilisation and reintegration

33. In July, the FARDC and security sector reform partners prepared a plan for the second and third phases of army integration. This plan should result in the formation of 12 additional integrated brigades – six in each phase, prior to the holding of the elections, which would bring the overall number of integrated brigades to 18. Nine of these brigades would be deployed to eastern Democratic Republic of the Congo, three in Ituri, three in North Kivu and three in South Kivu, while a further nine would be deployed elsewhere in the country. Meanwhile, the sixth and last brigade from the first phase of army integration is expected to be ready for deployment in late September.

34. During the reporting period, the fourth integrated brigade was deployed to Ituri and the fifth to North Kivu. Unfortunately, a cholera outbreak amongst soldiers of the fourth brigade, as well as irregular payments of salaries and lack of food and other support for these troops has raised concerns regarding the lack of oversight and control by the Transitional Government regarding the integration of these brigades, as well as by the international partners on security sector reform.

35. A nationwide census of the army being carried out by a South African team is expected to be completed by December. Preliminary results indicate that less than half of the 350,000 combatants initially declared by the Transitional Government could be identified. Meanwhile, the European Union, in cooperation with MONUC and FARDC, is working on an administrative reform plan for FARDC, including a salary structure and an assessment of training necessary for the various ranks.

36. FARDC and MONUC are also working closely on designing a strategy for supporting and sustaining the nine integrated brigades to be deployed to eastern Democratic Republic of the Congo to conduct joint operations with MONUC. They would be stationed close to MONUC units to facilitate their training for joint operations. A short-term focus would be on border and natural resources control in Ituri, restriction of movement of elements of the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU) in North Kivu, control of the areas vacated by FDLR after MONUC/FARDC joint operations, and assistance

to PNC in provision of security for the population in South Kivu. The medium-term focus would be on control of the mining areas and eliminating the threat of the Ituri armed groups and restriction of the FDLR presence in selected areas in view of the disarmament, demobilisation, repatriation, reintegration and rehabilitation process.

37. The implementation of this plan requires that the integrated brigades are adequately equipped and sustained. Such sustained support would include food, medicine and fuel, clothing and individual equipment, communications equipment, vehicles and marine assets. It is proposed that the Transitional Government would focus on providing weapons and ammunition, optical equipment, accommodation and medical equipment. Due to the lack of infrastructure in the country, a mechanism might need to be established to facilitate the administration and distribution of this support. The continuing efforts of the European Union, South Africa, Belgium and Angola to contribute towards the reform of the armed forces in the Democratic Republic of the Congo are vital and most welcome. However, increased, sustained support by donors for the critically important task of strengthening the capability of FARDC and ensuring its effective, long-term functioning is critical for ensuring security and durable stability in the country. Progress by FARDC in ensuring effective responsibility for security nationwide would also constitute a key benchmark guiding the exit strategy for MONUC.

38. Meanwhile, CONADER has opened additional orientation centres for combatants, including near the vicinity of the six currently-operational army integration sites, to lower the costs of transporting for ex-combatants who have opted to integrate into the army. Although the World Bank is addressing the issue of transporting combatants from their original locations to the army integration centres, the transportation of integrated units from these centres to their deployment areas is continuing to delay the process.

Police reform

39. During the reporting period, the MONUC Police component made further progress in fulfilling its mandate to assist PNC with its preparations to secure the electoral process. Meanwhile, following an assessment of the security challenges posed by current voter registration activities, the Transitional Government increased from 32,000 to 39,000, the number of trained police personnel required to secure the electoral process, including 18,500 officers and also crowd-control and other specialised units. As of 16 September, MONUC-trained PNC instructors had provided refresher courses for over 14,900 of the required police officers. The training of some 4,700 of them was funded by the International Cooperation Agency of the Government of Japan.

40. MONUC police officers are now co-located with the Inspector General of Police and ten of the eleven provincial inspectors, to whom they provide technical advice on various aspects of policing. MONUC has also completed the training of some 674 crowd control personnel in Bukavu, Matadi and Mbuji Mayi and will be conducting similar training programmes in Mbandaka, Mbuji-Mayi, Kindu and Kinshasa in the coming weeks. In this regard, MONUC's efforts are being complemented by bilateral support from Angola, France, the United Kingdom, South Africa and the European Union, whose experts are undertaking separate training programmes for crowd control and counter-terrorism units.

