

Statement of SRSG Martin Kobler to the Security Council

**Persistent Challenges and New Opportunities:
MONUSCO Moves Forward**

21 October 2013

M. le Président et distingués membres du Conseil de Sécurité,

C'est un honneur et un véritable plaisir de m'adresser au Conseil aujourd'hui pour présenter le second rapport du Secrétaire général suite à l'adoption de la résolution 2098. Avant d'aborder les derniers développements concernant la MONUSCO et la République démocratique du Congo, je tiens à souligner mon profond regret de ne pas être physiquement parmi vous aujourd'hui, mais la situation actuelle exige ma présence continue dans la mission. Je vous adresse la parole donc à partir de Kampala, ayant participé en tant qu'observateur aux pourparlers jusqu'au petit matin aujourd'hui.

En effet, ces derniers jours à Kampala ont été d'une très grande importance. En présence des cinq envoyés et représentants spéciaux, certains progrès ont été faits vers un accord de paix.

Mr. President and distinguished Members of the Security Council,

As the Council just returned from its visit to the DRC let me focus in my statement on the most recent developments.

On the explicit request of the Facilitator, the Ugandan Minister of Defense, Crispus Kiyonga, I joined the Special Envoy of the Secretary General to the Great Lakes Region, Mary Robinson, as well as the other special envoys for the region, to the Kampala Talks on 16th October. The previous week I had extensive exchanges with Congolese Minister of Foreign Affairs, Raymond Tshibanda as well as other members of the Congolese delegation urging them to attend the talks in person. The Government of the DRC ultimately decided to send a delegation at the highest level including Minister Tshibanda.

The assembled envoys, led by Special Envoy Mary Robinson, closely followed the proceedings of the negotiations and

tried to instil the negotiating parties with a sense of urgency given the unique momentum. Intensive talks on the margin of the plenary sessions ensued, bringing forward difficult concessions.

The objective was to bring the Kampala talks to an end by concluding a comprehensive agreement between the DRC and the M23 to end the rebellion to disband the M23 and allowing for the transformation into a political movement within the limits of the Constitution and the laws of the DRC. This objective could not be reached.

I do not want to conceal my disappointment that after four long days and nights of negotiations until the early morning hours it was not possible to reach a comprehensive deal despite the pressure of the five envoys as supportive observers. A joint meeting with President Kagame on October 18th, the constructive attitude of the government of the DRC, in particular its Minister of Foreign Affairs, International Cooperation and Francophony, Raymond Tshibanda and the incessant and patient efforts of the facilitator, Minister of Defense of Uganda, Crispus Kiyonga.

My main role in the process was to pledge the support of MONUSCO to any peace agreement as such an agreement would move MONUSCO closer to fulfilling our mandate to disband the M23 and to protect civilians. Thus, in outlining any potential MONUSCO role in the implementation of the Kampala Accord I was fully aware of the dilemma: Not to be part of the negotiations on the one hand and to contribute to efficiently shape the details of the agreement as far as a potential role for MONUSCO is concerned on the other hand.

In so doing, I was guided by the following principles:

First: only an honest and fair agreement would form the basis for a sustainable solution and effective implementation. MONUSCO could not support an agreement at any price.

Second: as the implementation of the agreement would fully depend on the goodwill of the agreeing parties, the overall

responsibility had to remain with the negotiating parties.

Third: MONUSCO's role would mainly consist of providing support to the four phases of the Transitional Security Arrangements and the subsequent Disarmament, Demobilisation and Reintegration process. Thus, despite not being party to the agreement, MONUSCO needed to agree on the practicalities mentioned in the annex relating to the Transitional Security Arrangements as the negotiating parties could not decide on these issues without MONUSCO's consent.

Fourth: as MONUSCO received its mandate from the Security Council, no other body could task MONUSCO. The core of MONUSCO's mandate remains the Protection of Civilians, and in case of conflicting interests, this would remain its main priority.

Fifth: The arrangements detailing MONUSCO's potential role would remain subject to the approval of the Security Council.

These guiding principles were communicated to both the Facilitator and the negotiating parties.

Mr. President and distinguished Members of the Security Council,

Last night ended with the initialling by the Facilitator of eight out of the eleven paragraphs with the consent of the parties. Considerable progress has been made on the question of amnesty for the M23 combatants and on the security arrangements. I consider that the remaining gaps can be bridged. That is why it is all the more regrettable that this unique opportunity could not be seized to come to an overall deal. I urge in particular the M23 to use the dynamics of the last days to move constructively and without delay to sort out in the next few days the remaining issues to bring back peace in eastern DRC. I welcome the assurances of Minister of Foreign Affairs Tshibanda that the Government of the DRC remains committed to conclude the remaining points of the agreement and that he will be ready to return to Kampala once the negotiation

teams clarified the outstanding contentions.

