

INTERNATIONAL COURT OF JUSTICE

CASE CONCERNING ARMED
ACTIVITIES
ON THE TERRITORY
OF THE CONGO

DEMOCRATIC REPUBLIC OF THE CONGO
V.
UGANDA

**REJOINDER
SUBMITTED BY
THE REPUBLIC OF UGANDA**

VOLUME III

ANNEXES

6 DECEMBER 2002

VOLUME III
ANNEXES

INDEX OF ANNEXES
IN CHRONOLOGICAL ORDER

VOLUME III

- | | |
|-------------------------------|--|
| 15 Dec. 1998
Annex 31: | Radio Message by H.E. President Yoweri Museveni, Commander-In-Chief of UPDF, to Chief of Staff and all UPDF Units in DRC, 15 December 1998 |
| Feb. - Mar. 1999
Annex 32: | Victoria Diamond, Articles of Association and License to Trade in the Democratic Republic of Congo, February-March 1999 |
| 26 Feb. 1999
Annex 33: | U.S. Department of State, 1998 Country Report on Human Rights Practices: Democratic Republic of the Congo, 26 February 1999 (excerpts) |
| 12 April 1999
Annex 33A: | Letter from J. Senkuiija to Mr. Deo Tonda, 4 April 1999 |
| 31 May 1999
Annex 34: | Corporate documents for Trinity (U) Limited, 31 May 1999 |
| 18 June 1999
Annex 35: | Letter from James Kazini to Madame Lotsove Adele Regarding Her Appointment as a Provisional Governor of Ituri and Haut-Uele, 18 June 1999 |
| 11 Oct. 1999
Annex 36: | Letters from Dara Lakes (Industries) Ltd. to the Commissioner for Forestry, Ministry of Water, Lands & Environment, Regarding Applications for Permits to Harvest Hardwood, 11 October 1999 |
| 14 Oct. 1999
Annex 37: | Corporate documents of Dara Great Lakes (Industries) Ltd., 14 October 1999 |
| 21 March 2000
Annex 38: | Letter from Pross Baraba, Director of Dara Great Lakes (Industries) Ltd., to the Commissioner for Forestry, Ministry of Water, Lands & Environment, Regarding a Request for a Concession in Budongo, Bugoma, Mabira and Kalinzu Forest Reserves, 21 March 2000 |

21 March 2000 Annex 39:	Letters from Pross Baraba, Director of Dara Great Lakes (Industries) Ltd., to the Commissioner for Forestry, Ministry of Water, Lands & Environment, Regarding Practical Conservation Through Certification Forestry, 21 March 2000
2 June 2000 Annex 40:	Memorandum Regarding the Handover of Factory Property (La Forestière), 2 June 2000
5 July 2000 Annex 41:	Letter from John Kotiram, Director of Dara Great Lakes (Industries) Ltd., to the Commissioner for Forestry, 5 July 2000
18 Sept. 2000 Annex 42:	Licences to Take Forest Produce Issued to Dara Great Lakes (Industries) Ltd., 18 September 2000
18 Sept. 2000 Annex 43:	Conditions for Provisional Licenses to Harvest and Process Forestry Produce in the Budongo, Bugoma, and Mabira Forest Reserves, 18 September 2000
18 Sept. 2000 Annex 44:	Letter from Deo Byarugaba, Acting Commissioner for Forestry, to M/S Nyota Wood Industries (U) Ltd. Requesting a Permanent or Special Clearance Permit for Transit Timber, 18 September 2000
17 Nov. 2000 Annex 45:	Alex B. Atuhaire, "Kabila Shows Awori 143 UPDF Prisoners," <i>The Monitor</i> , 17 November 2000
2001 Annex 46:	Jean Pierre Bemba, <i>Le Choix de la Liberté</i> , Venus Press (Gbadolite), 2001 (excerpts)
24 Jan. 2001 Annex 47:	"Congo Parliament OKs Kabila's Son as President," <i>CNN</i> , 24 January 2001
14 Mar. 2001 Annex 48:	Letter dated 14 March 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Uganda to the United Nations addressed to the President of the Security Council, S/2001/224, 14 March 2001
3 April 2001 Annex 49:	Response by the Government of the Republic of Uganda to the Report of the UN Panel of Experts on Illegal Exploitation of Natural Resources, 3 April 2001

- 12 April 2001
Annex 50: “Zimbabwean Minister Defends Involvement in Congo,” *Xinhua News Agency*, 12 April 2001
- 23 April 2001
Annex 51: John Kakande, et al., “Time To Leave DR Congo,” *New Vision*, 23 April 2001
- 24 April 2001
Annex 52: Reaction of the Government of Rwanda to the Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (Annex to the Letter dated 24 April 2001 from the Permanent Representative of Rwanda to the United Nations), S/2001/402, 24 April 2001
- 3 May 2001
Annex 53: United Nations Security Council, Record of Meeting Regarding the Situation Concerning the Democratic Republic of the Congo, S/PV.4317 and S/PV.4317 (Resumption), 3 May 2001
- 3 May 2001
Annex 54: United Nations Security Council, Statement by the President of the Security Council, S/PRST/2001/13, 3 May 2001
- 3 May 2001
Annex 55: Response by the Government of the Republic of Uganda to the Report of the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (Annex to the Letter dated 4 May 2001 from the Permanent Representative of Uganda to the United Nations), S/2001/458, 9 May 2001
- 4 May 2001
Annex 56: Letters from Kofi A. Annan, Secretary General of the United Nations to H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda, 4 May 2001
- 9 May 2001
Annex 57: Statement dated 7 May 2001 by the First Deputy Prime Minister/Minister of Foreign Affairs on Uganda’s Troop Withdrawal from the Democratic Republic of the Congo (Annex to the Letter dated 8 May 2001 from the Chargé d’affaires a.i. of the Permanent Mission of Uganda to the United Nations), S/2001/461, 9 May 2001

19 July 2001
Annex 58: Testimony of Hon. Bernadette K. Bigirwa before the
Judicial Commission of Inquiry into Allegations into
Illegal Exploitation of Natural Resources and Other
Forms of Wealth in the Democratic Republic of
Congo (the "Porter Commission"), 19 July 2001
(excerpts)

20 & 23 July 2001
Annex 59: Testimony of Hon. Stephen Kavuma before the Porter
Commission, 20 & 23 July 2001 (excerpts)

UR Annex 31

ANNEX I

150010c DEC 1998

FM: H. E

TO: AG COS

INFO: MSD
AC
ALL UNITS,

FM H.E FR AG. COS.

1. ENSURE THAT THERE IS NO OFFICER OR MAN OF OUR FORCES IN CONGO WHO ENGAGES IN BUSINESS.
2. ALSO REPORT TO ME ANY OTHER PUBLIC SERVANT WHETHER CURRENTLY BASED IN CONGO OR NOT WHO TRIES TO ENGAGE IN BUSINESS IN CONGO.
3. HOWEVER, OTHER UGANDAN BUSINESSMEN (WHO ARE NOT SOLDIERS OR PUBLIC SERVANTS, INCLUDING ALL POLITICIANS OR THEIR FAMILIES), SHOULD, GIVEN THE FLUID SECURITY SITUATION IN CONGO, BE ASSISTED IF NECESSARY, TO DO BUSINESS THERE IN ORDER TO ALLEVIATE THE ACUTE NEEDS OF THE POPULATION AND ALSO TO ESTABLISH LINKS FOR THE FUTURE. THE PURPOSE OF THIS DIRECTIVE IS TO ERASE THE FEELING THAT I ORDERED OUR FORCES TO LOOT MINERALS FROM CONGO AND NOT TO DEFEND OUR SECURITY INTERESTS.

UR Annex 32

REPUBLIQUE DU ZAIRE

CONTROLE FINANCIER
Série G
01/03/99

N° 959109

REÇU

de M VICTORIA PLATON D
B.P. 303 GOMA

la somme de (en lettres)

[REDACTED]

Agent Percepteur (nom, qualité) HENRI KAB. I.P.S

A GOMA le 01/03/1999

MONTANT EN CHIFFRES
[REDACTED]

Signature: [Signature]

Motif de la Perception : LEGALISATION AU
STATUT S.P.R.L.



VICTORIA } CO. - ARTICLES
DIAMOND }

MINISTRE OU SERVICE DE LA JUSTICE (NOTARIAT) DATE 23.02.99
PROVINCE/KIVU
TERRITOIRE OU VILLE GOMA

NOTE DE PERCEPTION

1. A REMPLIR PAR LE SERVICE TAXATEUR :

- Note de débit ou de taxation n° du 23.02.99 Nom ou raison sociale VICORINI
- Acte générateur (libellé) TATU S.P.R.L Postnom ou prénoms DIA NOND
- Article budgétaire 155 S.P.R.L
- Nombre de pièces justificatives !
- Taux et référence du texte : 0.50/77 Adresse B.P. 303 GOMA
- Montant à payer : - en chiffres 10 200 000 Commune
- en lettres DEUX MILIONS DEUX CENT QUARANTE MILLE B.P. Tél.
Nom de l'agent taxateur : BUSIRE LUANDA
Qualité : NOTAIRE
Signature et sceau :



2. A REMPLIR PAR LE SERVICE ORDONNATEUR :

- Date de réception 23.02.1999
- Avis motivé de l'ordonnateur : C. K. Bang
- Montant visé : - en chiffres 608 32 F
- en lettres TRENTE DEUX

- Date visa : 23.02.1999
- Nom et Signature de l'ordonnateur : Vannoy KYOTE M

3. A REMPLIR PAR LE COMPTABLE :

- Date de prise en charge : 03/03/1999
- Code et désignation du bureau Comptable : 0606
- En lettres : DEUX FRANCS QUARANTE CE

- Mode de paiement :
a) Espèces :
b) Chèque bancaire n° du de la Banque
c) Chèque postal n° du de
d) Bordereau de versement n° 959109 du
- Numéro de la quittance : 01/03/1999
- Date de perception : HERB SAB / C.P.S
- Nom du Comptable :
- Signature :

VICTORIA DIAMOND S.P.R.L.

Acte Constitutif et Statuts



Entre les soussignés

- AHMED IBRAHIM, de nationalité Libanaise, né à BEYRCOUTH en 1972 et résidant à GOMA-C/o B.P. 303 Goma, RDC ;
- KAY NDUHUUKIRE, de nationalité ougandaise, né à KAMPALA en 1976 et résidant à GOMA-C/o B.P. 303 Goma, RDC.

Il a été convenu ce qui suit :

TITRE I : DENOMINATION, SIEGE SOCIAL, OBJET & DUREE

- Article 1 : Entre les personnes prénommées, il est créée une société privée à responsabilité limitée dénommée VICTORIE DIAMOND SPRL conformément à la législation Congolaise ;
- Article 2 : Son siège Social est établi dans la ville de GOMA, Commune Urbaine de Goma; il pourra être transféré à tout autre endroit de la République Démocratique du Congo sur décision de l'assemblée générale; il en est de même pour l'ouverture et l'implantation des agences, succursales, dépôts, comptoirs ou quelque représentation ;
- Article 3 : VICTORIA DIAMOND S.P.R.L. a pour objet l'Achat, la Commercialisation et l'Exportation des minerais.
L'objet ainsi défini pourra être modifié à tout moment par l'assemblée générale des associés, délibérant dans le respect des dispositions statutaires ;
- Article 4 : VICTORIA DIAMOND S.P.R.L. est constituée pour une durée indéterminée à dater de la signature du présent acte.

TITRE II : DU CAPITAL SOCIAL ET DES PARTS SOCIALES

Article 5 : VICTORIA DIAMOND SPRL a pour Capital Social l'équivalent de 200.000 USD en Nouveaux Zaïres représenté par 100 parts sociales d'une valeur nominale équivalent à 2.000 USD en Nouveaux Zaïres chacune.

Article 6 : Ce Capital Social est souscrit à 100% et de la manière ci-après :

Mr. AHMED IBRAHIM	: 70 parts soit 140.000 USD
Mr. KAY NOUHUUKIRE	: 30 parts soit 60.000 USD
	100 parts soit 200.000 USD

Les associés déclarent et reconnaissent que le capital social tel qu'énoncé à l'article 6 est libéré et mis à la disposition de la société.

Article 7 : Le capital social ne peut être augmenté ou réduit que sur décision de l'assemblée générale délibérant dans le respect des dispositions statutaires y relatives.

Article 8 : Chaque part sociale confère un droit égal dans la répartition des bénéfices et des produits de la liquidation.

TITRE III : DE LA RESPONSABILITE DES ASSOCIES, DE LA CESSION OU TRANSMISSION DES PARTS SOCIALES.

Article 9 : La responsabilité de chacun des associés n'est engagée qu'à concurrence de sa part sociale.

Article 10 : Les parts sociales ne peuvent, à peine de nullité, être cédées entre vifs ou transmissions pour cause de mort qu'avec l'assentiment de la moitié des associés possédant les 3/4 du capital social, déduction faite des droits dont la cession ou la transmission est proposée.

Toute fois, cet assentiment n'est pas nécessaire lorsque la cession ou la transmission se réalise au profit d'un associé ou d'un héritier du cédant.

Article 11 : Les cessions entre vifs, les transmissions pour cause de mort, les attributions en cas de partage ne sont opposables à la société qu'à partir de leur inscription dans le registre des associés.

Article 12 : La part sociale est représentée par une inscription au registre des associés. Les droits des associés résulteront du présent acte ou des ceux qui le modifieront ultérieurement ainsi que toutes cessions régulièrement consenties.

Article 13 : Il est tenu au siège social, un registre des associés renseignant :

- la désignation précise de tout associé ;
- le nombre exact des parts sociales revenant à chacun des associés ;

- c) l'indication des versements effectués ;
- d) les cessions entre vifs intervenues pendant la vie sociale avec tous des renseignements nécessaires y relatifs;
- e) les transmissions pour cause de mort ainsi que les attributions aux associés survivants.



TITRE IV : ORGANISATION ET SURVEILLANCE

S/Titre 1 : De la gérance

Article 14 : La société est administrée par un ou plusieurs gérant nommé par l'Assemblée Générale.

Le mandat de gérance est d'une durée indéterminée mais révocable en tout temps.

La cession des fonctions du gérant peut intervenir aussi par démission, en ce cas, un préavis de trois mois doit être signifié aux associés.

Article 15 : Le gérant a tout pouvoir d'agir au nom et pour compte de la société ; il possède la signature sociale qu'il n'utilise que pour le besoin de la réalisation des objectifs dont s'est assignés la société ; il peut également poser tout acte indispensable, exercer quelconque poursuite et initier quelconque action judiciaire et les exécuter, concilier, traiter, transiger et compromettre dans l'intérêt de la société.
En cas de faillite, intervenir à toute liquidation et répartition.

Article 16 : Dans l'intérêt de la société et dans l'optique de la réalisation des objectifs dont la société s'est assignés, le gérant peut déléguer à un tiers ou attribuer à un associé certains de ses pouvoirs.

Cette délégation de pouvoir est révocable en tout temps.

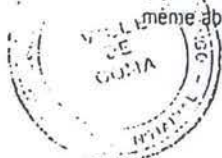
Article 17 : La gérance engage et le cas échéant révoque tout personnel nécessaire au concours de la réalisation des objectifs de la société, elle détermine leurs fonctions et leur traitement.

Article 18 : La gérance ne contracte aucune obligation personnelle relativement aux engagements de la société.

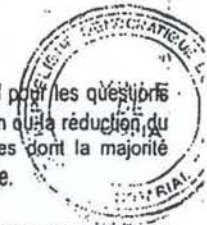
Article 19 : Outre les frais de représentation, de voyage et autres jugés nécessaires à l'accomplissement de ses fonctions, le gérant bénéficie d'un traitement fixé par l'assemblée générale et qui sera prélevé sur les frais généraux.

S/Titre 2 : De l'Assemblée Générale

Article 20 : L'assemblée générale est la réunion de tous les associés ; la représentation y est admise. L'assemblée Générale dispose des pouvoirs les plus étendus sur tout acte qui intéresse la société ; Ses décisions sont obligatoires pour tous les associés, même absents ou dissidents.



Ces dernières sont prises à la majorité simple des votants sauf pour les questions importantes telles que la modification des statuts, l'augmentation ou la réduction du capital social, la cession ou la transmission des parts sociales dont la majorité absolue des associés détenant les $\frac{2}{3}$ du capital social est requise.



Article 21 : L'Assemblée Générale se réunit sur l'initiative du gérant et sous sa présidence ordinairement une fois par an extraordinairement chaque fois que le besoin l'exige sur convention de la gérance ou de la majorité absolue des associés.

Article 22 : L'Assemblée Générale reçoit annuellement le rapport de la gérance et délibère sur le bilan de l'exercice social ; elle se prononce également sur le compte pertes et profits ; par un vote spécial sur le sort de la gérance.

Titre V : BILAN ET INVENTAIRE.

Article 23 : L'exercice social va du 1^{er} janvier au 31 décembre de chaque année ; exceptionnellement ce 1^{er} exercice social prendra cours à la date de la signature du présent statut.

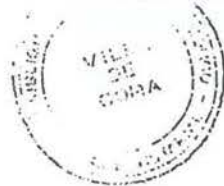
Article 24 : A la fin de chaque exercice social ; la gérance doit clôturer les comptes et dresser un inventaire sur tous les biens de la société, créances et dettes de la société clairement expliquées ainsi que la situation de tout associé vis-à-vis de la société.

Article 25 : Un collège des commissaires aux comptes est mis en place pour le besoin de la cause, dans lequel le gérant ou tout associé qui aurait participé de quelque manière à la gestion, ne peut prendre part.

Article 26 : L'excédent favorable du bilan, après réduction des charges, frais généraux et amortissements nécessaires, constituent le bénéfice net de la société. Il sera réparti entre les associés proportionnellement aux parts sociales détenues personnellement ; chaque part sociale donnant un droit égal.
L'Assemblée Générale peut toutefois décider que tout ou une partie de bénéfice sera affecté à la création d'un fonds de réserve ou d'un fonds d'amortissement des parts sociales ou reporté à nouveau. Les dividendes sont payables chaque année aux époques et de la manière fixée par l'assemblée générale.

TITRE VI : MODIFICATION AUX STATUTS.

Article 27 : Toute décision de modification aux présents statuts afférente à l'augmentation ou à la réduction du capital social ainsi qu'à la transformation ou à la fusion de la société doit être prise conformément aux prescrits des articles 3, 7, 10 et 20 des présents statuts.



Titre VII : DISSOLUTION & LIQUIDATION.

Article 28 : La société peut être, moyennant l'observance des formes prescrites pour les modifications aux statuts, dissoute en tout temps. Cette question de dissolution peut aussi être soumise à l'Assemblée Générale par la gérance en tout temps en cas de perte de la moitié du capital social ; la question se délibère dans le respect des formes prescrites aux articles 3, 7 et 20 des présents statuts.

Article 29 : En cas de dissolution de la société, l'Assemblée Générale dispose des pouvoirs les plus étendus pour désigner le ou les liquidateurs, déterminer leur pouvoir et émoluments, fixer le mode de liquidation.
Au défaut de désignation d'un liquidateur, le gérant sera à l'égard des tiers considéré comme tel.
Le solde favorable de la liquidation sera partagé entre les associés proportionnellement aux parts sociales détenues individuellement, chaque part conférant un droit égal.

Titre VIII : DIVERS.