41. Meanwhile, PNC officers trained in electoral policing are being used in areas where voter registration is taking place, including for the transport and securing of electoral materials, protection of IEC officials and voter registration sites, as well as the maintenance of law and order. Some of these activities have, however, been disrupted by delays in the payment of daily allowances which the Transitional Government pledged to provide to the police personnel providing electoral security. The verification of PNC personnel, which is underway in Kinshasa, should lead to the establishment of the payrolls needed to facilitate the regular payment of salaries.

42. Meanwhile, only limited progress has been made by donors in providing the resources pledged in support of security for the electoral process to the UNDP-managed basket fund. As of 6 September, only \$7.6 million had been received out of \$48.4 million pledged by donors. UNDP has continued to use the available funding to purchase non-lethal and communications equipment for PNC. Meanwhile, the Transitional Government has disbursed \$1.6 million out of \$4 million it has pledged.

Humanitarian situation

43. On the humanitarian front, the special Action Plan for the Democratic Republic of the Congo is being developed, with a preliminary budget of \$800 million. The major objectives of the Plan are to save lives, reduce vulnerability and facilitate the transition, with reintegration as a cross-cutting issue. The national plan is based on provincial action plans, developed by humanitarian and development personnel throughout the country with the support of the Office for the Coordination of Humanitarian Affairs (OCHA) and United Nations agencies. The Democratic Republic of the Congo is also a pilot country for the Good Humanitarian Donorship (GHD) initiative, and in accordance with GHD principles, donors are encouraged to channel funds for humanitarian assistance and transitional activities exclusively through the Humanitarian Action Plan. It is of great concern that as of 6 September, only \$92 million, or 48 per cent of the \$193 million requested for the 2005 Consolidated Appeal had been provided, while the country is facing a dire humanitarian situation.

44. UNHCR is assisting some 388,000 Congolese refugees located in all nine countries bordering the Democratic Republic of the Congo. Of these, 152,000 are in Tanzania, 40,000 in Rwanda and 30,000 in Burundi. The voter registration process, as well as reduced food rations in refugee camps in Tanzania and the end of the school year have contributed to a recent increase in refugee returns. Continuing insecurity in the Kivus, however, has led the Office of the United Nations High Commissioner for Refugees (UNHCR) to caution against premature returns. In August, UNHCR met with representatives of the Congolese and Tanzanian governments to discuss the matter; however, the two governments intend to begin supporting voluntary returns in September. MONUC is supporting the preparation of areas of return and is providing logistical support to UNHCR.

45. The humanitarian community is also supporting the return of internally displaced persons in Ituri. During August, non-governmental organisations assisted the return of more than 3,000 families to areas in the Djugu territory and in July and August of more than 1,000 families to Ituri from the Beni-Erengeti axis. A further 2,000 are expected to return over the next few months.

46. MONUC is also addressing widespread malnutrition in Congolese prisons, although the humanitarian community is reluctant to undertake institutional feeding. MONUC has organised or supported initiatives in this regard in Mbuji Mayi, Lubumbashi, Kisangani and Bunia. MONUC Quick Impact Project (QUIPS) funds are being used to rehabilitate prisons where conditions are particularly poor, including in Lubumbashi, Kindu, Kinshasa and Kisangani.

Human rights

47. During the reporting period, MONUC investigated a number of attacks by armed groups on villages in South Kivu. In late July, a multi-disciplinary team found that at least 50 civilians, mostly women and children, had been killed and some 3,000 displaced in an attack on 9 July by an armed group on the village of Kabingu in Bunyakiri territory. In North Kivu, MONUC teams continue to monitor the volatile security situation in the Rutshuru and Masisi territories. Frequent clashes between FARDC troops and armed groups operating in the area have resulted in numerous civilian casualties. In Katanga, Mayi-Mayi groups remain a key source of instability in the province, and MONUC has investigated several cases of killing, rapes and abductions of civilians, that they have perpetrated.