I would like to use this opportunity to express my heartfelt gratitude and admiration for President of Uganda, Yoweri Museveni as well as his Minister of Defense, Crispus Kiyonga, who left no stone unturned to make minds and intractable positions converge. In addition, I would like to thank in particular Minister of Foreign Affairs, International Cooperation and the Francophony, Raymond Tshibanda, for his exceptional patience and undisturbed perseverance in leading the Congolese delegation towards the peaceful settlement of the conflict with an illegal armed group.

Regardless of the progress in Kampala, the situation on the ground remains volatile and of great concern. In recent days, we have observed a considerable military build-up on both sides of the frontline. At the same time M23 has fired twice at unarmed UN helicopters and has strengthened offensive positions threatening UN peacekeepers. The Special Envoy and myself have condemned these military attacks on peacekeepers in the strongest wording. However, for the sake of safeguarding an environment conducive for a negotiated settlement, I decided not to retaliate and to endanger the Kampala Talks.

In an attempt to verify allegations that the M23 is reinforcing its military positions in areas along the borders with Rwanda and Uganda I have requested the Expanded Joint Verification Mechanism to investigate a suspected ammunition site in M23-controlled territory. The inspection was supposed to take place on the 18th of October. The military command of the M23, however, prevented the inspectors to fulfil their duties. The mission had to be aborted. It is not acceptable that the M23 defies the ICGLR who established this confidence building mechanism to reduce potential regional tensions. Information gathered indicates that the M23 has also strengthened its frontline in the south near Goma.

Another issue of deep concern are the persistent reports on the return of several hundreds refugee families that have crossed the border into M23-controlled areas, where apparently they are being constrained to settle.

Reportedly, young men among the returnees are being recruited for training by the M23. In addition, since the emergence of the M23, the Mission has sheltered almost 200 surrendering combatants who consistently and credibly claim to have been recruited on Ugandan but mainly on Rwandan territory. I have myself spoken to those who stay in our DDR camp in Goma. This and other kinds of external involvement must stop. These developments also underscore the urgency of seeking a viable political solution. It is important to bring about an end to armed groups in eastern DRC will be accompanied by regional confidence building measures. I was in Kigali for talks several times in the last two months and I will continue to do so. I feel encouraged that it is the view of the government of Rwanda that peace and stability and the restoration of state authority in the East is better for the whole region than continued military confrontation, human suffering and illegal exploitation of mineral resources. I would be grateful if the Security Council could lend its full support in bringing the Kampala negotiations to a swift end and foster a sustainable and irreversible solution to this conflict.

But the M23 is not our only concern. The FDLR and the ADF also continue to represent a significant threat to civilians and State authority.

Mr. President and distinguished Members of the Security Council,

Let me seize this opportunity to brief the Council on the priorities of the Mission as I see them after my first months in office.

Resolution 2098 has given the Mission new tools and a renewed determination, with which to address these challenges and grasp these opportunities. The Mission's organizational structure and core priorities must be better aligned with the mandate. They must also be aligned to support all six national commitments of the PSC Framework. As we move to re-define priorities, reconfigure the Mission's structure and align the resources needed, the Mission's senior management and I have identified the following seven drivers of change to guide our decision-making and planning.

First: Restoration of State authority and the Protection of Civilians are central to all our efforts to stabilize

eastern Congo. MONUSCO aims to help the Congolese State reclaim control of areas that armed groups and criminal networks have dominated, in some cases for decades. Building on integrated planning, a new concept is being developed for assisting the Government in restoring State authority and stabilizing areas cleared of armed groups, known as "islands of stability".

Second: The military posture of the Force must adapt to the new realities. The entire MONUSCO Force must be deployed and operate with a proactive stance to deter violence and ensure the security of civilians. The operations in support of the FARDC assault on Kibati, were a clear illustration of the approach of "One Mandate, One Mission, One Force". We engaged all our forces and assets with the objectives of protecting civilians and maintaining military pressure in support of reviving a political process. We aim to increase the Force's flexibility so that it is able to deter violence by intervening in advance rather than reacting after events. We are also improving information gathering in support of proactive operations. Force Commander General Santos Cruz and I are in contact with the Troop Contributing Countries on this.

Third: Security Sector Reform, and especially army reform is critical to the Mission, both in terms of the implementation of Security Council Resolution 2098 and the Peace Security and Cooperation Framework. The benchmarks for security sector reform are clearly defined. Our approach must be practical. At the national level, the Mission is focusing on providing good offices, coordination and technical advice. This way, we hope to advance the implementation of policies, build political will, and support dialogue between the Government and partners. During a meeting chaired by Deputy Special Representative Soumaré on 11 October, international partners agreed to coordinate their SSR initiatives via an expanded SSR Coordination Working Group, to be chaired by the Congolese Defense Minister and supported by MONUSCO. This coordination structure should considerably accelerate defense and security reforms.