Article 30 : Toute contestation qui pourrait surgir entre les associés ou entre la société et ses associés pendant la vie sociale ou lors de la liquidation, sera de la compétence du tribunal de grande instance de Goma.

Article 31 : Toute clause des présents statuts contraire aux dispositions impératives de la législation sur les sociétés serait considérée inexistante et toute celle inexistante, serait considérée y faire partie.

Article 32 : Le gérant sera désigné en assemblée générale extraordinaire des associés.

Fait à Goma, le 20 février 1999

Monsieur AHMED IBRAHIM

Monsieur KAY NDUHUUKIRE

VOU POUR AUTHENTICATION
 ET REGALISATION DE SIGNATURE
 DES PERSONNES
 MENTIONNEES
 FAIT A GOMA LE 23/02/99

J. BAPTISTE
 BUTEHIRE LUANDA
 10 FAHIC DE LA VILLE DE GOMA

UR Annex 33

UR ANNEX 33



The State Department web site below is a permanent elect information released prior to January 20, 2001. Please see material released since President George W. Bush took off This site is not updated so external links may no longer fu us with any questions about finding information.

NOTE: External links to other Internet sites should not be endorsement of the views contained therein.



U.S. Department of State

Democratic Republic of Congo Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

DEMOCRATIC REPUBLIC OF CONGO

Most of the Democratic Republic of Congo (formerly Zaire) continued to be ruled by President Laurent Desire Kabila, whose Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL) overthrew the authoritarian regime of Mobutu Sese Seko by armed force in 1997. The State continued to be highly centralized formally--although in practice the country's dilapidated transportation and communications infrastructure impaired central Government control--and Kabila continued to rule by decree, unconstrained by a Constitution or a legislature. Although the Government finished a draft Constitution in March, only portions of it had been published by year's end, and Kabila continued to ban political party activity. The judiciary continued to be subject to executive influence and corruption.

By year's end, the Government had lost control of more than

one-third of the country's territory to a rebel organization, the Congolese Rally for Democracy (RCD), dominated by members of the Tutsi ethnic minority. The rebellion started in early August, when Kabila tried to expel from the country Rwandan military forces that had helped him overthrow Mobutu, and upon which the Congolese Tutsis and the governments of Burundi, Rwanda, Uganda and Burundi all relied for protection from hostile nongovernmental armed groups operating out of the eastern part of the country. These groups included: the Interahamwe militia of ethnic Hutus, mostly from Rwanda, which fought the

demonstrations, resulting in arrests and detentions. It also harassed and imprisoned members of opposition parties, and exiled a principal political opponent to his home village, although it later released him. The Government harassed human rights nongovernmental organizations (NGO's). The Government banned the human rights group AZADHO, one of the leading human rights organizations, and seized copies of its annual report on human rights. It also established a commission to review the "good standing" of all human rights organizations. The Government strongly resisted efforts by the United Nations to investigate reports of massacres in 1996 and 1997, leading to the withdrawal of the UN Investigative Team from the country. Violence against women is a problem and rarely is punished. Female genital mutilation persists among isolated populations in the north. Discrimination against ethnic minorities and indigenous Pygmies is a problem. After the start of the civil war, there was serious and widespread discrimination and violence and extreme official prejudice against members of the Tutsi ethnic minority. Security forces extrajudicially killed or summarily executed ethnic Tutsis and suspected rebels in the capital, and detained civilian Tutsis at a Kinshasa military camp. There were credible reports of beatings, rapes and extrajudicial killings at this camp, and reports of killings and other abuses of Tutsis elsewhere in the country by both security forces and mobs. State-owned radio stations repeatedly broadcast hate messages, sometimes issued by senior government officials, which may have contributed to official and societal violence against Tutsis. There are unconfirmed reports indicating that in August at least some government military units received orders to execute all Tutsis in those units or in the general population in the areas where those units were stationed. Child labor remained a common problem in the informal sector.

Some nongovernmental armed groups fighting on the side of the Government, RCD forces, and mobs all committed many serious abuses, including many extrajudicial killings or summary executions in territories under their control.

Rebel forces committed extrajudicial killings in territories under their control including the massacre of church and lay workers on August 23, and shot down a civilian jetliner on October 10. RCD forces were responsible for disappearances and reportedly tortured, raped and detained many civilians. They also endangered the civilian population of Kinshasa by cutting electricity and disrupting the water supply and commercial food shipments during an unsuccessful effort to take the capital in August.

Although it often was difficult for victims and witnesses to distinguish RCD rebel forces from elements of the Rwandan army due to their close cooperation and commonalities of language and equipment, Rwandan army personnel also reportedly committed many serious human rights abuses, including extrajudicial killing, torture and rape. Although Angolan and Zimbabwean aircraft and artillery bombed or shelled areas inhabited by civilians in Kinshasa and Kisangani, there were few reports of human rights violations by the elements of some foreign government armed forces operating in the country, including the Chadian, Namibian, Ugandan and Zimbabwean armed forces; there were reports that foreign armed forces on both sides of the war sometimes restrained or mitigated the human rights abuses of their Congolese allies, in particular by safeguarding prisoners.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

The security forces executed many unarmed civilians in Butembo in North Kivu Province in late February for suspected collaboration with local Mai Mai militias then hostile to the Kabila

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law forbids torture, security forces and prison officials used torture, and often beat prisoners in the process of arresting or interrogating them.

Authorities of the Kabila administration have not responded to charges of inmate abuse and repeated beatings by its security and prison officials.

Members of the security forces also raped, robbed, and extorted money from civilians; some abusers were prosecuted (see Section 1.a.) Incidents of physical abuse by security forces occurred during the arrest or detention of political opponents. Security forces arrested Eugene Diomi, head of the political party Front for the Survival of Democracy (FSD), at his home on December 11, 1997, raping two female relatives and stealing valuables. Diomi was held at a military camp, and reportedly severely beaten on a daily basis, until his provisional release under military guard for medical care January 8.

In February, at the time of the arrest and exile of Democratic Union for Social Progress (UDPS) party leader Etienne Tshisekedi (see Section 1.d.), security forces detained several members of the UDPS at his residence and physically abused them; they were released several days later.

Also in February, Joseph Albert Mena, former member of the transitional parliament during the Mobutu era, was arrested and beaten repeatedly in the basement of an unofficial detention facility, following his arrest during the transit of the presidential motorcade through Kinshasa. Mena was shot at, and then arrested, after failing to move his vehicle out of the way of the motorcade quickly enough. Accused of attempting to assassinate the President, he was released after a visiting presidential deputy chief of staff recognized him at the detention facility and arranged his release.

On March 13, 5 members of the UDPS were arrested at the party headquarters and physically abused in detention before their release on March 14.

There were numerous reports of torture of Tutsi civilians and captured rebels by government security forces during the civil war. There were repeated reports of torture at a government detention center for Tutsi civilians, Camp Kokolo in Kinshasa (see Section 1.d.). In August, persons who were determined not to be Tutsis and released from Camp Kokolo reported seeing detainees there whose ears had been cut off, and one person who had been disemboweled. Members of the presidential guard beat and whipped persons evacuated from the Burundian embassy in August. Military officers beat and injured Ugandan diplomats being evacuated from the country at Kinshasa's airport in August. Government officials tortured many of the Tutsis and other easterners whom they arrested and many of whom they killed at Kisangani before the city fell to the Rebels on August 23; some of more than 30 persons who were arrested but were not killed claimed to have been tortured.

Civilians detained by RCD rebel forces during the civil war claimed to have suffered torture, including rape, whippings, severe beatings that in some cases broke bones, and being forced to drink their own urine. RCD forces reportedly arrested and raped more than 50 women and girls in the Katudu district of Bakuvu on September 1.

The Kabila Government operated 220 known prisons and other places of detention. In all such facilities, conditions remained harsh and life threatening, although the Government undertook work at Kinshasa's main prison, Makala, to improve conditions. The Kabila administration provided food

think tank Forces du Futur for violating the ban on public political activities. He was convicted by a military tribunal in May and given a suspended

12-month sentence and released (see Section 1.e.).

Commandant Enselme Masasu, a founder of the ADFL, was arrested on November 26, 1997 and later accused by President Kabila of a series of crimes, including drug trafficking and maintaining private prisons. He was tried by a military tribunal in May and sentenced to 20 years' imprisonment (see Section 1.e.).

Pastor Theodore Ngoy was arrested on December 17, 1997 after he accused President Kabila at a church-run seminar of generating a cult of personality. He remained in detention until July 2.

In August the Government systematically arrested and detained Tutsi civilians throughout the country. Many were killed (see Section 1.a.) and some were tortured (see Section 1.c.). However, many survived. At year's end, at least 130 Tutsis remained detained without charge at Camp Kokolo in Kinshasa, and at least 520 more remained detained without charge in Katanga, President Kabila's home province. Hundreds--perhaps thousands--of Tutsis remained incarcerated, ostensibly for their own protection. The Government granted the International Committee of the Red Cross (ICRC) access to at least some of these detainees. The Government also held prisoners of war after August, but little is known about its treatment of them. However, the ICRC did have access to prisoners of war.

At year's end, the Government held fewer than a dozen political detainees, excluding Tutsis and prisoners of war.

During the civil war, RCD rebel forces reportedly detained persons repeatedly. Many of those whom the rebels detained were Hutus. The rebels also detained, and allowed the International Committee of the Red Cross to visit, many prisoners of war. However, the RCD was not reported to have held large numbers of persons in prolonged detention on the basis of their ethnicity.

Although the law prohibits and the Government did not practice forced exile, the Government sent UDPS party leader Etienne Tshisekedi into internal exile at his home village in East Kasai on February 12, releasing him in July.

Denial of Fair Public Trial

The Transitional Act of the Mobutu regime and Kabila's Decree Law No. 3 provide for the independence of the judiciary; however, in practice the judiciary was not independent of the executive branch, which could and did manipulate it. The Kabila administration did not establish mechanisms to ensure the independence of the judiciary by year's end. A judicial reform decree, reportedly awaiting presidential approval since 1997, was not promulgated. The judiciary also is ineffective and suffers from corruption.

The judiciary includes lower courts, appellate courts, the Supreme Court, the Court of State Security, and a new military tribunal organized in August 1997. This tribunal ordered the executions of dozens of soldiers and civilians in Bukavu, Goma, Kinshasa, and Lubumbashi during the year for various violent criminal offenses, including murder and armed robbery. Local human rights groups expressed concern at the summary nature of the justice dispensed by this military court, with no automatic right

of appeal to a higher court, and many of the accused apparently lacking defense counsel. The tribunal also began to sentence civilians for nonviolent offenses with political overtones.

In May a university lecturer, Kalele Ka Bila, and a free-lance journalist, Jean-Francois Kabanda, received 2-year sentences for spreading false rumors, after originally being charged with endangering state security. They allegedly published an article appealing to ethnic prejudices in advocating resistance to "Tutsi invaders" (see Section 2.a.).

Also in May, the special military tribunal tried Commandant Anselme Masasu, co-founder of the ADFL, Arthur Z'Ahidi, head of Forces du Futur, and Joseph Olenghankoy, head of FONUS, on various charges. Masasu received a 20 year sentence for treason, Z'Ahidi, a 12-month suspended sentence for violating the political ban, and Olenghankoy 15 years also for violating the ban on political activity. Many observers considered all three sentences to be politically motivated; Olenghankoy and Z'Ahidi were heads of opposition political parties, and Masasu was a potential rival to President Kabila within the ADFL.

Also in May, journalist Albert Bonsange Yema, who was arrested by the Government February 12 for an article criticizing the arrest of Joseph Olenghankoy, was convicted by the State Security Court on the charge of endangering state security and sentenced to 1 year in prison (see Section 2.a.).

Civil and criminal codes are based on Belgian and customary law. The Legal Code provides for the right to a speedy public trial, the presumption of innocence, and legal counsel at all stages of proceedings. Defendants have the right to appeal in all cases except those involving national security, armed robbery, and smuggling, all of which are adjudicated by the Court of State Security, and cases adjudicated by the special military tribunal, whose jurisdiction appears ill defined. The law provides for court-appointed counsel at state expense in capital cases, in all proceedings before the Supreme Court, and in other cases when requested by the court. The Kabila administration has not stated a position on providing counsel, but has done so at its discretion.

Corruption remains pervasive, particularly among magistrates, who are very poorly and intermittently paid and poorly trained. The system remains hobbled by major shortages of personnel, supplies, and infrastructure. The Kabila Government has acknowledged that the judiciary is dysfunctional, and took one step to improve it by firing 315 magistrates in October, and hiring others.

At year's end there were fewer than a dozen known political prisoners, including Anselme Masasu and Joseph Olengansky.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Security forces routinely ignored legal provisions for the inviolability of the home and of private correspondence. They ignored the requirement for a search warrant, entering and searching homes at will. Opposition party leaders' residences often were raided by police, with arrests made and files seized. (see Sections 1.c. and 1.d.) The headquarters of various political parties were under surveillance (see Section 2.b.) The Government is widely believed to monitor telephone communications.

According to an Amnesty International Report, the FAC, the RCD, and the Rwandan Armed Forces used forcible conscription, and many of those forced to enlist were children. However, most such abuses were attributed to the rebels and the Rwandans.

UR Annex 33A

12.4.1999.

FR: TO MR. DEO TOMBA.

"Kisibo gye hahere, esa Kulivica omuicadde"
 "Nze "Lutbaale" yaqumbisamu naye nga gendaal
 gendaamba" olwo okubwira "Ebikola. Kisibo nkusal
 butusiize obutawca bunne ku mwami Henry
 Picho ocella. Nofo."

Sir, I have just received this miraculous
 opportunity, to send you this message through
 Kenya Air-way agency via shava. It's long time,
 silence, had been brought by the financial crisis
 I have faced ever since your departure.

A. I have a lot to communicate to you, but it is
 not possible due to complete lack of funds.

B. Since you last left September Salaries, nothing
 had followed up to date.

C. The U.A.L office was searched, looted and
 closed up, by the special presidential unit,
 on the 18.12.98. Peter was also arrested on the
 same day, "severely beaten up" and was
 detained up to 1.4.1999. He was charged
 under the immigration rules of "Redundancy and
 illegal stay in R.D.C" without proper identification.
 No "verdict" was passed against him, but he was
 ordered to continue reporting to the Immigration
 Police, once a week, up to the date of this report
 "He is in a very poor health" with no money for
 medical treatment.

D. Mimi ever since the closure, has gone in hiding
 from me, even though she had never been,
 "under arrest". I am now completely cut off, of
 communication, from your side, as the main
 "source" and its operators had been "scuffed
 up".

E. Here now is, the survival of the fittest. "Divide
 and Rule" "Nisit and search", "hide and seek
 and "wait and see" tactics. It is the reason,
 why I have kept a very low profile during all
 this appalling situation prevailing here in Kin

EMBASSY
Any
HE. RESIDENCE
→

two places were "Smothered up" of all properties "therein," inside and outside" by the special presidential unit, on 27.11.9 and had been occupied to-date.

- G. Ever since I retired to my house, after the occupation of both places, I have experienced "Complete Isolation". None, of the nine local work-mates had ever paid a visit to me so by the time I am sending you this report I have no information to pass to you, regard them.
- H. Mr Inv., seems also to have closed up, but I had not met with the Managers to confirm this.
- I. Please Sir, I am in a real financial crisis and I request that you send me money through Mr. Des Tonda by the same channel, to the Station Manager, of Kenya Airways, Kisumu. Mr. JOHN DEMA It is the best and safest, place for, "money handling".
- J. The general situation is still very "unclear" at the moment, and your continued prayers are needed.
- K. Best regards to H.E, Margaret, Jane, Richard and Christine, and inform them of all, that had "befell" us here. But remind them, that, "the Crane is still crying in the wilderness".

CONTINUED.

L. Please, retain the undermentioned address,
in case of all correspondances to me.

ATTN: JAMES SENKUNJA.

MR. JOHN DEMA;
STATION MANAGER,
KENYA - AIRWAYS
KINSHASA.
c/o MR. PETER EIM.

M. I had been doubting the "sources" which had kept me informed of "regular circulation" in town of the two embassy vehicles by high ranked officers of S.P.U. I found out the truth, on 8.4.59 while I was walking by Avenue "de la justice" zone Gombe, when I contacted with the representation car E 240 being driven by the same elements with "FAC" no plates. I reported this incident the same day to Prof but who as "had been usual" only advised me to keep calm and leave the matter to their attention.

Best regards, J. Senkunja

UR Annex 34



NO. 40894

THE REPUBLIC OF UGANDA

Certificate of Incorporation

(Under section 18 (1) of the Companies Act)

I CERTIFY that TRINITY (U) LIMITED

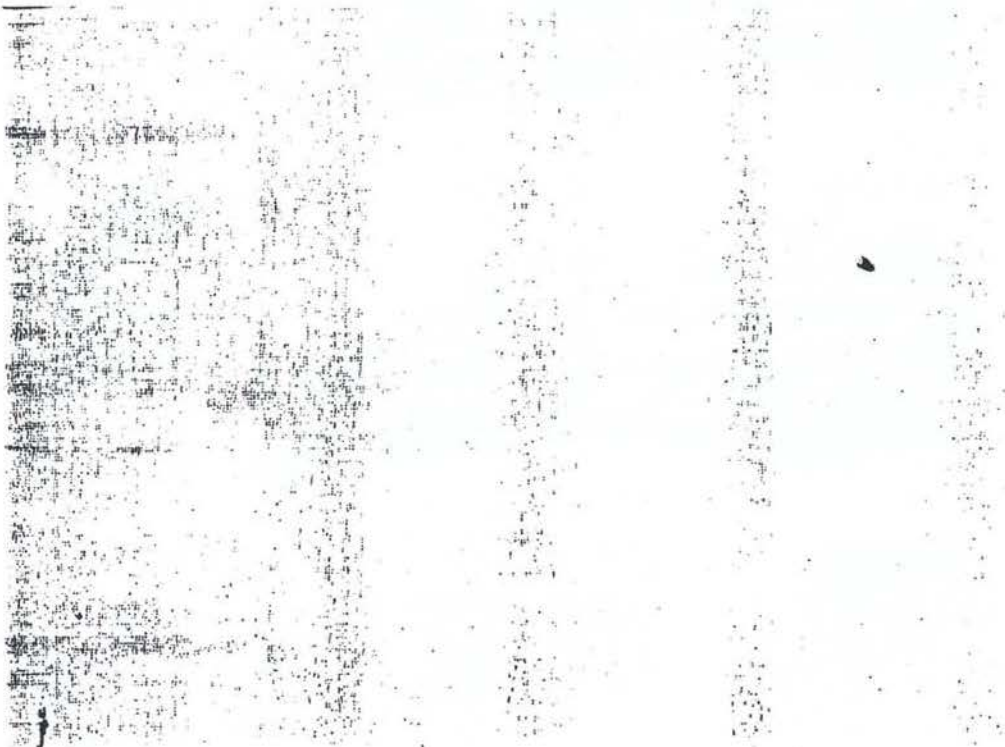
has this day been incorporated with Limited Liability

Dated at Kampala, this 16th day
of MAY the year 1999

JOEL COX OJUKO
REGISTRAR OF COMPANIES
KAMPALA

20/7/2007

ASST. Registrar of Companies.