48. The high prevalence of sexual violence against women and girls remains a major concern in several provinces. FARDC soldiers and police personnel are the main perpetrators of these acts. MONUC has been working closely with its local partners to raise awareness on the issue of sexual violence and is continuing to impress upon judicial authorities the need to arrest and prosecute perpetrators and is using QUIPS funds to support non-governmental organisations, which are assisting victims.

49. Many challenges remain in combating impunity, particularly due to the limited capacity of civilian and military judicial authorities to carry out independent and thorough investigations and to provide protection to victims and witnesses. After the murder of a human rights activist in Bukavu in July, a military commander intervened in the investigation and ordered the release of the suspects, which highlighted the lack of judicial independence.

Child protection

50. During the reporting period, discussions were held between national authorities and MONUC and other child protection partners on the establishment of specialized police units to address child protection issues, alternatives to imprisonment for juvenile suspects, and the reform of the 1950 juvenile delinquency law.

51. As a result of the brassage process, MONUC and child protection partners have monitored an increase in children leaving the armed groups. Between January and the end of August, more than 2,000 children passed through transit centres in North Kivu, including Beni, and some 800 in South Kivu. The development of sustainable reintegration programmes including education, skills training and community-based projects for children released from armed groups, remains a major challenge, particularly due to a limited capacity to meet outstanding needs. In some areas, there is credible evidence of harassment and threats of re-recruitment of children released from armed groups have continued, and lack of security continues to hamper reintegration.

52. Allegations of rapes of minors, including very young girls continues to be a very worrisome issue and MONUC has participated regularly in regional commissions on sexual violence as a means of strengthening support for child victims of rape. While few cases of rape of minors have reached the courts, most are either not followed up or settled out of court, as was the case of a 17-year-old allegedly raped by a FARDC soldier in mid-August in South Kivu and other cases reported in North Katanga.

Rule of Law

53. During the reporting period, MONUC supported the Office of the Auditeur Général in Kinshasa in developing a training package for military and civilian magistrates on ethics in the administration of justice for a mobile pilot programme to begin in September in Kisangani. MONUC is also supporting the development of a similar programme led by the Ministry of the Interior, targeting the role of civil authorities in the administration of justice.

Public information

54. During the reporting period, Radio Okapi launched additional programming on its shortwave frequency devoted to voter education regarding the electoral process. On 12 September, the station began a new schedule of elections-related issues, including interviews with representatives of political parties, civic education, as well as programs highlighting candidates' platforms.

55. In partnership with UNDP and Projet d'Appui au Processus Électoral en République démocratique du Congo (APEC), MONUC has produced several video clips on the electoral process in the five national languages are being widely broadcasted locally by 30 national television stations.

Integrated Mission Concept

56. Steps are being taken to strengthen the role of the United Nations Country Team (UNCT), including the recruitment of a new Chief of the Resident's Coordinator Office and the identification of additional staff. The existing coordination structure, which includes more than 15 joint sectoral groups comprising representatives from the Government, donors, United Nations agencies, MONUC and non-governmental organizations and which is supported by the UNCT, is being reviewed to ensure the most effective use of donor resources. The UNCT is also developing Regional Transition Plans for each province to build confidence in the peace process by outlining the immediate actions envisaged by the international community at the regional level following the holding of elections. These will focus on programmes to improve economic conditions in vulnerable communities.

57. UNDP, together with the Ministry for Foreign Affairs, supported a nine-day training course for 15 new chiefs of diplomatic missions, focusing on diplomatic protocol, international relations, international security and development cooperation. Furthermore, UNDP, together with the Transitional Government organized a seminar on transparency, ethics, and good governance for the 550 new appointees to public enterprises. They

participated in a programme on public sector management, legal principles, anti-corruption regulations and institutional relations between the enterprises and relevant ministries.