Fourth: In showing progress in implementing the national commitments under the Framework Agreement, the Government is committed to an agenda of progress. In this context, MONUSCO supports the National Oversight Mechanism for the PSC Framework. Stakeholders discussed and validated

benchmarks for three of the commitments - security sector reform, consolidation of State authority and decentralization. On the 19th of September, President Kabila convened for the first time the Steering Committee of the Oversight Mechanism to approve this set of benchmarks. We encourage the Government to integrate these approved benchmarks into national planning processes as to ensure coherence and full implementation. Despite a boycott by part of the opposition, Security Council presence at the closing ceremony of the National Consultations on the 5th of October emphasized strong support for this process. Both SSR and the oversight over the national benchmarks are among the priorities of my Deputy, Moustapha Soumaré.

The fifth priority is to stimulate regional cooperation. As trust is still low, MONUSCO is working in close partnership with the Special Envoys for the Great Lakes Region to encourage regional confidence-building. Rebuilding relations of trust among neighbouring states is paramount to hope for a prosperous and stable Great Lakes region. Military action and strengthening civilian capacities in the East will have to be supported by the countries in the Great Lakes Region.

Sixth: with the appointment of Abbe Malu Malu at the helm of the Independent National Electoral Commission the electoral process seem to be revived. Consultations with donor partners and national stakeholders have gradually brought forward a consensus on a roadmap and subsequent sequencing of the different elections. This roadmap will pave the way for the adoption of an electoral calendar and development of a realistic budget, which together would be a clear signal that the electoral process is again on track.

The Seventh priority is the zero tolerance for sexual terrorism and child recruitment. Over the past year there have been some notable advances in the fight against impunity for sexual crimes, including cases involving some undisciplined elements of the national security forces. Between May and June 2013, Congolese judicial authorities issued 13 arrest warrants against senior M23 officers and political leaders, for war crimes, crimes against humanity and participation in an insurrection. However, a number of important cases remain stalled. One example is the case of serious human rights violations, including mass rape, committed by FARDC soldiers in November 2012 in and

around Minova, as the Congolese Army retreated from the frontlines. I do recognise the steps taken by the Government of the DRC. However, the military justice investigation has registered limited progress. My colleagues and myself are in regular contact with the Government to provide regular updates.

Regarding child recruitment, I will publicly present in the next days our report on child soldiers of major armed groups, namely Mayi Mayi Nyatura, the FDLR and the M23. Almost one thousand cases of child recruitment were documented between January 2012 and August 2013. The human misery behind these statistics remain staggering, moving and unacceptable under any circumstances.

Mr. President and distinguished Members of the Security Council,

To better respond to the priorities outline above, I intend to restructure the Mission along the following three lines.

First: We need a strengthened operational presence in the East. For greater impact in stabilization activities, you will observe in the near future, a major shift of our civilian staff to the East, deploying them closer to communities affected by conflict and in tandem with the Force's deployment. My Deputy SRSG Abdallah Wafy is already permanently re-assigned to Goma as DSRSG Operations East. The operational substantive units still based in Kinshasa will follow him.

Second: We are reconsidering MONUSCO's presence in the areas not affected by armed conflict. MONUSCO's presence will be reduced. The weight of the Country Team should be increased.

Third: The future of the United Nations in the DRC belongs to the Country Team. Deputy SRSG Soumaré and I met recently with the Chief of Staff of President Kabila to discuss strategic orientations transferring tasks from MONUSCO to either the Country Team or the Government. To this effect, the establishment of a joint inter-sectorial task force will closely guide and monitor planning and implementing commitments. These ideas will enter in the new Mission Concept in the next weeks and will be submitted to

Headquarters.

Before concluding, I would like to present my sincerest condolences to the families of Major Mshindo Khatibu Shaaban and Private Munga Hugo Barnabas, members of the Tanzanian Contingent who lost their lives during the fighting at Kibati. Allow me also to express my deepest appreciation and respect to the governments of all the Troop Contributing Countries of MONUSCO for their commitment to peace, stability and the protection of civilians in the DRC.

M. le Président et distingués membres du Conseil de Sécurité,

- Vous l'aurez compris. La mission est en plein essor. Elle évolue à ce moment précis afin de répondre pleinement au mandat que vous lui avez donné. Je saisis cette opportunité pour remercier mon prédécesseur, Roger Meece, riche d'un immense savoir et qui m'a confié une Mission bien organisée. Je suis particulièrement admiratif et reconnaissant du travail accompli par le personnel congolais, qui sont souvent exposés à des risques sécuritaires plus importants que nous le personnel international. Ils et elles travaillent dans tous les sections avec un dévouement et une expertise impressionnante. Ils sont la colonne vertébrale et la chair de cette mission.
- La mission évolue. Elle s'adapte à la situation et à la nouvelle vision de la communauté internationale. Pour que cette mutation s'opère avec efficacité, je suis heureux que je puisse compter sur le soutien du Conseil et de tous nos partenaires.
- Je reviendrai dans trois mois pour vous présenter dans le détail la feuille de route du transfert à l'équipe pays et l'intensification de nos activités à l'Est. Le mandat est là. La vision est claire. La mutation est en cours et les nouveaux résultats sont à portée de main. Je vous remercie. /ENDALL