GOVERNMENT OF UGANDA

31st May 1999
THE COMPANIES ACT, 1958
1002 1939534

Declaration of Compliance with the Requirements
of the Companies Act, on Application for
Registration of a Company
JOEL COX OJUKO 31/5/99
Pursuant to Section 17 (2)

Uganda Companies Act
I hereby declare that the full duty with
this application is paid and that the document is
correctly filled in and that such duty is determined by me
already paid this 31/5/99
Now paid Shs 1000/-
Total 1000/-
REVENUE AUTHORITY

CERTIFIED TRUE COPY

Name of Company UGANDA LTD
PRINITY ENTERPRISES CO Limited

Presented by CANDACE R. RWALINDA

JOEL COX OJUKO
REGISTRAR OF COMPANIES
KAMPALA

I, CANDACE R. RWALINDA
of DUBLIN KAMPALA

Do solemnly and sincerely declare that I am AN ADVOCATE OF THE
HIGH COURT ENGAGED IN THE FORMATION
of PRINITY ENTERPRISES CO UGANDA, Limited and
that all the requirements of the Companies Act, in respect of matters precedent to the registration of the
said Company and incidental thereto have been complied with. And I make this solemn Declaration
conscientiously believing the same to be true and by virtue of the provisions of the Statutory
Declarations Act, 1935.

20/7/2007

Declared at KAMPALA
the 27th day of MAY
one thousand nine hundred and NINETY NINE
before me, [Signature]
† A Commissioner for Oaths.

[Signature]

[Stamp]

D. KOLUMBA-KINGI
Advocate
COMMISSIONER FOR OATHS

*"An Advocate of the High Court engaged in the formation" or "a person named in the Statutes of
Association as a Director or secretary".
† Or Magistrate or Justice of the Peace.

No. of Company

Gen. Form No. A1

31st May 1999
GOVERNMENT OF UGANDA

STAMPS ACT
REGISTRATION (Stamp) (1)
I hereby certify that the full duty with which this document is chargeable has been determined by me and that such duty has been paid
already paid Shs 25,000/-
Total Shs 25,000/-

1737534
STATEMENT OF NOMINAL CAPITAL

TRINITY ENTERPRISES CO. LTD
LIMITED

1. GABRIEL RWALINDA
of 20041 WAMPARA

CERTIFIED TRUE COPY

hereby state as follows:

1. That I am AN ADVOCATE ENGAGED IN THE FORMATION OF

of TRINITY ENTERPRISES CO. UGANDA Limited

2. That the nominal share capital of the said TRINITY COMPANY Limited

is Shs. 5,000,000 (Shillings)

divided as follows:

100 ORDINARY Shares of shs 50,000 each
Shares of shs 297/2007 each

Dated at Kampala this 07th day of May 1999

Witness:

Signature: [Signature]
Full name: AMPEIRE ISHAC
Address: 7858 KAMPALA
Occupation: LAWYER

* "An Advocate of the High Court engaged in the formation" or "A person named in the Articles of Association as a Director, secretary or other officer" as the case may be.

† Here state number, class and value of shares. Separate classes should be stated separately.

Printed by Uganda Bookshop Press
and Obtainable from
UGANDA BOOKSHOP

40894
31/5/99

THE REPUBLIC OF UGANDA
THE COMPANIES ACT (CAP. 85)
COMPANY LIMITED BY SHARES

CERTIFIED TRUE COPY
~~MEMORANDUM~~
TOEL COX OTHUK
REGISTRAR OF COMPANIES
KAMPALA
25/7/2007

ARTICLES OF ASSOCIATION
OF
TRINITY (U) LIMITED

Incorporated this day of....., 1999

DRAWN AND FILED BY:-
MR. GODFREY RWALINDA
ADVOCATE
P.O. BOX 7898
KAMPALA.

31st May '91
 69910-1937534
 31/5/99
 THE COMPANIES ACT CAP. 85
 COMPANY LIMITED BY SHARES
 JOEL COX OJUKO
 MEMORANDUM OF ASSOCIATION
 JOEL COX OJUKO 18880/2
 CERTIFIED TRUE COPY
 REGISTRAR OF COMPANIES
 KAMPALA

1. The name of the Company is: "TRINITY (U) LIMITED"
2. The Registered office of the Company shall be situated in Uganda.
3. The Objects for which the Company is established are:-
 - (a) To carry on the business of general merchandise, general trade, import, export, and sell either by wholesale or retail, project development, industrial development, service sector.
 - (b) To carry on the business of retail, wholesale, importers, exporters and distributors of all types of merchandise, materials, commodities and other goods of whatever description in Uganda and in other countries.
 - (c) To establish and carry on the business of supplying electrical and electronics equipment, to deal in general merchants and to import, export, and other by wholesale or retail, shoe makers, various kinds of goods and merchandise including stationery, textiles, boots, hoes, machinery, chemicals, furniture, upholstery, electrical appliances, house-holds, goods and other articles of all description.
 - (d) To carry on the business of dealing in the manufacture, marketing, importing, exporting, stocking, buying, selling whether by wholesale or retail of various categories of goods and merchandise, and act as commission agents and manufacturers representatives in all their fields.
 - (e) To carry on business as general transporters, carriers of goods and passengers either by road, air, or sea storage contractors and warehousemen, shipping clearing and forwarding agents, travel agents, garage proprietors, motor spare dealers, hotels, bars, and catering contractors.
 - (f) To lend money to or grant or provide credit or financial accommo-dation to any person or company in any case in which such grant or provisions is considered likely directly or indirectly to further any of the objects of the company or the interest of its members.

- g) To invest any monies of the company not immediately required for the purpose of the business of the company in such investments (other than shares in the company or its holding company) and in such manner as may from time to time be determined and to hold sell or otherwise deal with such investments.
- h) To amalgamate with or enter into partnership or any joint purpose or profit-making arrangements with or to co-operate or participate in any way with or assist or subsidize any company or person carrying on or proposing to carry on any business within the objects of the company.
- i) To borrow and raise money and secure or discharge any debt or obligation of or binding on the company in such manner as may be thought fit and in particular by mortgages of or charge upon the undertaking and all or any of the real and personal property (present and future) and the uncalled capital of the company or stock or other obligations or securities of any description.
- j) To sell, exchange, mortgage, let on rent, share of profit royalty or otherwise grant licenses easement, options, servitude and other rights over and in any other manner deal with or dispose of the undertaking, property, assets, rights and effects of the company or any part thereof for such consideration as may be thought fit and in particular for stocks, shares debentures or other obligations or securities whether fully or partly paid up to paid up to any other company.
- k) To establish or promote or concur or participate in establishing or promoting any company the establishment or promotion of which shall be considered desirable in the interest of the company and to subscribe for under-write, purchase or otherwise acquire the shares stocks and securities of any such company or of any company carrying on any business or activity within the objects of the company.
- l) To procure the registration for incorporation of the company in or under the laws of any place outside Uganda.
- m) To subscribe or guarantee money for any national charitable, benevolent, general or useful object or for any exhibition or for any purpose which may be considered likely directly or indirectly to further the objects of the company or the interest of its members.
- n) To grant pensions, or gratuities to any officers, or employees or ex-officers or ex-employees of the company or its predecessors in business or of its holding company or subsidiary companies (if any) or the relations connections of dependant of any such persons and to establish or support any association, institutions, clubs, building and housing schemes, funds and trusts which may be considered calculated to benefit any such persons or otherwise advance the interests of the company or of its members.
- o) To act as secretaries, managers, registrars or transfer agents for any other company.

(whether on account of the company or others) fish, reptiles amphibians, animals and birds, hides and skins of every description and to buy, sell, warehouse, transport by land or water, import, export, trade and deal in all such fish, furs, feathers, fat tallow, grease, offal and other animal products of any kind whatsoever.

- aa) To carry on the business of petrol filling station proprietors.
- bb) To acquire by concession, grant, purchase, barter lease license or otherwise any tract or tracts of country in Uganda together with such rights as may be agreed upon and granted by Uganda Government or the rulers or owners thereof and expand such sums of money as may be deemed requisite and advisable in the exportation, survey and development thereof.
- cc) To acquire by concession, grant, purchase, lease license or otherwise either absolutely or conditionally and either solely or jointly with others any houses, land, farms, water, rights and hereditament and any machinery, plant, utensils, trade marks and other movable and immovable property of any description in Uganda.
- dd) To cultivate tea, coffee, cinchona, tobacco, cotton, maize, papaw pulse, rubber and other produce or crops of every description and to carry on the business of cultivators, buyers, winners and buyers of every kind of vegetables, mineral or other produce of the soil, to prepare manufacture and render marketable any such produce either in its prepared, manufactured or raw state and either by wholesale or retail.
- ee) To treat, cure, cubit to any process or manufacture and prepare for the market (whether on account of the company or others) tea, cotton, wool, silk, hemp, seeds, coffee coconuts, sugar ivory, oil, seeds, maize, wheat, tobacco, corn grains, India-rubber, gutta-peroha, balata and other gums and any other produce, products articles or things whatsoever; to buy, sell, warehouse, transport by land or water trade and deal in tea, cotton, wool, milk, hemp jute seeds coconuts, sugar, oil seeds, maize, wheat coffee, corn grains and other products as aforesaid and seeds and rice and other food and requisite for labourers and other employed on estates and any other goods, produce, metals livestock, merchandise, stores, materials and anything of any kind, whatsoever.
- ff) To stock any lands owned by the company and to breed grow and deal in all kinds of stock, cattle sheep and produce.
- gg) To establish and carry on any of the said lands the several trades or business of planting, farming, stock breeding, dealing in cattle, horses sheep or other animals and trading in native produce and agricultural products of all kinds.
- hh) To carry on the business as dealers in and producers of dairy farm and garden produce of all kinds and in particular milk, cream, butter, cheese poultry and eggs fruit and vegetables.

- ii) To make, provide and use railways, tramways, telegraphs, canals, roads and all other works and means of transport by land or water necessary and expedient for the improvement of the property of the company and to contribute to the expense of promoting, making and using the said works of any of them.
- jj) To establish shops or stores on any of the properties of the company and to purchase and sell articles and goods of every description.
- kk) To carry on the business of engineers, metal, merchants, lumberers, merchants, agents, factories, importers, exporters, settlers, ship-owners, ship-builders, charterers of ships or other vessels, ware-housemen, ship or insurance brokers, carriers, forwarding agents wharfingers, sheep farmers, stock owners and breeders, pasture graziers, manufacturers of extract of meat, preserves and packers of provisions of all kinds, brewers, quarry owners, brickmakers, wool washers, tailors melters, canners, artificial and mechanical engineers storekeepers, commission agents, traders of any other business similar to any of the foregoing or appearing capable of being profitably the trades or business usually or sometimes carried on by persons developing any country or place with a view to forming towns or otherwise turning the resources (mineral agricultural or otherwise) of the same to account.
- ll) To carry on the business of managing agents, land, and estate agents and managers, visiting agents, insurance agents, auctioneers, brokers and commercial agents of every description and to assume the control of or take part in the management and super-vision of the business, under-taking and assets of any other company, association, firm or persons either in the capacity of stewards, or receivers or in that of leases or tenants with the power of advancing at a discount all or any of the accruing rents, royalties, products or incomings of all kinds and to transact on commission the general business of a land agent.
- mm) To carry on the business of a waterworks company in its branches and to sink wells and to make build and construct, lay down and maintain dams, reservoirs, water works, cisterns, culverts, filter beds, mains and other pipes and appliances and to execute and do all other acts that is necessary or convenient for obtaining storing, delivering, measuring, distributing and dealing in waters.
- nn) To export and import goods of every description from overseas and generally to carry on in any place or places in the world or any other trade or business whether manufacturing or otherwise subsidiary or auxiliary to or which can be conveniently carried on in connection with any of the company's objects and to establish for the conduct of the business of the company or for the sale of any material or things for the time being at the disposal of the company for sale and to advertise and adopt means of the company or any articles or good graded or dealt with, in, or by the company in any way that may be thought advisable including the position of bills in relation there to and the issue of circulars, books, pamphlets, pricelists and the conducting of competitions and giving of prizes, awards and donations.

(qq) AND it is hereby declared that the word "Company" in this clause be deemed to include any partnership or other body of persons whether incorporated or not incorporated and whether domiciled in Uganda or elsewhere and the intention is that objects specified in each paragraph be in no way limited or restricted by reference to inference from the forms of any paragraph or the name of the company.

" THE LIABILITY OF THE MEMBERS IS LIMITED"

The share capital of the company is Ug. Shs. 5,000,000/= (Uganda Shillings Five Million only) divided into 100 (Ordinary shares) of Ug. Shs. 50,000/= each with power to the company to increase or reduce the same.

We, the several persons whose names, postal addresses and occupations are here-unto subscribed are desirous of being formed into a company in pursuance of this memorandum of association and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

NAME, POSTAL ADDRESSES AND OCCUPATION OF SUBSCRIBERS:	NUMBER OF SHARES TAKEN BY EACH SUBSCRIBERS:	SIGNATURES OF SUBSCRIBERS:
1. NIYIBIGIRA INNOCENT P.O. BOX 2428 KAMPALA.	25%	<i>[Signature]</i>
2. KAYITA DEO P.O. BOX 10338 KAMPALA.	25%	CERTIFIED TRUE COPY <i>[Signature]</i>
3. HASHAKA JAMES P.O. BOX 123 KAMPALA. Kisumu	25%	<i>[Signature]</i> <i>[Signature]</i>
4. SERUSHIAGO JAMES P.O. BOX 8780 KAMPALA.	25%	<i>[Signature]</i> <i>[Signature]</i>

DATED this 25th day of July 1999.
[Signature]
 REGISTRAR OF COMPANIES
 KAMPALA

WITNESS TO THE ABOVE SIGNATURES:

SIGNATURE: *[Signature]*
 GODFREY J. RWALINDA ESQ.
 ADVOCATE
 P.O. BOX 7898, KAMPALA

NAME IN FULL:

OCCUPATION:

POSTAL ADDRESS:

31 May 99
 100) THE COMPANIES ACT CAP. 85
 1937/34
 COMPANY LIMITED BY SHARES
 4 31/5/99
 ARTICLES OF ASSOCIATION
 JOEL COX OJUKO
 OF
 JOEL COX OJUKO
 TRINITY (U) LIMITED

CERTIFIED TRUE COPY

The Company is a "PRIVATE COMPANY" AND ACCORDINGLY:-

- (a) The right to transfer shares is restricted in the manner hereinafter prescribed.
- (b) The number of members of the Company (exclusive of persons who are in the employment of the company and for persons who having been formerly in the employment have continued to be member of the company) limited to fifty provided that where two or more persons hold one or more shares in the company jointly they shall for the purpose of this Articles be treated as a single member.

PRELIMINARY

REGISTRAR OF COMPANIES
 KAMPALA

1. The regulations contained in Table "A" of the first schedule to the Companies Act, shall apply to the Company subject to the medications special provisions herein contained.
2. In these Articles if not inconsistent with the subject or objects the words standing in the first column for the following Table shall bear the meaning set opposite them respectively in the second column.

<u>WORDS</u>	<u>MEANINGS</u>
The Company	The Company
The Act	The Companies Act
The Statutes	The Companies Act and every other Act for the time being in force affecting the Company.
These Articles	These Articles of Association as originally formed or as from time to time altered by special resolution.
The Office	The Registered office for the time being of the Company.
Paid	or Credited as paid.

The Register	The register of members of the Company required to be kept by section 112 of the Act.
The Seal	The common seal of the Company.
The Secretary	Any person appointed to perform the duties of the Company.

Save as aforesaid any words or expressions defined in the statutes shall bear the same meaning in the articles.

3. Any branch or kind of business which the Company is either expressly or by implication authorized to undertake may be undertaken by the Directors at such time or times as they shall think fit and further may be suffered by them to be in abeyance whether such branch or kind of business may have been actually fit expedient not to commence or proceed with such branch or kind of business.
4. The office shall be at such places in Uganda as the Directors shall from time to time appoint.

TRANSFER AND TRANSMISSION OF SHARES

5. Any party to this agreement proposing to transfer any shares shall give notice in writing to the other parties. The Transfer notice shall specify the number of shares the transferrer proposes to transfer. The initial parties to this agreement shall have priority over any other party to purchase such shares.
6. Subject to such of the restrictions of these articles as may be applicable any member may transfer all or any of his shares by instrument in writing in any usual or common form or any other form which the Directors may approve.
7. The Directors may decline to register the transfer of a share not being a fully paid share to a person of whom they shall not approve and may also decline to register the transfer of a share on which the Company has a lien. The Directors will also be empowered to cancel any share or shares of any person and refund that person the value of the shares. The Directors will not be required to give any reason for their action.
8. The Directors may also decline to authorize any instrument of transfer unless:-
 - (a) A fee such as the Directors may from time to time require is paid to the Company in respect thereof;
 - (b) The instrument of transfer is accompanied by the certificate of the share to which it relates and such other evidence as the Directors may reasonably require to show right of the transfer to make the transfer;
9. If the Directors refuse to register the transfer they shall within two months after the date on which the transfer was lodged with the Company send to the transferee notice of the refusal.

nearly as may be to the amount of the capital held by them respectively or make any other provisions as to the issue of the new shares; but in default of any such determination or so far as the same shall not extend the new shares may be dealt with as if they formed part of the shares in the original capital.

20. Except so far as otherwise provided by the conditions of issue or by these articles any capital raised by the creation of new shares shall be considered part of the original capital and shall be subject to the provisions herein contained with reference to the payment of calls and installments, transfer and transmission, forfeiture lien surrender and otherwise, unless otherwise provided in accordance with those articles, the new shares shall be ordinary shares.
21. The company may from time to time by ordinary resolution;
- (a) Consolidate and divide all or any of its share capital into shares of larger amount than its existing shares;
 - (b) Subdivide its shares or any of them into shares of smaller amounts than is fixed by its Memorandum of Association subject nevertheless to the provisions of section 63 (i) (d) of the Act and so that the resolution whereby any shares are subdivided may determine that as between the resulting shares one or other of such shares may be given any preference or advantage as regards dividend capital, voting or otherwise over the others or any other of such shares; or
 - (c) Cancel any shares which at the date of the passing of the resolution have not been taken or agreed to be taken by any person and diminish the amount of the share capital by the amount of the shares so canceled.

GENERAL MEETINGS

22. The Company shall in each year hold a general meeting as its annual general meetings in addition to any other meeting in that year, and shall specify the meeting as such in the notice calling it and not more than fifteen months shall elapse between the date of one annual general meeting within eighteen months of its incorporation, but it need not hold it in the year of its incorporation in the following year. The Annual General Meeting shall be held at such time and place as the Directors shall appoint.
23. The Company may by special resolution reduce its share capital and capital redemption reserve fund or any premium account in any manner and with subject to any indecent authorized and consent required by law.
24. All general meetings other than annual general meetings shall be called extraordinary general meetings.
25. The Directors may whenever they think fit, convene an extra ordinary general meeting, and extra ordinary general meetings shall also be convened on such requisitions or in default may be convened as provided by section 132 of the Act. If at any time there are not within Uganda sufficient Directors capable of acting to form a quorum any Director

or any two members of the Company may convene an extraordinary general meeting in the same manner or as nearly as possible as that in which meetings may be convened by the Directors.

26. The Company shall promptly comply with the provisions of section 140 of the Act as to giving notice of resolutions on circulating statements on the requisition of member.