IV. Disciplinary matters

58. Pursuant to General Assembly resolution 59/287, MONUC is preparing the transfer by 30 September of all remaining investigations and allegations relating to sexual exploitation and abuse and its investigative capacity from its Office for Addressing Sexual Exploitation and Abuse (OASEA) to the Office of Internal Oversight Services (OIOS). OASEA and OIOS are working closely together to ensure a smooth transfer. By December, OASEA will be replaced by the Conduct and Discipline Unit dealing with sexual exploitation and abuse and other forms of misconduct.

59. From 25 December 2004 to 1 September, OASEA concluded and submitted more than 100 investigations to the Department of Peacekeeping Operations (DPKO). As a result of those investigations, ten staff members were charged, six of whom have been suspended without pay and two suspended with pay, pending final disciplinary decisions. Three United Nations volunteers were summarily dismissed and two reprimanded. DPKO has authorized the repatriation of 25 military personnel on disciplinary grounds, including contingent commanders. A 120-person Formed Police Unit was also withdrawn by the contributing country in September owing to charges of sexual exploitation against several of its members.

60. Under the overall guidance of the Mission's headquarters, the heads of the regional offices in MONUC are responsible for developing and implementing regional action plans for the prevention of sexual exploitation and abuse in their respective areas. Accordingly, each Head of Office has been requested to regularly complete a Regional Action Plan checklist and provide it to OASEA. MONUC has also developed a training programme on sexual exploitation and abuse is being expanded to include all personnel, in line with DPKO's global training policy. Similarly, the Force Commander and Police Commissioner have been tasked to develop and implement similar regional actions plans. Brigade, sector and contingent commanders have been requested to regularly complete a Regional Action Plan checklist and provide it to OASEA.

61. The inter-agency focal point network on sexual exploitation and abuse, chaired by MONUC, is following a joint approach to combating sexual exploitation and abuse. Common standards and procedures are being developed in six key areas, in particular: the code of conduct; training materials and strategies; standardization of procedures for the referral of complaints within an agency; community outreach; standardization of procedures for implementing partners of United Nations agencies and MONUC in compliance with the Secretary-General's Bulletin (ST/SGB/2003/13); and, the transmission of complaints received by one agency about an incident involving a staff member of another agency. Furthermore, a training programme for the Heads of Agencies and focal points is also planned.

62. MONUC recently established a Sexual Violence Working Group, chaired by OASEA, which is developing a range of training and advocacy packages for the Congolese military, police and judiciary, as well as a review of relevant, existing legislation. The group is also

consolidating all activities and information on sexual violence by MONUC sections and coordinates with the national and regional inter-agency fora.

63. As part of MONUC's approach to assisting victims of sexual exploitation and abuse, the first of several QUIPS projects in this area has been implemented. A system is to be created under which victims of sexual exploitation and abuse would be referred on a case-by-case basis to a non-governmental organization, which would provide necessary support. MONUC has also established a database to facilitate the provision of assistance for individual victims.

V. Administrative aspects

64. Since late June, assistance to the electoral process, and in particular the logistical support for the distribution and retrieval of the materials and personnel associated with the voter registration process, has been MONUC's primary focus. Supporting the compressed timelines for voter registration has added to MONUC's already-formidable logistical challenges associated with the difficult terrain and size of the country and its very limited infrastructure. Although MONUC has diverted a considerable part of its logistics effort to support voter registration, the Mission's inadequate transportation resources compared to the magnitude of the electoral task, has contributed to delays in the timely establishment of the registration centres.

65. Staff shortages continue to constrain MONUC's capacity to support the multiple demands of the electoral process and robust military operations in eastern DRC, in addition to supporting the Mission's other mandated activities. As noted in my last report (S/2005/506 of 2 August), MONUC has a very high rate of attrition and difficulties in recruiting qualified staff. Cooperation between the military and administrative components, including the assignment of military personnel to augment their civilian colleagues, has assisted; however, the logistical components are currently stretched to their limit. MONUC is reviewing means of accelerating the recruitment of international staff for essential management and technical roles, and in the forthcoming 2006-07 budget period will seek approval for a further increase in national staff positions in the mission.

