



Security Council

Fifty-ninth year

5048th meeting

Friday, 1 October 2004, 3.45 p.m.

New York

Provisional

<i>President:</i>	Sir Emyr Jones Parry	(United Kingdom)
<i>Members:</i>	Algeria	Mr. Baali
	Angola	Mr. Lucas
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	Chile	Mr. Maquieira
	China	Mr. Li Junhua
	France	Mr. Duclos
	Germany	Mr. Trautwein
	Pakistan	Mr. Mahmood
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Konuzin
	Spain	Mr. Yáñez-Barnuevo
	United States of America	Mr. Holliday

Agenda

The situation concerning the Democratic Republic of the Congo

Third special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2004/650)

Letter dated 3 September 2004 from the Secretary-General addressed to the President of the Security Council (S/2004/715)

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The meeting was called to order at 3.45 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Third special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2004/650)

Letter dated 3 September 2004 from the Secretary-General addressed to the President of the Security Council (S/2004/715)

The President: I should like to inform the Council that I have received a letter from the representative of the Democratic Republic of the Congo, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Ileka (Democratic Republic of the Congo) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members have before them the third special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, document S/2004/650.

Members of the Council also have before them document S/2004/774, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

I should like to call the attention of members to document S/2004/715, containing a letter dated 3 September 2004 from the Secretary-General.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution (S/2004/774) before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by a show of hands.

In favour:

Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1565 (2004).

I give the floor to the Secretary-General.

The Secretary-General: By the adoption of this resolution, the Security Council has taken an important step and has demonstrated its continued support for the transitional process in the Democratic Republic of the Congo. The Council's decision to expand the strength of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) by an additional 5,900 military and civilian police personnel will contribute to improving the Mission's operational capacities, which are severely under-resourced at the moment.

I must remind the Council, however, that the newly approved ceiling of 16,700 in total falls well below the figure of 23,900 troops and 507 civilian police personnel that I recommended in my report to the Council (S/2004/650) of 16 August 2004. In view of that reduction, MONUC will have to review the scope of the support it can provide for the peace process, as my original recommendations were made on the basis of different assumptions.

I have therefore instructed the Department of Peacekeeping Operations to review the tasks that can be performed by MONUC within the new ceiling with a view to revising the scope of its military and civilian police concepts of operation.

I continue to believe that the total military and police strength recommended in my third special report is the minimum required to effectively meet the current challenges in the Democratic Republic of the Congo. It is for that reason that I welcome the Council's intention to keep MONUC's strength and structure under regular review, and I sincerely hope that the Council will favourably revisit the issue of MONUC's requirements in the future.

The President: I shall now give the floor to those Council members who wish to make statements following the voting.

Mr. Holliday (United States of America): I congratulate you on your assumption of the presidency, Sir, and welcome the Secretary-General to this important meeting. I would also like to congratulate the Spanish presidency on their fine stewardship last month.

On behalf of my delegation, I note with great satisfaction the unanimous passage of this resolution, which will provide for an increase in capacity appropriate to the current needs of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), as well as to the situation in the Democratic Republic of the Congo.

I wish to thank other Council missions for their contributions to making passage of this resolution possible. I particularly want to single out the French Mission for its leadership of this common effort and the United Kingdom Mission for their constructive support.

As we act to strengthen MONUC's capacity, we must also call upon the Congolese parties to fulfil their responsibilities to the Congolese people and to do much more to play their part in a successful political process.

We are at a delicate time in the Democratic Republic of the Congo, yet one of increased hope. Within the past eight days, in addition to the passage of

this important resolution, we have seen the signing of both the Memorandum of Intent on Regional Security in the Great Lakes of Africa and the Joint Verification Mechanism. For the promise of peace to be fulfilled, it is incumbent upon all parties to stick to their commitments under those agreements.

In conclusion, I would like to make one point of clarification about the resolution we have just passed. As my Council colleagues know, it is the policy of the United States Government to ensure that members of the armed forces of the United States of America participating in United Nations peacekeeping operations are protected from criminal prosecution or other assertion of jurisdiction by the International Criminal Court (ICC), including through the possible inclusion of express provisions providing such protection.

In this instance, United States personnel are not participating in the operation and the United States has an Article 98 agreement with the Democratic Republic of the Congo that would prohibit it from surrendering United States personnel to the ICC should they participate in the future.

The United States supports this resolution with the understanding that the resolution does not direct MONUC to cooperate with the ICC and, fully consistent with the statement that the United States made upon adoption of General Assembly resolution 58/318, any expenses resulting from the provision of cooperation or support to the ICC would need to be on a reimbursable basis.

Again I would like to thank you, Sir, and to thank the Council.

The President: There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of this item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 3.55 p.m.