NOTICE OF GENERAL MEETING

27. A General Meeting shall be called by 21 days' notice in writing at the least. The notice shall be exclusive of the day on which it is served or deemed to be served and notices from the Company and to the Auditors provided that a meeting of the company shall notwithstanding that it is called by shorter notice than specified in this article be deemed to have been duly called if so agreed:
- (a) In the case of a meeting called as the annual General Meeting by all the members entitled to attend and vote thereat;
 - (b) In the case of any other meeting by a majority in number of the members having a right to attend and vote the meeting being a majority together holding not less than 95 percent in nominal value of the shares giving that right.

PROCEEDINGS AT GENERAL MEETING

28. All business shall be deemed special which is transacted at an extra-ordinary general meeting and also all business which is transacted at an annual general meeting with the exception of declaring a dividend, the consideration of the accounts, balance sheets and the reports of the Directors, and Auditors, the election of Directors in place of those retiring and the appointment and the fixing of the remuneration of the Auditors.
29. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business: save as herein otherwise provided two, three members present in person shall be a quorum.
30. If within half-an-hour from the time appointed for the meeting a quorum is not present the meeting if convened upon the requisition of members shall be dissolved; in any other case it shall stand adjourned to the same day in the next week, at the same time and place to such other day and at the same time and place as the Directors may determine and if at the adjourned meeting a quorum is not present within half-an-hour from the time appointed for the meeting the member present shall be a quorum.
31. The Chairman, if any, of the Board of Directors shall preside as Chairman at every general meeting of the company, or if there is no such chairman, or if he shall not be present fifteen minutes after the time appointed for the holding of the meeting or is unwilling to act the Directors present shall elect one of their members to be the Chairman of the meeting.
32. If at any meeting no Director is willing to act as Chairman or no Director is present

to day. A Director may also be paid all travelling, hotel and other expenses properly incurred by the attending and retiring from meeting of the company or in connection with the business of the Company.

41. Any Director who serves on any committee or devotes special attention to the business of the company or who otherwise performs service which in the opinion of Directors are outside the scope of the ordinary duties of a Director may be paid such extra remuneration by way of salary, percentage of profits, or otherwise as the Board of Directors may determine.

BORROWING POWERS

42. The Directors may exercise all the powers of the Company to borrow money and to mortgage or charge its undertaking, property and uncalled capital or any part thereof and to issue debentures, debenture stock whether out-right or as security for any debt, liability or obligations of the Company or any third party. The Directors are hereby empowered to borrow up to 5 (five) Billion Uganda Shillings or its equivalent at any one time on behalf of the Company.

POWERS OF DIRECTORS

43. The business of the Company shall be managed by the Directors who may pay all expenses incurred in promoting and registering the Company and may exercise all such powers of the Company as are not by the Act or by these Article required to be exercised by the Company in general meeting subject, nevertheless, to such regulations of or provisions as may be prescribed by the Company in General Meeting. But no regulation made by the Company in General Meeting shall invalidate any prior act of Directors which would have been valid if that regulation had not been made.
44. The Directors may from time to time and at any time by powers of attorney appoint any company, firm or person or body of persons whether nominated directly or indirectly the Directors to be the Attorney or Attorneys of the company for such discretion (not exceeding those vested in or exercisable by the Directors under these Articles) and for such periods and subject to such condition as they think fit, and any such powers of attorney may contain such provisions for the protection and convenience of person dealing with such attorney and may also authorize any such authorities and discretion vested in him.

MANAGING DIRECTORS

45. The Directors may entrust to and confer upon a Managing Director any of the powers exercised by them upon such terms and conditions and with such restrictions as they may think fit and whether collaterally with or to the exclusions of their own powers and may from time to time revoke, withdraw alter or vary all or any of such powers. The Directors shall from time to time appoint one of them to the office of Managing Director of the Company and while he holds such office that Management and control of the Company shall be vested in him.

SECRETARY

46. The Secretary shall be appointed by the Directors for such term, at such remuneration

and upon such conditions as they may deem fit and any Secretary so appointed may be removed by them. The provisions of section 178 to 180 inclusive of the Act shall be observed. Where there is no secretary capable of acting, the Directors may appoint one of the Directors an Assistant or Deputy Secretary or any other officer of the Company to perform the duties of a Secretary.

THE SEAL

47. The Director shall provide for the safe custody of the Seal which shall only be used by the authority of the Directors or a committee of the Directors authorized by the Directors in that behalf and every instruments to which the Seal shall be affixed shall be signed by a Director and shall be counter-signed by the Secretary.
48. All deeds executed on behalf of the Company may be in such form and contain in such powers, provisions, conditions, covenants, Clauses and agreements as the Directors shall think fit and in addition to being sealed with the seal shall be signed by a Director and countersigned by the Secretary or by a second Director.

NOTICES

49. A notice may be given by the Company to any member either personally or by sending it by post to him at his registered address or to the address if any, within Uganda or elsewhere supplied by him to the Company for the giving of notice.
50. When a notice is sent by registered post, service of the notice shall be deemed to be effected by properly addressing stamping and posting a letter containing the notice by air mail if addressed to a destination outside Uganda and to have been effected in the case of a notice or a meeting at the expiration of 96 hours after letter containing the same is posted and in any other case at the time at which the letter would be delivered in the ordinary course of post.
51. Notice of every general meeting shall be given in a manner hereinbefore authorised to:
 - (a) Every member except those members who (having no registered address within East Africa) have not supplied to the Company an address within East Africa for the giving of notice to them.
 - (b) Every person upon the ownership of a share develops by reason of his being a legal personal representative of a trustee in bankruptcy of a member where the member but for his death or bankruptcy be entitled to receive notice of the meeting; and
 - (c) the auditor for the time being of the company.
52. Every Director, Managing Director, agent, auditor, Secretary and other officer for the time being of the Company shall be indemnified out of the assets of the company against any liability incurred by him in defending any proceedings, whether civil or criminal in which judgment is given in his favour or in which he is acquitted or in connection with any application under Section 405 in which relief is granted to him by the Court.

NAME, POSTAL ADDRESSES AND OCCUPATION OF SUBSCRIBERS:	SIGNATURES OF SUBSCRIBERS:
1. NIYIBIGIRA INNOCENT P.O. BOX 2128 KAMPALA.	<i>Niyibigira</i> CERTIFIED TRUE COPY
2. KAYITA DEO P.O. BOX 10239 KAMPALA.	<i>Kayita Deo</i>
3. HASHAKA JAMES P.O. BOX 123 KAMPALA. K13020	<i>J Hashaka</i> REGISTRAR OF COMPANIES KAMPALA
4. SERUSHAGO JAMES P.O. BOX 2750 KAMPALA.	<i>Serushago</i>

3021 COX OTUK

DATED this 25th day of May, 1999.

WITNESS TO THE ABOVE SIGNATURES:

SIGNATURE: *Godfrey J. Rwalinda*
 GODFREY J. RWALINDA ESQ.
 ADVOCATE
 P.O. BOX 7898, KAMPALA

NAME IN FULL:

OCCUPATION:

POSTAL ADDRESS:

UR Annex 35

PN/SH/C/6A

OFFICE OF THE COMMANDER - OS2



UPDF

Operation Safe Haven
Tactical Hqs
KISANGANI

MADAME LOTSOVE ADELLE

KISANGANI

18 Jun 99

APPOINTMENT AS A PROVISIONAL GOVERNOR OF ITURI AND HAUT-UELE

1. I have the honour to inform you that, with effect from today, 18 Jun 99, you have been appointed the provisional Governor in charge of the Districts of ITURI and HAUT-UELE.
2. You will be stationed at Bunia which will serve as the administrative Headquarters for the area under your jurisdiction.
3. Among other things, you will be required to do the following:-

(A) Politics

You may have realised that the politics in Congo, in general, and in the so called liberated areas, in particular, is characterised by a lot of corruption in terms of swindling public funds and moral decadence. Leaders at every level are more concerned with personal interests than public concerns. This has led to the majority of the people losing hope in the entire political leadership in as far as the emancipation of their interests is concerned. Both government and rebel leaderships have continued losing credibility in the face of the suffering population.

I would like to suggest that you do the following on assumption of your new office:-

a) Democracy

Try to establish a system of popular participation in the day - to - day running of the people's affairs. Let the people discharge this authority through elected local structures. Leaders of the people must be elected by the people themselves. The cheapest way of doing this could be through a system whereby people line behind their preferred candidates. You could begin with places which are relatively populated - like towns. Having monitored the performance of these structures in

On assumption of the new office, try to do the following:-

- Work out a reorganisation programme of both social and economic services i.e. hospitals, public transport etc.
- Embark on a minimum road rehabilitation programme, to begin with, emphasising minor repairs and thereafter work out a comprehensive road rehabilitation programme with a view to boosting trade and commerce, and the delivery of social services to the people.
- Reorganise the revenue collection system - starting with border points and towns. The system should focus on accountability.
- Revenue collected must be injected in security, social and economic infrastructures.
- Reorganise the mining sector with powers of concession. Discuss with prospective mining firms with a view to raising revenue, providing employment, and provision of other social services aimed at improving the quality of life in the area.
- Revitalise the agricultural sector with emphasis on improving production.
- Create a suitable environment for investment, and, cross-border trade.

4. By copy of this letter, Lt. Col. Sula Semakula in Isiro and Capt. Kyakabale in Bunia, are directed to work out a comprehensive security arrangement for you using UPDF soldiers at the beginning. The Congolese military and civil police, after reorganisation, should then relieve UPDF of these internal security tasks. Reorganisation must not exceed two months.

5. In a nutshell, the responsibility of any authority or government be it at any level, should be -

- provision of security for life and property.
- infrastructural rehabilitation and development
- a conducive policy framework i.e. policies aimed at boosting trade and investment
- putting in place a transparent political/administrative system.

6. You are therefore to take charge of Radio Bunia (CANDIP) to launch a vigorous awakening programme in the area, aimed at highlighting these aims and objectives of your administration.

7. For the initial period, I am releasing Capt. Mawa Muhlido to help you put and consolidate a workable system in place.

towns, the system could be spread to cover villages. Let the people, for the first time, have the power to control both their political/military leaders, and their wealth through a just and fair system. Therefore, rejuvenation of the judiciary system is a must.

(b) Security

Insecurity has characterised Congolese life for more than 30 years. People have suffered at the hands of indisciplined criminal soldiers who have no respect for human life and property. This situation has been a result of the following:-

- Having no democratic/administrative institutions in charge of the people's affairs
- Having a neglected and disorganised military and civil police force, which thrives on extortion.
- Having a very narrow homestead income base due to poor management of economic activities

On assumption of your new office, with help of UPDF in both Bunia and Isiro, embark on the following:-

- Establish the number of Congolese military and civil police forces with a view to putting in place welfare programmes to cater for them.
- Have them re-organised and put in coherent formations.
- Tackle their welfare problems i.e. food, medicine, uniforms etc. using limited revenue collections.
- Subject them to a minimum politicisation programme and have them deployed to maintain law and order in the area. They must be educated to know that the gun is for protecting people and their property - after all it was bought by the people.

(c) Economy

The economy of the DRC is in a total mess. This is due to its gross mismanagement by the leadership referred to above. The vital economic sectors i.e. Agriculture, Trade and Commerce, Mining, Banking, Fishing, Transport and Communication, Power Generation, Timber production, Industrial processing were highjacked by corrupt leaders to further their selfish interests at the expense of national development. To this end, the DRC is one of the countries with the highest mortality rates, maternal mortality rates, illiteracy at around 75%, very poor living conditions, high un-employment rates, hyper-inflation, etc. This state of affairs can not produce a healthy population.

8. Remember that, as a decentralised authority, you are answerable to the people you lead. The essence is to serve the people thereby providing the much needed guidance for the attainment of improved welfare.

I wish you the best of luck.


JAMES KAZINI (Psc)
Brig
COMD SAFE HAVEN

Copy to

Colonel P Kerim
Lt. Col F Mugenyi
Lt. Col S Semakula
Capt Kyakabale

UR Annex 36

DARA GREAT LAKES (INDUSTRIES) LTD.

P.O. BOX 7484, KAMPALA, UGANDA.

TEL: 256 - 41 - 269708, 269337 FAX: 256 - 41 - 269679

E-MAIL : dara@infocom.co.ug

11th October, 1999

The Commissioner
Ministry of Water, Lands & Environment,
Forestry Department,
P.O. Box 7124,
KAMPALA.

Thru: District Forestry Officer
Mukono.

Dear Sir,

RE: APPLICATION FOR A PERMIT TO HARVEST HARDWOOD
CYNOMETRA ALEXANDRIA, CELTIS AND PIRINARI FROM MABIRA
FOREST RESERVE.

*This company could attract
celtis from the stock kept
plot of 230 4 192 in Mabira forest reserve
Other hardwood species in this area
could be harvested. Considered
22 May 2000*

This is to submit our application for a concession to harvest hardwood from Mabira Forest Reserve.

We are a limited liability company incorporated in Uganda and if granted a permit, the following is our intended work plan.

1. Investment Plan

If we are granted the concession, we propose to process the raw materials into semi finished and finished products. The raw materials shall be extracted from Uganda and also from the Eastern part of Congo. Both products shall be exported.

2. Type of Machinery to be used

We have in stock sawing machines. We also use Braun and Canali for cutting, and we also employ welding and moulding. All these equipments will be imported from Germany. These machines cost more than US\$1,000,000 and it is therefore a serious commitment by ourselves towards the said venture.

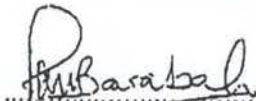
3. Markets for the products

Of the products we are going to process, we intend to export the same to the following countries.

- (a) 30% to Singapore, China and Japan.
- (b) 40% to Europe.
- (c) 35% to North America.

4. **Employment Opportunities.**
We envisage that as a result of our operations, we shall be able to gainfully employ at least 150 Ugandan citizens.
5. **Commencement of Operations:**
We intend to begin our operations in six months after notification that our application for a concession has been granted.
6. **Ugandan Participation in the Operations**
There is a Ugandan Shareholder in the said venture; she is Prossy Balaba.
7. **Situation of Operations**
The logging shall be done in Mabira Forest (Mukono) and the industry shall be based in Kampala. As part of our activities, we intend to initiate programmes that will focus our restoration and preservation of the environment. We shall be very grateful if our application meets with your most favourable approval.

Yours faithfully,



.....
For: DARA GREAT LAKES (INDUSTRIES) LTD.

11th October, 1999

The Commissioner
Ministry of Water, Lands & Environment,
Forestry Department,
P.O.Box 7124,
KAMPALA.

Thru: District Forestry Officer
Masindi

Dear Sir,

RE: APPLICATION FOR A PERMIT TO HARVEST HARDWOOD -
CYNOMETRA ALEXANDRIA, CELTIS AND PIRINARI FROM BUDONGO
FOREST RESERVE.

*The applicant could be permitted
to harvest Cynometra from stocks
mapped on plots N6, N8 and N11*

DISTRICT FOREST OFFICER
P.O. BOX 173, MASINDI

7/10/99

This is to submit our application for a concession to harvest hardwood from Budongo Forest Reserve.

We are a limited liability company incorporated in Uganda and if granted a permit, the following is our intended work plan.

1. Investment Plan

If we are granted the concession, we propose to process the raw materials into semi finished and finished products. The raw materials shall be extracted from Uganda and also from the Eastern part of Congo. Both products shall be exported.

2. Type of Machinery to be used

We have in stock sawing machines. We also use Braun and Canali for cutting, and we also employ welding and moulding. All these equipments will be imported from Germany. These machines cost more than US\$1,000,000 and it is therefore a serious commitment by ourselves towards the said venture.

3. Markets for the products

Of the products we are going to process, we intend to export the same to the following countries:

- (a) 30% to Singapore, China and Japan.
- (b) 40% to Europe.
- (c) 35% to North America.

Employment Opportunities.

We envisage that as a result of our operations, we shall be able to gainfully employ at least 150 Ugandan citizens.

Commencement of Operations:

We intend to begin our operations in six months after notification that our application for a concession has been granted.

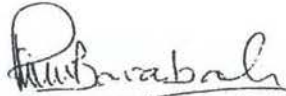
Ugandan Participation in the Operations

There is a Ugandan Shareholder in the said venture; she is Prossy Balaba.

Situation of Operations

The logging shall be done in Budongo Forest (Masindi) and the industry shall be based in Kampala. As part of our activities, we intend to initiate programmes that will focus our restoration and preservation of the environment. We shall be very grateful if our application meets with your most favourable approval.

Yours faithfully,



For: DARA GREAT LAKES (INDUSTRIES) LTD.

DARA GRE

INDUSTRIES LTD

P.O. BOX 7484, KAMPALA, UGANDA.

TEL: 256 - 41 - 269708, 269337 FAX: 256 - 41 - 269679

E-MAIL : dara@infocom.co.ug

11th October, 1999

The Commissioner
Ministry of Water, Lands & Environment,
Forestry Department,
P.O Box 7124,
KAMPALA.

Thru: District Forestry Officer
Hoima

Dear Sir,

RE: APPLICATION FOR A PERMIT TO HARVEST HARDWOOD -
CYNOMETRA ALEXANDRIA, CELTIS AND PIRINARI FROM BUGONIA DISTRICT
FOREST RESERVE.

DISTRICT FOREST OFFICER
HOIMA

This is to submit our application for a concession to harvest hardwood from Bugonia Forest Reserve.

We are a limited liability company incorporated in Uganda and if granted a permit the following is our intended work plan.

1. **Investment Plan**

If we are granted the concession, we propose to process the raw materials into semi-finished and finished products. The raw materials shall be extracted from Uganda and also from the Eastern part of Congo. Both products shall be exported.

2. **Type of Machinery to be used**

We have in stock sawing machines. We also use Braun and Canali for cutting and we also employ welding and moulding. All these equipments will be imported from Germany. These machines cost more than US\$1,000,000 and it is therefore a serious commitment by ourselves towards the said venture.

3. **Markets for the products**

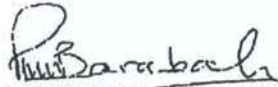
Of the products we are going to process, we intend to export the same to the following countries:

- (a) 30% to Singapore, China and Japan.
- (b) 40% to Europe.
- (c) 35% to North America.