66. Cooperation between MONUC and the United Nations Operation in Burundi (ONUB) and the United Nations Mission in Sudan (UNMIS), has continued to increase including in the areas of air transport, troop deployments and rotation, and to address the storage of vehicles and equipment. The three Missions are also looking at further expanding cooperation regarding the charter of high-capacity passenger aircraft for troop rotations; establishing a jointly-staffed regional procurement office; and enhancing the MONUC facility at Entebbe, Uganda, which already services MONUC, ONUB and UNMIS, to provide troop transit accommodation and a primary point of entry for consignments for all three Missions, amongst other issues.

VI. Financial Aspects

67. As I indicated in my previous report to the Security Council (S/2005/506, paragraph 80), the General Assembly, by its resolution 59/285 B of 22 June 2005, authorized me to enter into commitments in an amount not exceeding \$383,187,800 for the maintenance of MONUC for the period from 1 July to 31 October 2005. My proposed budget for MONUC

for the full 12-month period from 1 July 2005 to 30 June 2006, including requirements for the support of elections and the additional civilian police personnel authorized by the Council in its resolution 1621 (2005) is currently under preparation and will be submitted to the General Assembly for review and action shortly.

68. I shall inform the Council of the financial implications arising from the proposed deployment to the Democratic Republic of the Congo of the Katanga Brigade in an addendum to the present report.

69. As at 31 August, unpaid assessed contributions to the MONUC special account amounted to \$358.1 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to \$2,187.3 million.

70. Since its establishment in October 1999, the trust fund to support the peace process in the Democratic Republic of the Congo has received voluntary contributions amounting to \$1.4 million, with expenditure to date of \$1 million. With the appointment of the Ituri District Administration by the Transitional Government, the trust fund to support the Ituri Pacification Commission established in July 2003 had accomplished its purpose. Following consultations with the donors, I have authorized the use of the remaining balance of contributions to the trust fund in the amount of some \$67,700 to support the Ituri District Administration.

VII. Observations and recommendations

71. Despite delays, largely caused by logistical problems, encouraging progress has been made so far in the voter registration process, which is an important step towards the holding of democratic elections in the Democratic Republic of the Congo. It is vital that the necessary legislation, including the electoral law, is adopted by the Transitional Government and Parliament with a minimum of delay so that the elections can be organised no later than June 2006. In this connection, the commendable support provided by the international partners to the electoral process needs to be sustained. I would urge donors to accelerate the disbursement of their generous pledges for financing the organisation of the elections. Meanwhile, MONUC is expanding its extensive role nationwide in providing logistical and other support to the Independent Electoral Commission, which will be crucial for the successful holding of the polls.

72. In the meantime, considerable progress has been made in training of the Congolese National police who will provide security for the elections. Furthermore, I am grateful to the Security Council for the authorisation for additional formed police units, which will be deployed in the coming weeks and will increase MONUC's capacity to assist in providing security during the electoral period. However, as also indicated in my last report on MONUC (S/2005/506 of 2 August), an enhancement of MONUC's military capacity will be required to address the threats posed by armed groups in Katanga and contribute to establishing the necessary security conditions for elections in this volatile province. In this regard, I hope that the Council will give due consideration to my recommendation on an increase of 2,580 in MONUC's force strength, to carry out the tasks outlined in paragraphs 27 to 29 above.

73. Good governance, including, in particular, the proper management of natural resources and State funds, including those provided for the elections, as well as ensuring the regular payment of salaries to military personnel, police and civil servants, is vital in ensuring that the transitional process is credible and enjoys widespread public support. In this connection, the Transitional Government, needs to demonstrate a commitment to working closely together with its international partners to establish a mechanism to ensure the sound, transparent and accountable management of public finances and to effectively address corruption.

74. While well-trained and equipped police and military presences are vital to achieving security, law and order cannot be achieved without effective judicial and corrections institutions to underpin law enforcement activity. In many areas in the country, however, there is neither detention capacity nor any functioning courts, obliging law enforcement authorities to release allegedly dangerous perpetrators or request that MONUC contingents confine suspects for reasons of security and protection of civilians. The Transitional Government needs to take urgent action to increase judicial capacity and to ensure humane conditions of detention. In this regard, I call on the Congolese authorities to allocate adequate financial resources for strengthening the justice sector in the 2006 State budget and also for donors to increase their support to this vital area.

75. In the remaining months of the transition, the extension of State administration throughout the country, and the improved delivery of basic services to the population, should be accorded priority by the Transitional Government. In this connection, the Government and its international partners should focus on developing and implementing a plan to integrate Ituri more fully into the rest of the Democratic Republic of the Congo, particularly with regard to financial, administrative and security aspects. The transitional authorities should also take the necessary measures to establish control over the exploitation of Ituri's natural resources, to promote reconstruction and development, and provide a tangible peace dividend for the people. In this regard, the development of security mechanisms to protect civilians, and facilitate the monitoring of cross-border movements of combatants in the east of the country and violations of the arms embargo should be priority tasks.

76. Despite the immense suffering of the people of the Democratic Republic of the Congo, too little attention has been paid by the international community to the continuing humanitarian catastrophe in the country. The work being undertaken to launch a 2006 Humanitarian Action Plan seeking to address basic needs of the Congolese people is highly commendable, and I would urge donors to support this important, comprehensive initiative, as well as to provide additional resources to the 2005 Consolidated Appeal.

77. During the past three years, MONUC has sought to disarm and demobilize foreign armed groups on the territory of the Democratic Republic of the Congo and to voluntarily facilitate their return to their countries of origin. Almost 12,000 combatants and their dependents have been repatriated. During that period, MONUC and CIAT have urged the Transitional Government to take measures to forcibly disarm the remaining foreign armed groups and facilitate their repatriation. The general consensus within the Transitional Government on carrying out a process of forcible disarmament is encouraging. However, FARDC still needs to build sufficient capacity to take effective action against FDLR and additional international financial and logistical support will be crucial in achieving this.

Meanwhile, clear public commitments from the Governments of Rwanda and Uganda on security guarantees and incentives for returnees, who have not been responsible for gross human rights violations, will be vital in encouraging progress in the disarmament and repatriation process.

78. Some progress has been made in the reform of the armed forces of the Democratic Republic of the Congo, including the integration and deployment of five brigades, and it is vital that the Transitional Government assumes fully responsibility in this important area. In this regard, I would call for increased support by international partners for the security sector reform including through addressing the main requirements for supporting and sustaining the FARDC brigades, which are outlined in paragraphs 36 and 37.

79. Further concerted efforts need to be made to stop the continued gross human rights violations by armed groups and FARDC against civilians in Ituri, the Kivus, and central and northern Katanga, which are seriously undermining efforts to stabilize these areas and affecting the organization of elections. Under the Mission's mandate for the protection of civilians, MONUC, as well as United Nations humanitarian and human rights personnel, intend to carry out protection activities, particularly where State institutions are insufficient. I therefore commend the ongoing efforts to bring all components of the Mission, together with other partners, under a common framework for the protection of the civilian population. In this regard, deterrent operations by MONUC's military component will complement the monitoring, advocacy, assistance and support activities performed by humanitarian and human rights actors, and a close coordination of efforts is essential in optimising joint efforts.

80. The Constitutional referendum is scheduled to be held before the expiration of the first extension of the transition on 31 December. Parliament is likely to have voted, by that time, for the second and final six-month extension of the transition, to allow the IEC to organize the elections. In this context, I would recommend that the mandate of MONUC be extended for a year, until 1 October 2006, which would include the period up until the elections and the immediate post-transitional period following the installation of the new Government.

81. In conclusion, I would like to thank my Special Representative, William Lacy Swing, and the men and women of MONUC, the United Nations system and international partners for their untiring efforts, often under conditions of personal risk, to bring peace to the Democratic Republic of the Congo.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Great Lakes Contact Group	2	09/19/2005	P1/b1; P5;

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FOLDER TITLE:

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FRC ID:

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Tripartite Plus Joint Commission Ministerial
Waldorf Astoria Hotel
New York, New York
September 16, 2005

SUMMARY OF DECISIONS

NSC Senior Director for Africa, Cindy Courville, and State Deputy Assistant Secretary for Africa, Don Yamamoto, chaired the eleventh meeting of the Tripartite Joint Commission.