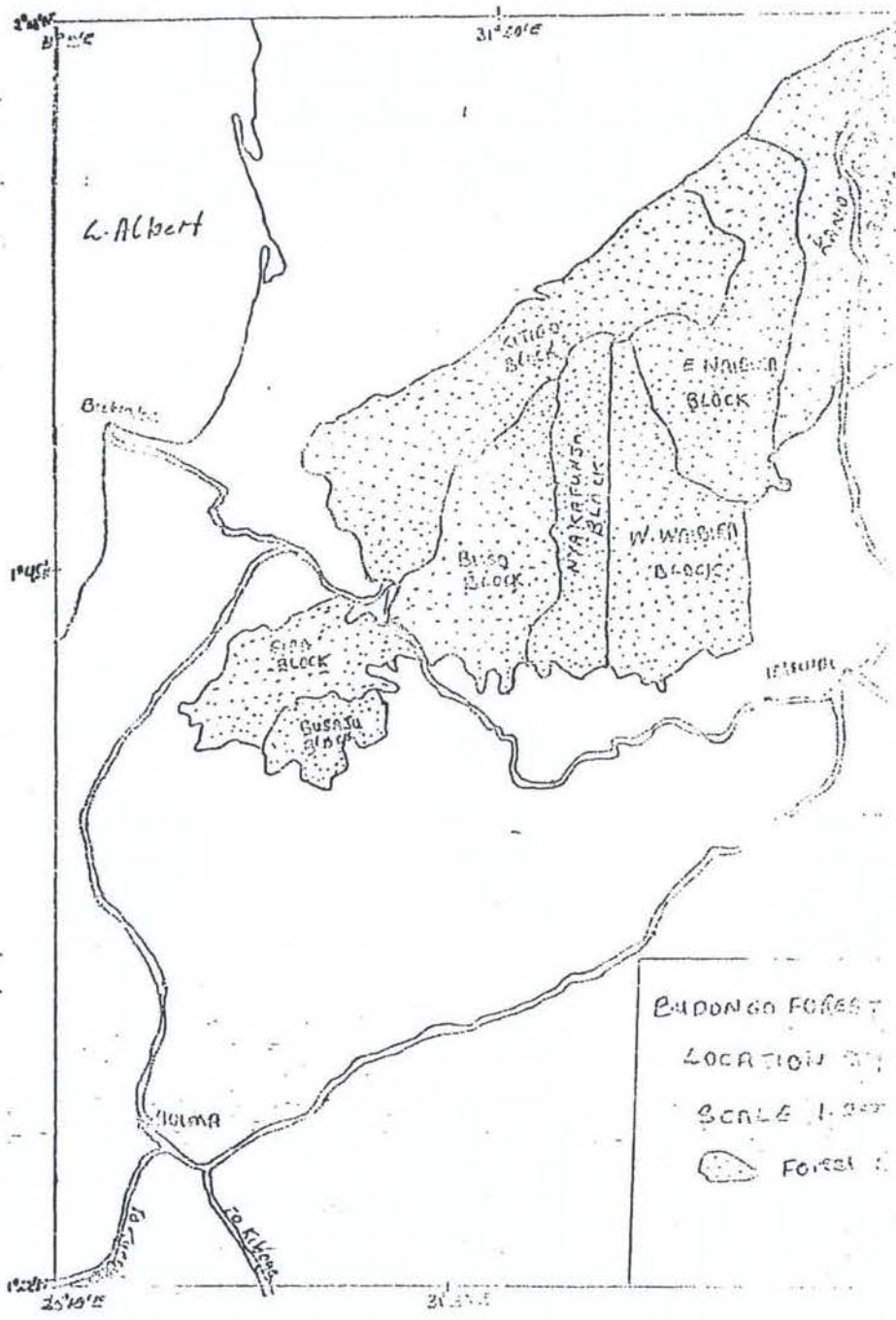
The applicant can be considered a concessionaire. There is however a need for inventory and stock to be done to establish the extent of the species applied for.

4. **Employment Opportunities.**
We envisage that as a result of our operations, we shall be able to gainfully employ at least 150 Ugandan citizens.
5. **Commencement of Operations:**
We intend to begin our operations in six months after notification that our application for a concession has been granted.
6. **Ugandan Participation In the Operations**
There is a Ugandan Shareholder in the said venture; she is Prossy Balaba.
7. **Situation of Operations**
The logging shall be done in Bugoma Forest (Hoima) and the industry shall be based in Kampala. As part of our activities, we intend to initiate programmes that will focus our restoration and preservation of the environment. We shall be very grateful if our application meets with your most favourable approval.

Yours faithfully,



For: DARA GREAT LAKES (INDUSTRIES) LTD.



UR Annex 37



THE REPUBLIC OF UGANDA

CERTIFIED TRUE COPY
NO. 41500

JOEL COX OJUKO
REGISTRAR OF COMPANIES

Certificate of Incorporation

(Under section 16 (1) of the Companies Act)

I CERTIFY that DARA GREAT LAKES (INDUSTRIES) LIMITED

has this day been incorporated with Limited Liability.

Dated at Kampala, this 14th day

of OCTOBER the year 1998.

JOEL COX OJUKO

Asst. Registrar of Companies.

No. of Company

Company Form No. 7

300/-

19th Dec 1989
GOVERNMENT OF UGANDA
1983909

Received	300
Receipt No.	1983909
Date	19/12/89
Signature	WA

BISEREKO KYOMUHENDO

REGISTRAR OF COMPANIES
KAMPALA

THE COMPANIES ACT, 1958

BEN TURYASINGURA

CERTIFIED TRUE COPY

PARTICULARS OF DIRECTORS AND SECRETARIES

(Pursuant to section 201 (4))

BEN TURYASINGURA
REGISTRAR OF COMPANIES
KAMPALA

Name of Company: Ms DABA GREAT Lakes (INDUSTRIES) LTD Limited

Presented by: KAZOLO AND KHIDDO ADVOCATES

(a) PARTICULARS OF THE PERSONS WHO ARE DIRECTORS

Name (In the case of an individual, present Christian name or names and surname. In the case of a corporation, the corporate name)	Any former Christian name or names and surname	Nationality	
JOHN SUPIT KOTIRAM		THAI	
PRANEE CHANYUTTASRI		THAI	
PROSSY BALABA		UGANDAN	

(b) Particulars of the persons who is Secretary

Name (In the case of an individual present Christian name or names and surname. In the case of a corporation, the corporate name)	Any former Christian name or names and surname	
KABOLD AND KHIDDU ADVOCATES		

ated the 18th day of OCTOBER 1993.

NOTES

- 1) "Director" includes any person who occupies the position of a director by whatever name called and any person in accordance with whose directions or instructions the directors of the company are accustomed to act.
- 2) "Christian name" includes a forename, and "surname", in the case of a peer or personally usually known by a title different from his surname, means that title.

"Former Christian name" and "former surname" do not include:-

- (a) In the case of a peer or a person usually known by a title different from his surname, the name by which he was known previous to the adoption of or succession to the title; or
- (b) In the case of any person, a former Christian name or surname where that name or surname was changed or disused before the person bearing the name attained the age of eighteen years or has been changed or disused for a period of not less than twenty years; or
- (c) In the case of married woman the name or surname by which she was known previous to the marriage

OF THE COMPANY AT THE DATE OF THIS RETURN

Usual residential and postal address. (In the case of a corporation, the situation of it registered or principal office and its registered postal address).	Business occupation and particulars of other directorships.	Date of birth
P.O. BOX 8352, KAMPALA	---	ADULT
P.O. BOX 8352, KAMPALA	---	ADULT
P.O. BOX 8352, KAMPALA	<p style="text-align: center;">CERTIFIED TRUE COPY</p> <p style="text-align: center;"><i>[Signature]</i></p> <p style="text-align: center;">REGISTRAR OF COMPANIES KAMPALA</p>	ADULT

of the Company at the date of this return.

Usual residential and postal address. (In the case of a corporation, the situation of it registered or principal office and its registered postal address).

P.O. BOX 2395, KAMPALA

Signed *[Signature]* Director

Signed *[Signature]* Secretary

KASOLO & KIHEDRU
ADYOCATERS
P.O. BOX 2395, KAMPALA

- (4) The names of all bodies corporate incorporated in Uganda of which the director is also a director should be given except bodies corporate of which the company making the return is the wholly-owned subsidiary or bodies corporate which are the wholly-owned subsidiaries of the company or of another company of which the company is the wholly-owned subsidiary. A body corporate is deemed to be the wholly-owned subsidiary of another if it has no members except that other and that other's wholly owned subsidiaries and its or their nominees. If the space provided in the form is insufficient, particulars of other directorships should be listed on a separate statement attached to this return.
- (5) Dates of birth need only be given in the case of a company which is subject to section 186 of the Companies Act, 1958, namely a company which is not a private company or which, being a private company, is the subsidiary of a body corporate incorporated in Uganda which is not a private company.
- (6) Where all the partners in a firm are joint secretaries, the name and principal office of the firm may be stated

No. of Company

5779002
Gen. Co. Form No. A 2

GOVERNMENT OF UGANDA

14th Oct. 99
1973/61
THE COMPANIES ACT, 1958

14.10.99

Declaration of Compliance with the Requirements of the Companies Act, on Application for Registration of a Company

REGISTRAR OF COMPANIES to Section 17 (2)
KAMPALA

JOHN COX OJUKO
CERTIFIED TRUE COPY

Name of Company M/S DARA GREAT LAKES (INDUSTRIES) Limited

Presented by Moses Ibaale

BENJAMIN SINGIRA
REGISTRAR OF COMPANIES
KAMPALA

I, Moses Ibaale
of M/S Kasolo & Khiddu Advocates, P.O. Box 2395, KAMPALA.
Do solemnly and sincerely declare that I am an Advocate of the High Court of
Uganda and all courts subordinate thereto engaged in the formation
of M/S DARA GREAT LAKES (INDUSTRIES), Limited and
that all the requirements of the Companies Act, in respect of matters precedent to the registration of the
said Company and incidental thereto have been complied with. And I make this solemn Declaration
conscientiously believing the same to be true and by virtue of the provisions of the Statutory
Declarations Act, 1835.

5-77 9007
14/10/99

Declared at KAMPALA
the 14TH day of OCTOBER
one thousand nine hundred and Ninety Nine.
before me.

Mbaale

FRANCIS SENGENDO
ADVOCATE
Commissioner of Oaths
6914, RA

UR Annex 37

High Court engaged in the formation" or "A person named in the Articles of

41380
14-10-99

THE REPUBLIC OF UGANDA

THE COMPANIES ACT (CAP 85)

CERTIFIED TRUE COPY
COMPANY LIMITED BY SHARES

MEMORANDUM

BENTUKASINGURA

AND

REGISTRAR OF COMPANIES
KAMPALA

ARTICLES OF ASSOCIATION

OF

“M/S DARA GREAT LAKES (INDUSTRIES) LTD”

DRAWN BY:
M/S KASOLO & KHIDDU
ADVOCATES,
PLOT NO. 4,
KAMPALA ROAD,
P.O.BOX 2395,
KAMPALA

14 + 4.04 99 197316
 THE COMPANIES ACT (CAP. 85)
 COMPANY LIMITED BY SHARES
 MEMORANDUM OF ASSOCIATION
 OF
 "M/S DARA GREAT LAKES (INDUSTRIES) CERTIFIED TRUE COPY

1. The name of the Company is:

"M/S DARA GREAT LAKES (INDUSTRIES) LTD"

BENTLEY ASINGURA

2. The Registered office of the company will be situated in the Republic of Uganda.

REGISTRAR OF COMPANIES
 KAMPALA

3. The objects for which the Company is established are:-

- (a) To carry on the business of timber and lumber merchants, lumber-yard and sawmill proprietors, and to buy, sell, prepare for market, import, export and deal in articles of all kinds of manufacture which timber or wood is used; to carry on the business of logging and lumbering, purchasing, acquiring and leasing timber berths, and so far as may be deemed expedient the business of general merchants in any other business.
- (b) To enter into contracts, tenders and agencies with any government, parastatal or other organizations for the procurement, transportation storage and supply of timber
- (c) To carry on the business of importation and exportation of timber; to trade and deal in timber yard industry; dealers in wood workshop, timber yard carpentry, plywood, hardboard, wood blocks for flooring, ceiling and other purposes, boxes, windows, doors, wood pulp, tool handles, joinery, and dealers in all other goods and articles used in similar business or commonly supplied in connection thereto.
- (d) To establish and carry on the business of general merchandise, general trade, import, export, and sell either by retail or wholesale, project development service sector.
- (e) To carry on the business of retail, wholesale, manufacturers, importers, exporters, suppliers and distributors of all types of merchandise, materials, commodities and other goods of whatever description in Uganda and in other countries.

- (f) To establish depots, ware house shops and stations and for furtherance of the aforesaid businesses, to open up branches within and outside Uganda.
- (g) To lend money to or provide credit or financial accommodation to any person or company in case in which such grant or provision is considered likely directly or indirectly to further any of the objects of the company or the interests of its members.
- (h) To borrow and raise money and secure or discharge any debt or obligation of or binding on the company in such manner as may be thought fit and in particular by mortgage of charges upon the undertaking and all or any of the real and personal property (present and future) and the uncanceled capital of the company or by the creation and issue of debentures, debenture stock or other obligations or securities of any description .
- (i) To sell, exchange, mortgage, let or rent, share of profit royalty or otherwise grant licenses, easements options, servitude and other rights over and in any other manner or dispose of the undertaking, property, assets, right and effects of the company or any part thereof for such consideration may be thought fit and in particular for stocks, shares, debentures or other obligations or securities whether fully or partly paid up, of any other company.
- (j) To give any remuneration or other compensation reward for services rendered or to be rendered in placing or procuring subscription of or otherwise assisting in the issue in any shares, debentures of other securities of the company or in about the formation of the company of the conduct of its business.
- (k) To establish or promote, procure or participate in establishing or promoting any company the establishment or promotion of which shall be considered desirable in the interest of the company and to subscribe for, underwrite purchase or otherwise acquire the shares, stocks and securities of any such company or of company carrying on proposing to own business or activity within the objects of the company.
- (l) To receive money on deposit or loan with or without allowance of interest therein.
- (m) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants, debentures and other negotiable instruments.

- (n) To enter into partnership or any other arrangements for sharing profits, union of interest or cooperation, in concerns or otherwise with any person or persons, firm or firms or company or corporation carrying on or engaged in transactions which the company may deem capable of being conveniently carried on in connection with the above or calculated directly to enhance the value of or render profitable any of the company's property and or whereby the company would be benefited.
- (o) To enter into any arrangements with any government or authorities municipal, (local or otherwise) or any corporation, companies or persons that may seem conducive to the company's objects or any of them and to obtain from any Government authority, corporation or persons any charters, contracts, decrees, rights, privileges and concessions which the company may think desirable and carry out, exercise and comply with any such charter, contracts, decrees, rights, privileges and concessions and to represent and advocate the view and policies of the company to Governments and other authorities.
- (p) To purchase or otherwise acquire real and personal estates for the objects and purposes of the company and to sell, lease, exchange, mortgage or otherwise deal with all or any of the real and personal property of the company.
- (q) To establish and carry on the business of general merchandise, general trade, motor trade, import, export and sell either by retail or wholesale, project development, industrial service sector.
- ® To establish, acquire and carry on the business of fabrication, manufacturers in general, and in particular to deal in steel furniture, iron and steel converters, smiths, metallurgists, vehicle reflectors, reflective signs and other machinery.
- (s) To carry on any business relating to the winning and working and production of metals, manufacture and preparation of any other materials which may be usefully or conveniently combined with the engineering or manufacturing business of the company, or any contracts undertaken by the company, and either for the purpose such contracts or as an independent business.
- (t) To buy, sell, manufacture, repair, convert, alter, let on hire and deal in machinery implements, rolling stock and hardware of kinds.
- (u) To carry on the business of welding in all its branches, to weld all types of steel e.g. beds, windows frames, door frames and all steel accessories.

- (v) To enter into contracts relating to, and to erect, construct, maintain, alter, repair, pull down or restore works of all descriptions, including buildings, drainage, sewerage, mills engines and electric work.
- (w) To conduct or promote or participate in tests, experiments and research work of any nature connected directly or indirectly with any of the businesses aforesaid or which may be thought likely, directly to benefit the company.
- (x) To enter into contracts, tenders and agencies with any government, parastatal or other organizations for the procurement, transportation storage and supply of coffee, maize-flour, wheat-flour and any other produce or farm products.
- (y) To establish depots, ware house shops and stations for furtherance of the aforesaid businesses.
- (z) To buy, sell, manufacture, repair, convert, alter, let or hire, and deal in machinery implements, rolling stock, and hardware of all kinds, and to carry on any other business, manufacturing or otherwise, which may seem to the company capable of being conveniently carried on in connection with the above objects.
- (aa) To carry on the business of manufacturers, suppliers and distributors of and dealers in goods of every description in all the parts of the country and outside it.
- (bb) To buy, sell, manufacture, repair, convert, alter, let or hire and deal in machinery implements, rolling stock and hardware of all kinds.
- (cc) To carry on the business of welding in all its branches, to weld all types of steel e.g. beds, window frames, door frames and all steel accessories.
- (dd) To enter into contracts relating to, and to erect construct, maintain, alter repair, pull down or restore works of all descriptions, including buildings drainage, sewerage, mills engines and electric work.
- (ee) To conduct or promote or participate in tests, experiments and research work of any nature connected directly or indirectly with any of the businesses aforesaid or which may be thought likely, directly to benefit the company.
- (ff) To carry on business of buyers, collectors, curers, roushers, hullers, dealers and processors of coffee exporters and importers, cultivators, blenders and processors of cotton, tea, cinchona, tobacco, sugarcanes, maize, pulse, rubber and other produce.
- (gg) To do business as mixed farmers, poultry keepers, cattle ranchers and dealers in dairy keeping, breeders and grazers of cattle, sheep, goats

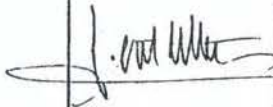


and other animal hatchers and keepers of cocks, chicks, ducks turkeys, poultry and other birds, and market for profit products there from like milk, eggs, ghee, etc.

- (hh) To carry on all or any of the trades and business of live farmers, grazers, breeders of and dealers in livestock, and livestock products, to import and export the same and the business in connection with agriculture or horticulture.
- (ii) To commence, establish, develop, continue and carry on business of agriculture and engage in dairy and farm products and to grow crops for commercial use like sorghum, maize, sun flower, soybeans, beans, simsim, millet, ground nuts and sell, import, improve, prepare, deal and trade in cattle, pigs, poultry, game and live and deal in stock of every description.
- (jj) To establish and carry on the business of dealing in the processing, packing, tinning and marketing of all daily products including milk products.
- (kk) To carry on business as farmers, catchers or trappers of fish reptiles, crocodiles, amphibians, animals and birds, curers, sellers and preservers thereof manufactures, products of and dealers in any farm product.
- (ll) To carry on the business of producing, harvesting, purchase, processing, packaging and marketing of agricultural produce like maize, millet, sorghum, fish, timer and any other products incidental thereto for both local and external markets.
- (mm) To identify and classify quality standards for the advancement of social, economic development of the rural population, and to plant trees for commercial and domestic use.
- (nn) To carry on the business of timer industry and dealers in wood workshop, timber yard carpentry, plywood, hardboard, wood blocks for flooring and other purposes.
- (oo) To make boxes, windows, doors, wood pulp, tool handles, joinery, and dealers in all other goods and articles used in similar business or commonly supplied in connection thereto.
- (pp) To carry on the business as general transporters carriers of goods and, passengers either by road, air or sea storage contractors and ware housemen, road transport owners and hires, and generally to facilitate travelling, and to provide or promote the provision of facilities of ever description for tourists and travellers.

- (qq) To purchase, take or otherwise acquire, hold motor vehicles, min-buses, buses, lorries, heavy trucks motor-cycles, land, buildings, offices for managing driving schools, instructors, motor mechanic and to obtain driving permits and provisional driving permits for students.
- (rr) To carry on business of manufacturers of all sorts of auto accessories, hence to import, export, distribute and sell all kinds of goods including motorspares, machinery hardware, vehicles, agricultural in-puts, spare parts for motor vehicles, textiles, industrial and all articles of all description.
- (ss) To carry on the business as suppliers and dealers in tyres, electrical appliances and carry out necessary repairs and mechanical appliances.
- (tt) To carry on safe keeping, cleaning, repairing refueling and the general care of motor vehicles garage proprietors of all kinds of motor vehicles and shell petrol, gasoline oil and petroleum products, new and used vehicles, parts of such vehicles and accessories.
- (uu) To establish and carry on the business of general merchandise, general trade, motor trade, import, export, and sell either by retail or wholesale, project development, industrial development service sector.
- (bbb) To purchase or otherwise acquire real and personal estates for the objects and purposes of the company and to sell, lease, exchange, mortgage or otherwise deal with all or any of the real and personal property of the company.
- (ccc) To procure the company to be registered or recognised in any other territory, colony, place and in any foreign country or place.
- (ddd) To do all such other things as may be deemed incidental or conducive to the attainment of the above objects or any of them. And it is hereby declared that the word "company" in this clause shall be deemed to include any partnership or other body of persons whether incorporated or not incorporated and whether domiciled in Uganda or elsewhere, and intention clause shall, except where otherwise expressly stated in such paragraph, be independent of a main object and shall be in no way limited by any other paragraph.

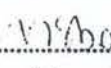
THE LIABILITY OF THE MEMBERS IS LIMITED.

5. The share capital of the company is Ug. Shs. 100,000,000/= (One Hundred Million only) divided into 100 ordinary shares of Ug. Shs. 1,000,000/= (One Million only) with power for the company to increase and reduce the said capital and to issue with or without any preference, priority or special privilege or subject to any postponement of rights or to any conditions or restrictions and so that unless the conditions of issue of shares whether declared to be preference or otherwise shall be subject to power hereinafter contained.

NAMES, POSTAL ADDRESSES AND OCCUPATIONS OF SUBSCRIBERS	NUMBER OF SHARES TAKEN BY EACH SUBSCRIBER	SIGNATURES OF SUBSCRIBERS
<p>MR. JOHN SUPIT KOTIRAM P.O.BOX 8352 <u>KAMPALA.</u></p> <p>MIS PRANEE CHANYUTTASART P.O.BOX 8352 <u>KAMPALA</u></p> <p>PROSSY BALABA P.O.BOX 8352, <u>KAMPALA.</u></p>	<p>1</p> <p>CERTIFIED TRUE COPY 1</p> <p>BENTURASINGURA</p> <p>REGISTRAR OF COMPANIES KAMPALA</p>	  

DATED AT KAMPALA this 14th day of October 1999.

WITNESS TO THE ABOVE SIGNATURES:

SIGNATURE: 

NAME IN FULL: Joseph Nade

POSTAL ADDRESS: P.O. Box 8352 Kampala

OCCUPATION: Advocate

14th Oct 99
1973161

THE COMPANIES ACT

COMPANY LIMITED BY SHARES

of 14.10.99
ARTICLES OF ASSOCIATION

"DARA GREAT LAKES (INDUSTRIES) LTD."

REGISTRAR OF COMPANIES
KAMPALA

PRELIMINARY

CERTIFIED TRUE COPY

1. ~~KAMPALA~~
The regulations contained in Table "A" of the First Schedule to the Companies Act, shall apply to the company in so far as they are applicable to a private company subject to the modifications special provisions herein contained.

BEN TURKINGURA

PRIVATE COMPANY

REGISTRAR OF COMPANIES
KAMPALA

- 2. (a) No invitation shall be issued to the public to subscribe for any shares or debentures or debenture stock of the company;
- (b) The number for the time being of the company (inclusive of the employees of the company) shall not exceed fifty provided however for the purpose of this provision where two or more persons hold one or more shares in the company jointly they shall be treated as a single member;
- (c) The right to transfer the shares of the company shall be restricted as herein after provided.
- (d) The shares held be all the subscribers are held in their official capacity and would devolve to their successors I office.

Words	Meanings
The Act	This companies Act Cap 85
The Statute	The companies Act and every other Act for the time being in force effecting the company.
These Articles	These Articles of Association as originally formed or as from time to time altered by special resolutions.
The Register	The register of members of the company required to be kept by section 112 of the Act
The Seal	The common seal of the company.
The Secretary	Any person appointed to perform the duties of the Secretary of the company.

Save as aforesaid any words or expressions defined in the statute shall bear the same meaning in the articles.

3. Any branch of kind of business which the company is either expressly or by implication authorised to undertake may be undertaken by the Directors at such a time or times as they shall think fit and further may be suffered by them to be in abeyance whether such branch or kind of business may have been actually fit or expedient not to commence or proceed with such branch or kind of business.
4. The office shall be at such place in Uganda as the Director shall from time to time appoint.

TRANSFER AND TRANSMISSION OF SHARES.

5. Any party to this agreement proposing to transfer any shares shall give notice in writing to the other parties. The transfer notice shall specify the number of shares the transferer proposes to transfer. The initial parties to this agreement shall have priority over any party to purchase such shares.
6. Subject to such of the restrictions of these articles as may be applicable any member may transfer all or of his shares by instrument in writing in any usual or common form or any other form which the Directors may approve.

When transferring shares, priority should be given to the existing shareholders.

7. The Directors may decline to register the transfer of a share not being fully paid to a person of whom they shall not approve and may also decline to register the transfer of a share on which the company has a lien.
8. The Directors may also decline to authorise any instruction to transfer unless:-
 - (a) A fee such as the directors may from time to time require is paid to the company in respect thereof;
 - (b) The instrument of transfer is accompanied by the certificate of the share which it relates and such other evidence as the Directors may reasonably require to show the right of the transfer or to make the transfer.
 - (c) The transfer is first given to the initial shareholders of the company an option to purchase the shares in respect of which the transfer is made.
9. If the Directors refuse to register the transfer they shall within two months after the date on which the transfer was lodged with the company send to the transferee notice of the refusal.

10. The registration of transfers may be suspended and the register closed at such times and for periods as the directors may from time to time determine provided always that such registration shall not be suspended for ever.
11. The company shall be entitled to charge a fee on the registration of a transfer or of any probate, Letters of Administration, Certificate of death or marriage, Power of Attorney, notice in lieu of distraint as or other instrument affecting the title to any share.
12. In the case of death of a number or survivor or survivors of the deceased who was joint holder and the legal personal representatives of the deceased where he was a sole holder shall be the only person recognised by the company as having any title to his interest in the share but nothing herein contained shall release the estate of a deceased joint holder from any liability in respect of any share which has been jointly held by the holder or other persons.

CONVERSION OF SHARE INTO STOCK

13. The company may by ordinary resolutions convert any paid shares into stock and reconvert any stock into paid up shares of any denomination.
14. The holders of stock may transfer the same or any part thereof in the same manner and subject to the same regulations and subject to which the shares from which the stock arose might previous to conversion have been transferred or are near thereto as circumstances admit and the Directors may from time to time fix the minimum shall not exceed the nominal amount of the shares from which the stock arose.
15. The holders of stock shall according to the amount of stock held by them have the same rights, privileges and advantages, as regards dividends, voting at meeting of the company and other matters as if they held the shares from which the stock arose but not such privilege or advantage (except participation in the dividends and profits of the company and the assets on a winding up) shall be conferred by an amount or stock which would not if existing in shares have conferred at privilege or advantage.
16. Such of the articles of the company as are applicable to paid-up shares apply to stock and the words "share" and "shareholder" therein shall include "stock" and "stockholder".

INCREASE OF CAPITAL

17. The company may from time to time by ordinary resolution increase the share capital by sum to be divided into shares of such amount as the resolution shall prescribe.
18. The company may by ordinary resolution before the issue of any new shares determine that the same or any of them shall be offered in the first instance and

either at par or at premium to all the existing holders of any class of shares in proportion as nearly as may be to the capital held by them respectively or make any other provisions as to the issue of the new shares, but in default of any such determination or so far as the same shall not extend the new shares may be dealt with as if they formed part of the shares in the original capital.

19. Except so far as otherwise provided by the conditions of issue or by these articles any capital raised by the creation of new shares shall be considered as part of the original capital and shall be subject to the provisions herein contained with reference to the payment of calls and installments, transfer and transmission, forfeiture lieu surrender and otherwise, unless otherwise provided in accordance with those articles, the new shares shall be ordinary shares.

ALTERATION OF CAPITAL

20. The company may from time to time by ordinary resolution:
- (a) Consolidate and divide all or any of its share capital into shares of larger amount than its existing share;
 - (b) Subdivide its shares or any of them into shares of smaller amounts than is fixed by Memorandum of Association subject nevertheless to the provisions of section 63 (i) (d) of the Act and so that their resolution whereby any shares are subdivided may determine that as between the resulting shares one or other such shares may be given any preference of advantage as regards divided capital, voting or otherwise over the others or any other of such shares;
 - (c) Cancel shares which at the date of the passing of the resolution have not been taken or agreed to be taken by any person and diminish the amount of the share capital by the amount of the shares so cancelled.
21. The company may by special resolution reduce its share capital and capital redemption reserve fund or any premium account in any manner and with subject to any incident authorised and consent required by law.

GENERAL MEETINGS.

22. The company shall in each year hold a general meeting as its annual general meeting in addition to any other meeting in that year and shall specify the meeting as such in the notice calling it and not more than fifteen months shall elapse between the date of one annual general meeting within eighteen months of its incorporation in the year of its incorporation in the following year.

The Annual General Meeting shall be held at such times and place as the Directors shall appoint.

23. All general meetings other than annual general meetings shall be called extraordinary general meetings.
24. The directors may whenever they think fit convene an extraordinary general meeting and extra general meetings shall also be convened on such requisitions as provided by section 132 of the Act. If at any time there are not within Uganda sufficient Directors capable of acting to form a quorum any director or any two members of the company may convene an extraordinary general meeting in the same manner or as nearly as possible as that in which meetings may be convened by the directors.
25. The company shall comply with the provisions of section 140 of the Act as to giving notice of resolution and circulating statements of their requisition of member.

NOTICE OF GENERAL MEETING

26. A general meeting shall be called by 21 days notice in writing at the least. The notice shall be exclusive of the day on which it is served or deemed to be served and notices from the company and to the Auditors provided that a meeting shall notwithstanding that it is called by shorter notice that specified in this articles be deemed to have been duly called if it is so agreed.
 - (a) In the case of a meeting called as the annual general meeting by all the members entitled to attend and vote hereat;
 - (b) In case of any other meeting by a majority meeting by a majority in number of the members having a right to attend and vote the meeting being a majority together holding not less than 95 percent in nominal value of the shares giving that right.

PROCEEDINGS AT GENERAL MEETING

27. All business shall deemed special which is transacted at an extraordinary general meeting also all business which is transacted at an annual general meeting with the exception of declaring a dividend, the consideration of the accounts balance sheets and the reports of the directors, and auditors, the election of directors in place of those retiring and the appointment and the fixing of the remuneration of the auditors.
28. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business. Save as herein otherwise provided two, members present in person shall be a quorum.
29. If within half-an-hour from the time appointed for the meeting a quorum is not present the meeting if convened upon the requisition of members shall be dissolved in any case it shall stand adjourned to the same day in the next week at the same time and place as the directors may determine and if at the

adjourned meeting the quorum is not present within half-an-hour from the time appointed for the meeting the members present shall be a quorum.

30. The Chairman if any of the Board of Directors shall preside as Chairman at every general meeting of the company or if there is not such chairman or if he shall not be present fifteen minutes after the time appointed for the holding of the meeting or is unwilling to act the directors present shall elect one of their members to the chairman of the meeting.
31. If at any meeting no director is willing to act as chairman or no directors is present within fifteen minutes after the time appointing from holding the meeting the members present shall choose one of the members to be chairman of the meeting.
32. When a meeting is adjourned for fifteen days or more than even clear days notice at the lease of the adjourned meeting shall be given an original meeting but it shall not be necessary to be transacted at the adjourned meeting. Save as aforesaid it shall not be necessary to specify in any notice of an adjournment or of the business to be transacted at an adjourned meeting.
33. At a general meeting a resolution put to the vote of the meeting shall be decided on by show of hands unless a poll (before or on the declaration of the show of hands) is
 - (a) By the Chairman of the meeting or
 - (b) By a member or members holding shares in the company conferring a right to vote at the meeting being shares on which aggregate sum has been paid up shares equal to not less than one tenth of the total sum paid upon all the shares conferring that right.
34. Unless a poll be so demanded a declaration by the Chairman of the meeting that a resolution has on a show of hands been carried or carried unanimously or by a particular majority or lost an entry to that effect in the book containing the minutes of proceedings of the company shall be conclusive evidence of the facts without proof of the number or proportion of the votes recorded in favour of or against such resolution.
35. In the case of an equality of vote whether by a show of hands or on a poll the Chairman of the meeting at which the show of hands takes place or at which the poll is deemed shall be entitled to second or casting vote.
36. A printed copy of every special resolution and other resolution or agreements mentioned in section 143 of the Act shall be sent to the Registrar of Companies as provided by that section.

VOTES OF MEMBERS

37. Subject to any rights or restrictions for the time being attached to any class or class of shares on a show of hands every member present in person shall have one vote, for each share which he is the holder.

38. On a poll a member entitled to more than one vote need not if he votes cast all his votes or cast all the votes he uses in the same day.

DIRECTORS

39. The number of directors of the company shall not be less than two (2)
40. The share qualification for directors may be fixed by the company in a general meeting, and unless and until so fixed no qualification shall be required. This shall be determined by the company in a general meeting such remuneration shall be deemed to accrue from day to day. The director may also be paid all traveling, hotel and other expenses properly incurred by the attending and retiring from meeting of the company or in connection with the business of the company.
41. Any director who serves on any committee or devotes special attention to the business of the company or who otherwise performed service which the opinion of directors which are outside the scope of the ordinary duties of a director may be paid such extra remuneration by way of salary percentage of profits or otherwise as the director may determine.

BORROWING POWERS

42. The directors may exercise all the powers of the company to borrow money over and above the company's share capital and to mortgage or charge its undertaking property and uncalled capital or any part thereof and to issue debenture, debenture stock whether outright or as security for any debt, liability or obligation of the company of any third party.

POWERS OF DIRECTORS

43. The business of the company shall be managed by the directors who may pay all expenses incurred in promoting and registering the company and may exercise all such powers of the company as are not by the Act or by these Articles required to be exercised by the company in general meetings subject nevertheless to any regulations of those regulations being not inconsistent with the aforesaid regulations or provisions as may be described by the Act of the directors which would have been valid if that Regulations has not been made.
44. The directors may from time to time and at any time by powers of attorney appoint any company, firm or person or body of persons whether nominated directly or indirectly by directors to be attorney or attorneys of the company for such discretion (not exceeding those vested in or exercisable by the directors under these articles) and for such periods and subject to such conditions as they think fit any such powers of attorney may contain such provisions for the protection and convenience of person dealing with such attorney and may also authorise any such authorities and discretion vested in him.

45. The directors may entrust to and confer upon a Managing Director any of the powers exercised by them upon such terms and conditions and with such restrictions as they may think fit and whether collaterally with or to the exclusions of their own powers and may from time revoke, withdraw, alter or vary all or any of such powers. The directors shall from time to time appoint one of them to the office of Managing Director for the company and which he holds such office that management and control of the company shall be vested in him.

CHAIRMAN

46. The Chairman shall be appointed by the directors to preside over all meetings of the company and in his absence the Board shall appoint any other person to preside.

SECRETARY

47. The Secretary shall be appointed by the Directors for such terms at such remuneration and upon conditions as they may think fit and any Secretary so appointed may be removed by them. The provisions of section 17b to 180 inclusive of the Act shall be observed. Where there is no Secretary capable of acting, the Directors may appoint one of the Directors an Assistant or Deputy Secretary or any other officer of the company to perform the duties of a Secretary.
48. The Directors shall provide for safe custody of the Seal which shall only be used by the authority of the Directors or a committee of the Directors authorized by the Directors in that behalf and every instruments to which the Seal shall be affixed shall be signed by a Director and shall be countersigned by the Secretary.
49. All deeds executed on behalf of the company may be in such form and contain in such powers, provisions, conditions , covenants, clauses and agreements as the directors shall think fit and in addition to being sealed with the seal and shall be signed by a Director and countersigned by the secretary or by a second Director.

NOTICES

50. A notice may be given by the company to any member either personally or by sending it by post to him at his registered address or to the address, if any, within Uganda supplied by him to the company for the giving of notice.
51. When a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing stamping and posting a letter containing the notice by air mail if addressed to a destination outside Uganda and to have been effected in the case of a notice or a meeting at the expiration of 48 hours after the letter containing the same is posted and in any other case at the time at which the letter would be delivered in the ordinary course of post.

52. Notice of every general meeting shall be given in a manner hereinbefore authorized to:
- (a) Every member except those who (having no registered address within East Africa) have not supplied to the company an address within East Africa for the giving of notice to them.
 - (b) Every person upon the ownership of a share develops by reason of his being a legal personal representative of a trustee in bankruptcy of a member where the member but for his death or bankruptcy be entitled to receive notice of the meeting; and
 - (c) The auditor for the time being of the company.
 - (d) Every Director, Managing Director, and Secretary of the company.

We, the several persons whose name, address and descriptions are hereunto subscribed are desirous of being formed into a company in pursuance of this Articles of Association and we respectively agree sign opposite our respective names.

NAMES, POSTAL ADDRESSES AND OCCUPATIONS OF SUBSCRIBERS	NUMBER OF SHARES TAKEN BY EACH SUBSCRIBER	SIGNATURES OF SUBSCRIBERS
<p>MR. JOHN SUPIT KOTIRAM P.O.BOX 8352 <u>KAMPALA.</u></p> <p>MIS PRANEE CHANYUTTASART P.O.BOX 8352 <u>KAMPALA</u></p> <p>PROSSY BALABA P.O.BOX 8352, <u>KAMPALA.</u></p>	<p>CERTIFIED TRUE COPY</p> <p><i>[Signature]</i> BENTURY SINGURA</p> <p>REGISTRAR OF COMPANIES KAMPALA</p>	<p><i>[Signature]</i></p> <p><i>Chanyuttasart</i></p> <p><i>Prossy Balaba</i></p>

DATED AT KAMPALA this 14th day of October 1999.

WITNESS TO THE ABOVE SIGNATURES:

SIGNATURE: *[Signature]*

NAME IN FULL: Moses Mwalimu

POSTAL ADDRESS: P.O. Box 235 Kampala

OCCUPATION: Director

UR Annex 38

DARA GREAT LAKES (INDUSTRIES) LTD.

P.O.BOX 7484, KAMPALA, UGANDA.

TEL: 256 - 41 - 269708, 269337 FAX : 256 - 41 - 269679

E-MAIL : dara@infocom.co.ug

21st March 2000

THE COMMISSIONER
Ministry of Water, Lands &
Environment
Forest Department
P.O. Box 7124
KAMPALA.

RE: REQUEST FOR A CONCESSION IN BUDONGO, BUGOMA, MABIRA AND KALINZU
FOREST RESERVES.

Thank you for your constant communication and advice as regards investment in the harvest of hard wood - Iron wood in the National Forests of Uganda.

As you have understood the nature of our investment based on Forest certification Management, the volume of Cynometra Alexandria in Budongo being little, we have accepted your advice in your letter dated 20th December 1999 with a view of increased volume. We therefore accept all hard wood like Celtis in Mabira, Pirinari in Kalinzu, Cynometra in Budongo and Bugoma Forest Reserves.

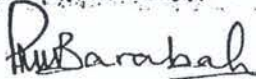
With advice and guide from the Forest officers in Budongo and Bugoma, we find Celtis being the second specie most abundant second to Cynometra Alexandria hence increased volume. We therefore accept your proposal.

The Geographical locations of these forests therefore answer why our Factory should be in the centre of these forests hence Kampala.