Recently appointed Assistant Secretary for African Affairs Jendayi Frazer participated in the initial part of the session.

Members of the Tripartite Commission commended Burundi's successful transition, officially welcomed Burundi as a full participant and adopted the new name Tripartite Plus Joint Commission.

Members of the Tripartite:

- reiterated their commitment to prevent negative elements from using their respective territories to destabilize neighboring countries
- agreed to continue military and political pressure on the FDLR to ensure that it fulfills its commitment to disarm and repatriate
- agreed to continue military and diplomatic pressure on all other militia to ensure their disarmament and repatriation or reintegration
- agreed to retain September 30, 2005, as the deadline for voluntary disarmament and repatriation or reintegration and that failure to do so would trigger imposition of sanctions
- agreed that the Tripartite Joint Commission has contributed to the reduction of tension in the Great Lakes region and that additional confidence-building measures are necessary to bring stability to the area, including:
 - DRC authorization of a Ugandan office in Beni to encourage, in conjunction with MONUC and the DRC, the disarmament and repatriation or reintegration of ADF, NALU and PRA.
 - Consideration of how to extradite Mutebusi, Nkunda and other leaders of armed groups
 - Articulation of the mechanisms the U.S. and EU should employ against all militia operating in eastern DRC by members of the Tripartit

-- agreed to have the EU, in conjunction with the GOR, draft an information package for distribution to the FDLR that outlines measures to encourage their disarmament and repatriation or reintegration

-- welcomed the African Union's announcement of plans for an October reconnaissance mission that will lead to recommendations on how to proceed with the establishment of an AU force in eastern DRC

-- welcomed the continued effort of the international community to augment and build the capacity of the FARDC in order to bring stability to eastern DRC

-- agreed that MONUC's response in eastern DRC had improved, but that additional capacity was necessary to enforce its mandate

-- agreed that the facilitator will draft a timeline of actions by the Tripartite members and Contact Group through December 31, 2005, that are aimed at ensuring stability in the Great Lakes region, including:

- Tripartite Fusion Cell
- Package of measures to encourage FDLR return
- Extradition of militia leaders
- Sanctions by October 1, 2005
- AU reconnaissance mission

DECISIONS OF TRIPARTITE JOINT COMMISSION MEETING IN KIGALI, RWANDA 24-25 AUGUST, 2005

The members of the Tripartite Joint Commission extended their deep appreciation to the Government of Rwanda for hosting the August 24-25, 2005 meeting of the Commission in Kigali. The Democratic Republic of Congo, the Republic of Rwanda and the Republic of Uganda were joined by representatives from Burundi, the African Union, European Union and MONUC with the facilitation of the United States Government. The Commission agreed on the following issues :

1. **Militias:** Political initiatives.
 - a. The U.S., as facilitator, and international community will work with the DRC to re-engage the Sant'Egidio Community in order to increase pressure on the FDLR.
 - b. Commission members support ongoing contacts by the DRC with FDLR military leaders. It was agreed that this action would be completed by the end of September 2005.
 - c. The DRC will report at the mini-Tripartite meeting in New York in September 2005 on the prognosis on FDLR discussions. If the prognosis is poor, Tripartite members agree to implement following consequences: ban FDLR and supporters from access to media, fundraising, political discussions, and travel as well as freezing assets, restricting visa access, and possible listing on the international terrorist list.
 - d. The U.S. facilitator will work with the international community to provide assistance to build the capacity of the DRC to combat militarily the FDLR.
 - e. The Commission re-commits itself to support all efforts to implement the AU initiative to deploy AU troops in support of disarming all militia groups according to the decision taken at Libreville, January 10, 2005.
 - f. The Commission reaffirms its commitment to cut off all access to safe havens and arms flows to militias (Article II of the Tripartite Agreement).

2. **MONUC:**

- a. The Commission commends MONUC's efforts to contain militias in Eastern Congo and extends its deepest condolences on the large loss of life to MONUC peacekeepers.
- b. The Commission fully endorses the international community's complete support for the extension of MONUC's mandate in September and recognizes continued MONUC operations as critical to regional stability.
- c. The Commission commends MONUC's assistance in the establishment of a fusion cell.

3. **Confidence building measures:**

- a. The Commission commits itself to enhance close coordination and cooperation in meeting shared goals and objectives.
- b. The Commission fully supports the continuation of the Joint Verification Mechanism and other international community efforts.
- c. The Commission supports the establishment of the Uganda Amnesty Commission Office in Beni to facilitate the repatriation of ADF/NALU militia members.
- d. The Commission agreed to negotiate bi-lateral extradition treaties concerning militia leaders, terrorists, and other criminal elements.
- e. The members of the Commission agreed to pursue the legal prosecution of militia leaders, terrorists, and other criminal elements ; and to contribute to joint efforts to develop lists of targeted individuals for prosecution.

4. **Burundi:** The Commission accepted Burundi as a full participant in all its activities.

5. **African Union:** The AU pledged the deployment of troops to the DRC in the near future. They requested the international community's financial assistance and logistical support. The three military groups operating in the DRC (MONUC, FARDC, and AU) would come under an agreed command and control structure.

6. **Fusion Cell:** The Commission reaffirmed the establishment of a fusion cell, including site location, training, equipment, manning, and operations.

Future:

- a. The UN will host a Great Lakes meeting on September 16, 2005, in New York.
- b. The United States plans to host a mini-Tripartite meeting in New York the week of September 19, 2005.
- c. The Tripartite Sub-Commission on Defense and Security will formally inaugurate the fusion cell.
- d. The next Tripartite Joint Commission meeting will take place in Kampala, Uganda, in October/November, 2005, time frame.

Signed in Kigali, on 25 August, 2005

FOR THE DEMOCRATIC REPUBLIC OF THE CONGO

FOR THE REPUBLIC OF RWANDA

FOR THE REPUBLIC OF THE UGANDA

IN WITNESS THEREOF BY THE FACILITATOR

PRESS RELEASE
FINAL

August 25, 2005
Kigali, Rwanda

The Tripartite Joint Commission, composed of representatives of the governments of the Democratic Republic of the Congo (DRC), the Republic of Rwanda and the Republic of Uganda, convened in Kigali August 24-25, 2005, with facilitation by the Government of the United States and the participation of the Republic of Burundi, the African Union, the European Union Presidency and the United Nations Mission in the Democratic Republic of Congo (MONUC). The Commission held wide-ranging discussions on issues regarding security and stability in the Great Lakes region.

During its two-day meeting the Commission:

- reaffirmed its commitment to pursue the disarmament and prosecution of militia leaders, terrorists, and other criminals threatening regional stability;
- expressed its serious concern at the failure of the FDLR to disarm and repatriate as per the Rome Declaration;
- recognized that the DRC Government will maintain its contacts with the FDLR in order to obtain from the latter the implementation of the Rome Declaration by the end of September 2005;
- underscored that non-compliance by the FDLR will have serious consequences;
- recommitted to cooperation in sharing information among the member countries to meet its objectives;
- commended MONUC for its role in advancing the goal of regional stability and supports the extension of its mandate in September 2005;
- welcomed the African Union's renewed pledge to deploy forces in the eastern DRC to assist in disarming negative forces;
- agreed to step up pressure to disarm the militia operating in Eastern Congo;
- welcomed Uganda's decision to declare as *persona non grata* DRC militia leaders who had fled to Uganda ;
- agreed to negotiate bilateral extradition treaties concerning militia leaders, terrorists, and other criminal elements.
- congratulated Burundi for its successful and peaceful elections and welcomed its full participation in the Tripartite process.

The Tripartite Commission commits itself to enhancing close coordination and cooperation in order to achieve shared goals and objectives.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Tripartite Agreement on Regional Security on the Great Lakes	10	09/07/2004	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Tripartite Agreement on Regional Security on the Great Lakes	14	08/25/2004	P5;

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