I know this investment will be good for Uganda in terms of Revenue, Employment and sustainability based on Practical conservation through certified Forestry.

We look forward to the concession of at least 30,000 Cubic Meters per year. That is our proposal subject to be approved by SMART WOOD for Practical Conservation through certified Forestry.

Yours faithfully,



Prossy Baraba
DIRECTOR

UR Annex 39

DARA GREAT LAKES (INDUSTRIES) LTD.

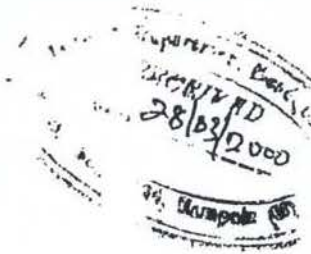
P.O.BOX 7484, KAMPALA, UGANDA.

TEL: 256 - 41 - 269708, 269337 FAX : 256 - 41 - 269679

E-MAIL : dara@infocom.co.ug

21st March 2000

THE COMMISSIONER
Ministry of Water, Lands &
Environment
Forest Department
P.O. Box 7124
KAMPALA



RE: PRACTICAL CONSERVATION THROUGH CERTIFICATION FORESTRY

As you are aware that we market our products in the World Market, to be able to compete with countries which operate with low costs of production, Dara Industries propose to use Certification as one of the methods of work.

This work will provide management with information related to how current management planning practices and systems compared to Forest Stewardship Council (FSC) requirements, and specifically identify those areas where further development may be required in order to be certified as well-managed forestlands.

We have therefore an official from SMART WOOD - Rogue Institute for Ecology and Economy (OREGON).on the 14th - 16th April 2000, for Forest Certification scoping Will you therefore allow him visit some forests like Budongo and Bugoma.

Looking forward to your consideration.

Yours faithfully,

Pross Baraba
DIRECTOR

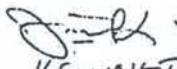
UR Annex 40

(UPDF - KISANGANI)
THE HQS
KISANGANI
02/6/2000




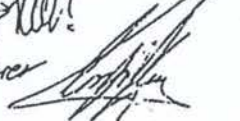
HAND OVER OF FACTORY PROPERTY.

This day 02 of June 2000, the UPDF Administration has handed over the Factory Premises and Property which we occupied during the Presence of the Factory Manager (Leffor Sierra) in 1992.

All the buildings Property have been found intact the way they were handed over to UPDF during the time of occupation. We (UPDF) together with the Factory Manager (Administration) inspected everything and no complaints were raised.

Signed by 
KENNETH A. BWINDA
CPT. OC SIB

WITNESSED BY:-

1. SSAUR LAWRENCE ADC TO COT Sula Sector Comdr Kwi 
2. Claude KAMUKUN-WILONDA Gestionnaire au 
3. Kyauzila Simau Chef de chantier 
4. André KUMBOJI KABATWA Chef Regisseur 

UR Annex 41

DARA GREAT LAKES (INDUSTRIES) LTD.

P.O.BOX 7484, KAMPALA, UGANDA.

TEL: 256-41-269708, 269337 FAX : 256-41-269679 E-MAIL : dara@infocom.co.ug

Ref: DGIL/CF/2/2000

July 5, 2000

The Commissioner for Forestry
Forest Department
Ministry of Water, Lands and Environment
P.O. Box 7124
Kampala

Attention: Mr. Nsita Steve Amooti,

Re: Hardwood Forest Concession to support Sawmill Establishment

We refer to your letter dated 31st March, 2000 a copy of which is enclosed.

Since communication with you we have held further discussions with your officials and visited the Budongo Forest Area. We also wish to inform you that our company has made its plans to invest in Uganda much clearer and as a result,

- 1 The Uganda Investment Authority has licenced our US\$ 22m project in April 2000. [copy of Licence attached]
- 2 DGIL has prepared a site plan for business set-up in the Namanve Industrial Park. [copy enclosed for your information].
- 3 DGIL has prepared a business plan to support our application for a forest concession from yourselves (document enclosed). We have requested for 30,000cu.m/year annual allowable cut.
- 4 The Choice of Technology by Dara is based on DRC/ Uganda operations and projections of the annual allowable cut.

The strength of our application for a concession in Uganda lies in-

- Technical competence in hardwood saw milling and environment protection as is practiced in Thailand, Vietnam, and the Democratic Republic of Congo where we have invested US\$ 11m over the last three years. The DRC Forest Concessions in Beni are attached.

- Guaranteed market arising out of assured quality of supplies. Machinery and equipment that we use is state of the art technology.
- Strategic location in the Kampala Industrial Park which the Uganda Investment Authority is establishing at Namanve which will directly link us to the first inland dry port.
- On-going operations in the Great lakes Region and in particular the DRC. (exhibits of market outlets, species of timber that Dara converts into saleable products, planned factory layout and environmental considerations re-forestation in particular are provided).
- The Department may in particular wish to note that we have already signed forest scooping arrangements with the Rogue Institute for Ecology and Economy/Smartwood of Portland Oregon. Arrangements made by the institute are recognizable worldwide. The Company (Smartwood) will immediately begin their work as soon as we get a forest concession.

Dara Great Lakes Industries Ltd therefore requests you to have the Hardwood forest concession granted so that the environmental impact assessment as well as financial and other detailed planning undertakings are put in place. We pray to you that this happens soon to ensure that our clients, collaborators and financiers keep holding us in high esteem.

Sincerely yours,
Dara Great Lakes (Industries) Ltd



John Kotiram
DIRECTOR

Cc Executive Director
Uganda Investment Authority
Kampala

Cc Hon. H. Kajura
Minister of Water, Lands
and Environment
Kampala

.....enc/

UR Annex 42



UR ANNEX 42

SECOND SCHEDULE
(Cap. 246 3385)

R.4
Substituted
FORM A. L.N. 78
of 1961

Not Transferable

THE FORESTS ACT

144 LICENCE TO TAKE FOREST PRODUCE

No: Date: 18/09/2000 Station: YIAKALA

Subject to the conditions of the Forests Act and any Rules made thereunder and to the terms and conditions stated herein DARA GREAT LAKES INDUSTRIES

is hereby authorised to cut, take and remove the undermentioned forest produce from the BUDENGO Forest Reserve/Open Lands for TWO years within the period 18 SEPTEMBER 2000 to 17 SEPTEMBER 2002 (RENEWABLE FOR ONE YEAR)

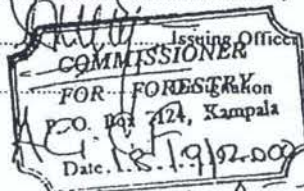
Forest Produce Allowed

Block or Compt.	Description of Produce	"AAC	Species	Minimum diameter*	Qty	Rate per m ³	Fees (Shs)
	FOR	PLANING	AND	INTEGRATED			
			WOOD	PROCESSING			
TOTAL CHARGES							

* at breast height i.e. 1.3m above the ground.
** Annual Allowable Cut

Received sum of Shillings 1 000 000
(Shs: ONE MILLION SHILLINGS ONLY)

Distribution:-
Original to Licensee
Duplicate for Account
TriPLICATE to remain in the book



ADDITIONAL CONDITIONS ARE ATTACHED.



REPUBLIC OF UGANDA

SECOND SCHEDULE
(Cap. 246 3385)

R.4
Substituted
FORM A. L.N. 78
of 1961

Not Transferable

THE FORESTS ACT

150 LICENCE TO TAKE FOREST PRODUCE

No.: Date: 18 SEPTEMBER 2000 Station: NAKAUSA

Subject to the conditions of the Forests Act and any Rules made thereunder and to the terms and conditions stated herein DARA GREAT LAKES INDUSTRIES

is hereby authorised to cut, take and remove the undermentioned forest produce from the BUGOMA Forest Reserve/Open Lands for TWO years within the period 18 SEPTEMBER 2000 to 17 SEPTEMBER 2002 (RENEWABLE FOR ONE YEAR)

Forest Produce Allowed

Block or Compt.	Description of Produce	"AAC	Species	Minimum diameter	Qty	Rate per m ³	Fees (Shs)
	FER	PLANNING				AND INTEGRATED WOOD PROCESSING	
TOTAL CHARGES							

* at breast height i.e. 1.3m above the ground.
** Annual Allowable Cut

Received sum of Shillings 1,000,000 = ONE MILLION SHILLINGS ONLY

Distribution:- Original to Licensee
Duplicate for Account
Triplicate to remain in the book

Issuing Officer
COMMISSIONER
FOR FORESTRY
P. O. Box 7124, Kampala
Date: 18/9/2000

ADDITIONAL CONDITIONS ARE ATTACHED



REPUBLIC OF UGANDA

SECOND SCHEDULE
(Cap. 246 3385)

R.4
Substituted
FORM A. L.N. 78
of 1961

Not Transferrable

THE FORESTS ACT

LICENCE TO TAKE FOREST PRODUCE

No.: 351 Date: 18/09/2000 Station: NAKALITA

Subject to the conditions of the Forests Act and any Rules made thereunder and to the terms and conditions stated herein DARA GREAT LAKES

is hereby authorised to cut, take and remove the undermentioned forest produce from the MFBIRA Forest Reserve/Open Lands for TWO years within the period 18 SEPTEMBER 2000 to 17 SEPTEMBER 2002

Forest Produce Allowed

Block or Compt.	Description of Produce	"AAC	Species	Minimum diameter	Qty	Rate per m ³	Fees (Shs)
	FOR		PLANNING AND			INTERGRADED	
			WOOD			PROCESSING	
TOTAL CHARGES							

* at breast height i.e. 1.3m above the ground.
** Annual Allowable Cut

Received sum of Shillings 1 000 000 =
(Shs: ONE MILLION SHILLINGS ONLY)

Distribution:- Original to Licensee
Duplicate for Account
Triplicate to remain in the book

Issuing Officer
COMMISSIONER
FOR FORESTRY
P. O. Box 7124, Kampala
Date: 18/09/2000

ADDITIONAL CONDITIONS ARE ATTACHED.

UR Annex 43

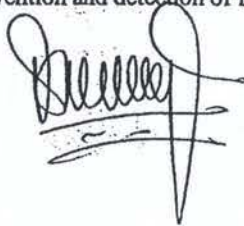
BUDUNGO FOREST RESERVE

CONDITIONS FOR A PROVISIONAL LICENSE TO HARVEST AND
PROCESS FORESTRY PRODUCE

License No. 149..... Issued on 18/09/2000 Expiry Date 17/09/2002

(In these conditions, "Commissioner" means the Commissioner for Forestry or Head of the institution that may succeed the Forestry Department)

1. This license is issued subject to all the provisions of the Forests Act, 1964.
2. This license is valid for two years effective from the date of issue. It may be renewed for a further period of one year, if, in the opinion of the Commissioner, the renewal is justifiable.
3. Within the period of this license, the licensee shall:
 - (a) prepare a workplan and an investment plan acceptable to the Commissioner;
 - (b) carry out an environment impact assessment of the planned operations according to the requirements of the National Environment Statute, 1995;
 - (c) put in place the necessary infrastructure for implementing the workplan;
 - (d) carry out any studies necessary for fulfilling (a) - (c) of this Condition.
4. The licensee shall cut and take only such forest produce as shall have been marked or otherwise designated for that purpose by a forest officer.
5. The licensee shall not remove from the place of felling or collect any forest produce allowed by this licence until such produce has been measured and marked by a forest officer with the appropriate Forest Department hammer mark.
6. The licensee shall take all necessary precautions to prevent damage to other forest produce arising out of his operations under this licence and shall be responsible for the acts of his servants, employees or agents.
7. The licensee and their servants and employees shall at all times assist forest officers in the prevention and extinction of fires in or threatening the area the subject of this licence, and in the prevention and detection of forest offences.



8. In the event of a breach of the Forests Act or any Rules thereunder or any term or condition of this licence, this licence may be cancelled and the forest produce forfeited, without prejudice to any proceedings which may be taken in respect of the said breach.
9. The licensee shall, on the expiry of this licence, surrender it to the issuing authority.
10. If conditions of this licence are fulfilled to the satisfaction of the Commissioner at, or before the expiry of this license, another license with normal sawmilling conditions, will be issued for a further period of 5 (five) years. This permit may be renewed as the Commissioner may deem fit.
11. The licensee shall pay, at the normal forest fees rates, any forest produce they may cut, remove or otherwise work within the licensed area. No ownership of any forest produce under this license shall vest in the licensee until the fees due are fully paid.
12. The licensee shall operate within the minimum quality standards set by the Commissioner. The Commissioner or officer designated by the Commissioner, may enter the licensed area at any time for purposes of monitoring performance standards.
13. The licensee shall pay a non-refundable fee of Shs. 1,000,000/= (one million only) payable on the coming into force of this license.
14. This license is not transferable except with the written approval of the Commissioner setting out the terms under which it may be transferred. If the licensee is a company, organisation, institution or other body registered under the laws of Uganda, this license shall cease if the company, organisation, institution, or such other body is dissolved for whatever reason.
15. All the land in the licensed area remains the property of the Government of Uganda. It shall not be mortgaged or willed.
16. The Commissioner will, at any time during the currency of this license, bring to the attention of the licensee, any improvements required for good performance. If the licensee does not comply within the specified period, the Commissioner may take any remedial action he/she deems fit, including cancellation of this license.



We accept this license and agree to comply with all the terms and conditions under which it is issued

Signed 

Date 26/10/2000

Names JOHN SUPIT KOTIRAM

Position in Organisation MANAGING DIRECTOR

Issued this 26th day of October 2000

Signature 
Names LEO J. BARUCABA
Commissioner for Forestry

BUGOMA FOREST RESERVE

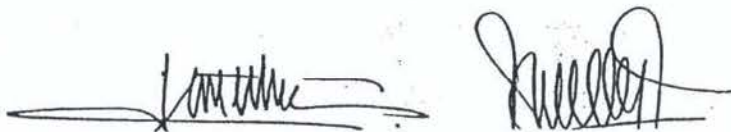
CONDITIONS FOR A PROVISIONAL LICENSE TO HARVEST AND PROCESS FORESTRY PRODUCE

License No. 150 Issued on 18/09/2000 Expiry Date 17/09/2002

(In these conditions, "Commissioner" means the Commissioner for Forestry or Head of the institution that may succeed the Forestry Department)

1. This license is issued subject to all the provisions of the Forests Act, 1964.
2. This license is valid for two years effective from the date of issue. It may be renewed for a further period of one year, if, in the opinion of the Commissioner, the renewal is justifiable.
3. Within the period of this license, the licensee shall:
 - (a) prepare a workplan and an investment plan acceptable to the Commissioner;
 - (b) carry out an environment impact assessment of the planned operations according to the requirements of the National Environment Statute, 1995;
 - (c) put in place the necessary infrastructure for implementing the workplan;
 - (d) carry out any studies necessary for fulfilling (a) - (c) of this Condition.
4. The licensee shall cut and take only such forest produce as shall have been marked or otherwise designated for that purpose by a forest officer.
5. The licensee shall not remove from the place of felling or collect any forest produce allowed by this licence until such produce has been measured and marked by a forest officer with the appropriate Forest Department hammer mark.
6. The licensee shall take all necessary precautions to prevent damage to other forest produce arising out of his operations under this licence and shall be responsible for the acts of his servants, employees or agents.
7. The licensee and their servants and employees shall at all times assist forest officers in the prevention and extinction of fires in or threatening the area the subject of this licence, and in the prevention and detection of forest offences.

8. In the event of a breach of the Forests Act or any Rules thereunder or any term or condition of this licence, this licence may be cancelled and the forest produce forfeited, without prejudice to any proceedings which may be taken in respect of the said breach.
9. The licensee shall, on the expiry of this licence, surrender it to the issuing authority.
10. If conditions of this licence are fulfilled to the satisfaction of the Commissioner at, or before the expiry of this licence, another license with normal sawmilling conditions, will be issued for a further period of 5 (five) years. This permit may be renewed as the Commissioner may deem fit.
11. The licensee shall pay, at the normal forest fees rates, any forest produce they may cut, remove or otherwise work within the licensed area. No ownership of any forest produce under this license shall vest in the licensee until the fees due are fully paid.
12. The licensee shall operate within the minimum quality standards set by the Commissioner. The Commissioner or officer designated by the Commissioner, may enter the licensed area at any time for purposes of monitoring performance standards.
13. The licensee shall pay a non-refundable fee of Shs. 1,000,000/= (one million only) payable on the coming into force of this license.
14. This license is not transferable except with the written approval of the Commissioner setting out the terms under which it may be transferred. If the licensee is a company, organisation, institution or other body registered under the laws of Uganda, this license shall cease if the company, organisation, institution, or such other body is dissolved for whatever reason.
15. All the land in the licensed area remains the property of the Government of Uganda. It shall not be mortgaged or willed.
16. The Commissioner will, at any time during the currency of this license, bring to the attention of the licensee, any improvements required for good performance. If the licensee does not comply within the specified period, the Commissioner may take any remedial action he/she deems fit, including cancellation of this license.



We accept this license and agree to comply with all the terms and conditions under which it is issued

Signed 

Date 26/10/2000

Names JOHN SUPIT KOTIRAM

Position in Organisation MANAGING DIRECTOR

Issued this 26th day of October 2000

Signature 
Names LEO N. B. B. GABA
Commissioner for Forestry

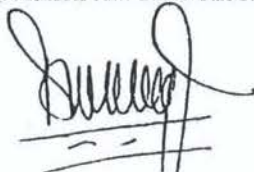
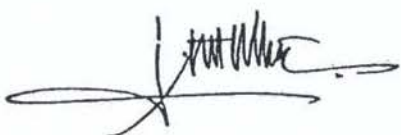
MABIRA FOREST RESERVE

CONDITIONS FOR A PROVISIONAL LICENSE TO HARVEST AND
PROCESS FORESTRY PRODUCE

License No. 351 Issued on 18/09/2000 Expiry Date 17/09/2002

(In these conditions, "Commissioner" means the Commissioner for Forestry or Head of the institution that may succeed the Forestry Department)


1. This license is issued subject to all the provisions of the Forests Act, 1964.
2. This license is valid for two years effective from the date of issue. It may be renewed for a further period of one year, if, in the opinion of the Commissioner, the renewal is justifiable.
3. Within the period of this license, the licensee shall:
 - (a) prepare a workplan and an investment plan acceptable to the Commissioner;
 - (b) carry out an environment impact assessment of the planned operations according to the requirements of the National Environment Statute, 1995;
 - (c) put in place the necessary infrastructure for implementing the workplan;
 - (d) carry out any studies necessary for fulfilling (a) - (c) of this Condition.
4. The licensee shall cut and take only such forest produce as shall have been marked or otherwise designated for that purpose by a forest officer.
5. The licensee shall not remove from the place of felling or collect any forest produce allowed by this licence until such produce has been measured and marked by a forest officer with the appropriate Forest Department hammer mark.
6. The licensee shall take all necessary precautions to prevent damage to other forest produce arising out of his operations under this licence and shall be responsible for the acts of his servants, employees or agents.
7. The licensee and their servants and employees shall at all times assist forest officers in the prevention and extinction of fires in or threatening the area the subject of this licence, and in the prevention and detection of forest offences.



8. In the event of a breach of the Forests Act or any Rules thereunder or any term or condition of this licence, this licence may be cancelled and the forest produce forfeited, without prejudice to any proceedings which may be taken in respect of the said breach.
9. The licensee shall, on the expiry of this licence, surrender it to the issuing authority.
10. If conditions of this licence are fulfilled to the satisfaction of the Commissioner at, or before the expiry of this license, another license with normal sawmilling conditions, will be issued for a further period of 5 (five) years. This permit may be renewed as the Commissioner may deem fit.
11. The licensee shall pay, at the normal forest fees rates, any forest produce they may cut, remove or otherwise work within the licensed area. No ownership of any forest produce under this license shall vest in the licensee until the fees due are fully paid.
12. The licensee shall operate within the minimum quality standards set by the Commissioner. The Commissioner or officer designated by the Commissioner, may enter the licensed area at any time for purposes of monitoring performance standards.
13. The licensee shall pay a non-refundable fee of Shs. 1,000,000/= (one million only) payable on the coming into force of this license.
14. This license is not transferable except with the written approval of the Commissioner setting out the terms under which it may be transferred. If the licensee is a company, organisation, institution or other body registered under the laws of Uganda, this license shall cease if the company, organisation, institution, or such other body is dissolved for whatever reason.
15. All the land in the licensed area remains the property of the Government of Uganda. It shall not be mortgaged or willed.
16. The Commissioner will, at any time during the currency of this license, bring to the attention of the licensee, any improvements required for good performance. If the licensee does not comply within the specified period, the Commissioner may take any remedial action he/she deems fit, including cancellation of this license.



We accept this license and agree to comply with all the terms and conditions under which it is issued

Signed 

Date 26/10/2000

Names JOHN SUPIT KOTIRAM

Position in Organisation MANAGING DIRECTOR

Issued this 26th day of October 2000

Signature 
Names Feo N. K. M. G. A. B. A.
Commissioner for Forestry

UR Annex 44

UR ANNEX 44

GENERAL LINE: 233485
COMMISSIONER: 251917
DEP. COMMISSIONER: 345732
FAX: 347086



THE REPUBLIC OF UGANDA

MINISTRY OF WATER, LANDS
AND ENVIRONMENT
FOREST DEPARTMENT
P.O. BOX 7124
KAMPALA, UGANDA.

IN ANY CORRESPONDENCE ON THIS
SUBJECT PLEASE QUOTE NO 7/6

18th September, 2000.

M/S Nyota Wood Industries (U) Ltd.
P.O. Box 7484
Kampala.

Re: REQUEST FOR A PERMANENT OR SPECIAL CLEARANCE
PERMIT FOR YOUR TRANSIT TIMBER

Yours DARA FORET/CF/PERMIT/07/00 dated 25/07/00 refers. A thorough discussion has been held with my senior staff concerning the above subject. The decision reached is that a permanent or special clearance permit for your transit timber cannot be given to you.

It is still necessary for my field staff to confirm that your timber is actually coming from D.R.Congo. When the District Forest Officer, Kasese is satisfied that the timber has come from D.R.Congo, he will issue you a forest produce movement permit to allow the timber to transit through Uganda. This is now the standard procedure for timber transiting through Uganda.

A handwritten signature in black ink, appearing to read 'Deo Byarugaba'.

Deo Byarugaba
Ag. Commissioner for Forestry

UR Annex 45

THE MONITOR

UR ANNEX 45

NO. 32

THE INDEPENDENT VOICE

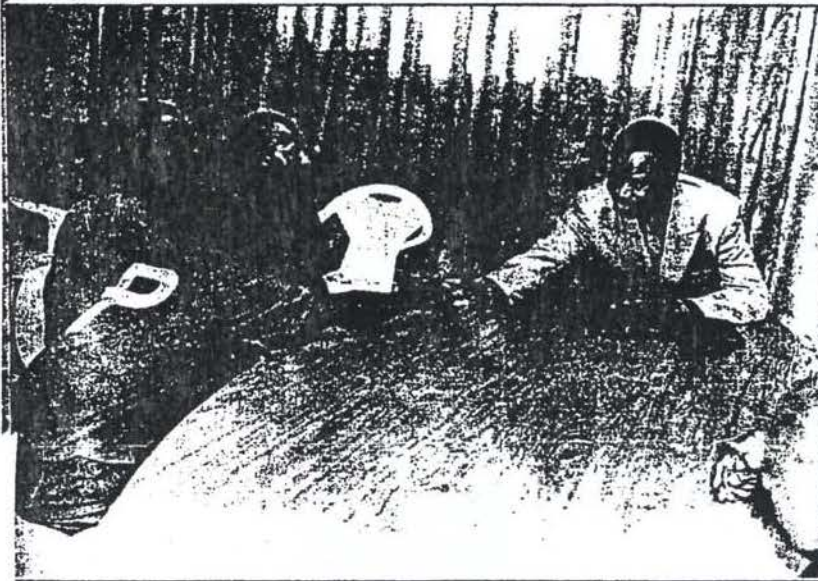
700 (Ksh 35 RF 300 TZsh 500)



Uganda's Favourite
And Only
INDEPENDENT Daily

Kabila shows Awori 143 UPDF prisoners

Awori greets UPDF prisoners in DRC



Presidential aspirant Aggrey Awori meets Ugandan soldiers in captivity in Congo recently. He said yesterday that President Laurent Kabila's government was holding 143 Ugandan prisoners of war (Courtesy Photo).

Reveals another Defence scandal

By Alex B. Atuhair

Presidential aspirant Aggrey Awori, arrived in the country yesterday and officially announced his candidature for the 2001 presidential elections.

Addressing a press conference at the International Conference Centre later in the afternoon, Awori, also MP for Samia Bugwe North revealed that he had during his three month stay in the USA, travelled to Congo and established that 143 Ugandan

soldiers are being held captive by the Kabila government.

"I visited Congo and met President Kabila. I was shocked to find 143 Ugandan prisoners of war being held captive in Congo. I have evidence here," Awori said showing pictures which he said he took while in Congo.

He said that he saw mass graves of more soldiers who were killed during the war. "I have not been pursuing

To Page 2



Presidential aspirant Aggrey Awori's supporters carry him at Entebbe Airport after his arrival yesterday (Photo by Henry Bongereirwe).

Kabila shows Awori UPDF prisoners

From Page 1

matters of national interest," he said amidst clapping from enthusiastic members of the public and supporters who attended the three-hour press conference.

He accused president Museveni of hiding the truth from relatives, friends and tax-payers about the soldiers in the Congo.

"When I pressed him over the issue, president Museveni said he would give a statement about the Congo war but up to today, we have not seen a statement from him," he said.

Awori said that the prisoners gave him letters to deliver to their relatives. He said most of them are from Mbale, West Nile and Nyabushozi.

He said he would publish their names after visiting their relatives.

Awori said that president Kabila has only asked that the Ugandan government releases Congolese soldiers being held captive by UPDF in exchange to release of the Ugandan POWs.

"I may be using a wrong fora but I want to challenge president Yoweri Museveni if he is serious on the welfare, security and international relations of this country to release the Congolese prisoners such that we can have our children back," he said.

He said he would brief president Museveni about the matter and other things that were discussed about Uganda in the UN security meeting.

Awori asked Ugandans to support him in a "non-violent democratic revolution for a peaceful transition of power" from the current Movement government which he

accused of massive corruption among other things.

Awori said that figures have been cooked to indicate that the economy is performing well, which is contradicted by the poverty in the country side.

"Even this middle class they talk about is a class of people who have dipped their hands in the treasury. It is a middle class of thieves," he said.

The outspoken MP also revealed that apart from the junk helicopters, there are more corruption scandals in UPDF because of the dubious procurement procedures used by the army.

"There are boxes of jet fighters at Entebbe and each has only one wing. Have you ever seen an aircraft with only one wing? ... this is because somebody ate the money for the other wings," he said.

He asked Ugandans to use the power of the ballot paper to remove the Museveni government from power and change government policies.

Awori's supporters and their vehicles were supported at the Entebbe Airport security check from going onto the airport to meet him. Carrying placards praising the MP, hundreds of them waited and hoisted him in the air, and later drove back to Kampala with him in a convoy.

UR Annex 46

UR ANNEX 46

Jean-Pierre Bemba

Le choix de la Liberté



Editions Vénus

Editeur Responsable :
Editions Vénus - Avenue de la Révolution, 7 - Gbadolite
République Démocratique du Congo

pratiquement tous le chemin de l'exil et de l'errance.

En août 1998, une partie des ex-FAZ cantonnés à Kitona assiste à l'atterrissage d'un boeing de la compagnie privée Congo Airlines. Cent trente commandos rwandais et une vingtaine de Congolais neutralisent la base militaire. Deux jours plus tard, un pont aérien s'organise entre Goma et le Bas-Congo. Plusieurs officiers et des hommes de troupes ex-FAZ décident de rallier le mouvement de mutinerie de la 10^{ème} brigade de Goma conduite par les commandants Bob Ngoy, Sylvain Mbuki et Jean-Pierre Ondekane. Ils progresseront jusqu'aux portes de Kinshasa, atteignant même l'aéroport de Ndjili. L'entrée en scène inattendue des troupes angolaises et zimbabwéennes ruine les espoirs rwandais. Le colonel James Kabarebe qui a conçu toute l'opération décide de décrocher de Kinshasa et du Bas-Congo. Il perce les lignes de l'armée gouvernementale angolaise qui progresse à leur poursuite dans le Bas-Congo et crée un couloir jusque dans le nord de l'Angola. Il y rejoint les forces de l'UNITA de Jonas Savimbi. Les troupes rwandaises et leurs alliés congolais passeront trois mois dans le maquis angolais.

Parmi les officiers congolais qui ont rallié le RCD dans le Bas-Congo, on relève le colonel Kibonge Mulomba et le colonel Bitu. Tous deux sont originaires de l'est du Congo. Originaire du Sud-Kivu, le colonel Gédéon Kibonge est diplômé de l'Ecole de formation d'officier (7ème promotion) EFO Kananga, de l'école d'infanterie avancée à Fort Benning (Georgia—USA), de l'école d'études internationales d'intelligence de Fort Bragg (North Caroline—USA), 24ème promotion de l'Ecole d'Etat

LE CONTRÔLE DE L'EQUATEUR

La prise de Gbadolite assure au MLC la maîtrise des plus grandes installations aéroportuaires de l'Equateur. Dans leur fuite, les troupes gouvernementales abandonnent plus de 400 tonnes de matériel et de munitions. Ce précieux renfort sera mis à contribution pour la capture des villes de Gemena, Libenge et Zongo. Les populations nous retrouvent avec soulagement. Après notre repli tactique opéré six mois plus tôt, ces villes ont été occupées par les FAC et leurs alliés perpétrent les pires exactions sur des populations innocentes suspectées de soutenir le MLC. La chute de ces villes correspond à la signature de l'accord de cessez-le-feu de Lusaka qui consacre la fin de l'hégémonie du clan des Kabila sur le Congo.

Il me faut désormais tenir compte des contraintes politiques et diplomatiques du processus de paix et des engagements souscrits par notre allié ougandais. Faute de pouvoir poursuivre l'avancée en direction de Mbandaka, je décide de mettre l'accent sur le recrutement et la formation de nouvelles recrues. J'ai la conviction que le maintien et le renforcement de la position du MLC sur le plan politique passe par la constitution d'une force militaire capable de répondre aux provocations des troupes gouvernementales et d'assurer la sécurité tant à l'intérieur du territoire qu'aux frontières. Entre-temps, les troupes FAC et leurs alliés zimbabwéens ne désarment pas. Elles vont tenter de reconquérir les territoires libérés. De septembre 1999

à janvier 2001, la guerre de l'Equateur va se concentrer sur le contrôle du fleuve et des rivières. De l'Ubangui à laTshuapa, en passant par la Lopori et le fleuve Congo, le réseau hydrographique du Nord du Congo devient l'enjeu d'une guerre qui tournera à la débâcle des troupes de Kabila.

Le long des rives infestées de moustiques, sous les pluies tropicales diluviennes, dans la boue et les marais, les combattants de l'Armée de Libération du Congo vont faire la démonstration de leur courage et leur engagement en faveur de la liberté. Aux côtés de ces soldats, des officiers chevronnés, certains brevetés d'Etat major, d'autres formés au fil des combats, vont assurer un encadrement digne des armées conventionnelles traditionnelles. Parmi eux, les commandants Alongaboni, Moustapha, Alengbia, Widi, Mondonga et bien d'autres, commandants seconds, obscurs chefs de section ou commandants-compagnie vont graver en lettre d'or les pages de l'Armée de Libération du Congo.

Les bombardements aériens

Après avoir perdu le plafond nord du Congo, Laurent Kabila intensifie les bombardements aveugles sur les populations civiles de l'Equateur. Il poursuit une double stratégie, d'une part terroriser les populations en vue de créer un climat hostile entre les paysans et les combattants et, d'autre part anéantir l'Armée de Libération du Congo. De septembre 1999 à janvier 2001, les bombardements se poursuivront à un rythme soutenu sans provoquer de pertes en vies humaines au sein des troupes. Chaque jour, les villages, les bourgades et les villes sont les cibles des bombardements aériens ou des pilonnages aveugles des bateaux de Kabila. Les

par les danses et les cris de joie des populations. Les récits des souffrances atroces infligées aux villageois par les hommes de Kabila émeuvent les journalistes allemands qui m'accompagnent. Viols, meurtres, assassinats, enlèvements sont racontés avec menus détails par une population meurtrie. Au fil de l'avancée de l'ALC, des centaines de pirogues viennent à la rencontre de nos balcinnières saluer les troupes et apporter quelques vivres. Le geste est d'autant plus touchant qu'il vient de compatriotes qui ont tout perdu. Mais qui nourrissent l'espoir de vivre enfin libres.

La prise de Buburu entraîne une levée de boucliers au sein de la communauté internationale. Les Nations Unies exigent le retrait immédiat des troupes. L'allié ougandais, qui ne disposait d'aucun élément en ligne de front, est lui aussi violemment pris à partie par New York. Les pressions sont d'autant plus fortes que la chute de Mbandaka signifierait immanquablement la poursuite de l'offensive en direction de Kinshasa. La mise en péril des relations amicales avec notre allié ougandais et le risque d'isolement provoqué par les sanctions des Nations Unies sur ses intérêts m'obligent à revoir notre position. L'ambassadeur Kamel Morjane, le représentant spécial du Secrétaire Général des Nations Unies au Congo, et le général Mountaga Diallo, le Force Commander de la Monuc, font le déplacement de Gbadolite pour me porter le message des Nations Unies. Insensibles aux images du retour de milliers de Congolais dans leur village et aux témoignages des populations civiles sur les massacres perpétrés par les FAC dont elles sont les victimes, les deux émissaires transmettent les exigences de la communauté internationale. En me

de la 1^{re} brigade FAC, commandés par des congolais, font la fierté de Kabila. La majorité des jeunes gens sont originaires du Katanga. La puissance de feu dont disposent ces barges est considérable. Sur les bateaux tous les types d'armes d'appui sont concentrées : 37mm, 14,5mm, 107mm, 122mm. De leurs positions défensives, les troupes de l'ALC ne peuvent répondre au pilonnage des berges.

Au cours de la semaine du 12 au 16 juillet 2000, je donne l'ordre aux forces stationnées à Imesse de se replier sur Libenge, soit à plus de 400 kms au nord de la position du MLC reconnue dans le plan de désengagement de Kampala. Je veux éviter des pertes en vie humaines et je demande au commandant Alengbia de ne pas engager de combats retardataires. Ce repli permet aux forces de se positionner dans un terrain de combat plus propice à une riposte face aux forces FAC/Alliés. Grisées par leur avancée, les troupes de Kabila remontent sans aucune précaution la rivière Ubangui. Elles arrivent à quelques kilomètres de Libenge. Des rumeurs propagées par des compatriotes réfugiés en Centrafrique signalent la présence de troupes de Kabila débarquées dans la capitale centrafricaine en provenance de Kinshasa. L'étau semble donc se resserrer sur le MLC...

Appuyées par les bombardements aériens aveugles de l'aviation gouvernementale, les troupes FAC/Alliés provoquent l'exode de plus de 80.000 Congolais qui traversent l'Ubangui afin de trouver refuge en Centrafrique et au Congo-Brazzaville. Dans leur progression, les FAC commettent les pires forfaits sur les civils qu'ils accusent d'entretenir des sympathies avec le MLC. A Dongo, plusieurs

maquis dans l'est du Congo aux environs de Kalemie. Décidé à poursuivre sa lutte contre le régime de Mobutu, Laurent Kabila avait sollicité auprès du président ougandais un appui matériel et logistique. Museveni est trop préoccupé par la remise en état de l'Ouganda et décline la proposition de Kabila. Il explique au rebelle congolais que l'Ouganda ne peut se permettre de lancer des opérations militaires le long de sa frontière avec le Congo étant donné la suspicion entretenue par les voisins de l'Ouganda face à un nouveau régime ayant pris le pouvoir à la suite d'une lutte populaire.

Certains leaders africains considéraient que l'expérience ougandaise était un mauvais exemple pour l'Afrique. Pour Museveni, le président Mobutu n'avait montré aucune hostilité contre son régime et, à ce titre, il ne lui appartenait pas de s'ingérer dans les problèmes internes d'un pays voisin. Toutefois, le président Museveni propose à Laurent Kabila de lui donner quelques armes légères à condition qu'il trouve un moyen de les transporter officiellement à travers la Tanzanie jusqu'à son quartier général situé le long du lac Tanganyika, à la frontière du Burundi. Cette condition oblige Kabila à obtenir l'accord du président tanzanien Ali Mwinyi. Ce dernier s'oppose au projet de Laurent Kabila. En conséquence, Museveni refuse de donner les armes à la rébellion de Kabila. En compensation, il lui alloue une modeste contribution financière et le recommande au président Kadhafi au cas où la Libye serait intéressée à lui apporter son soutien sans une quelconque implication de l'Ouganda.

refuse l'invitation de Yoweri Museveni de se rendre sur le navire de guerre sud-africain Outeniqua en vue d'une concertation finale avec Mobutu. Yoweri Museveni invite Kabila en Ouganda afin de le convaincre d'accepter cette invitation. Kabila s'entête et refuse obstinément la négociation avec le maréchal zaïrois. Au grand dépit du dirigeant ougandais, Kabila s'entête et refuse de répondre à une seconde invitation et, parvenant à le joindre par téléphone, Yoweri Museveni trouve un rebelle arrogant, brutal et criant dans le combiné de l'appareil satellitaire.

La politique ougandaise de soutien aux luttes de libération

Les caprices et les sautes d'humeur de Laurent Kabila n'auront aucune incidence sur le sort des armes. En réalité, la rébellion congolaise est pilotée par le Rwanda. Après que les Banyamulenge, assistés des troupes rwandaises, eussent capturé Goma, Bukavu et Uvira, démarre un recrutement massif de combattants congolais issus des ethnies de l'est du Congo. A mesure que l'enrôlement et la formation se poursuivent, les troupes rwandaises effectuent l'essentiel du travail sous le commandement d'un jeune officier de l'Armée patriotique rwandaise, James Kabarebe. Comme des centaines de jeunes Rwandais, le commandant rwandais avait été recruté et entraîné à l'école des officiers de Jinja en Ouganda par les instructeurs tanzaniens.

Depuis le début de la guerre en août 1996, Yoweri Museveni ne cache pas ses appréhensions quant au rôle actif joué au Zaïre par les troupes

rwandaises dans les combats. A ses yeux, il était préférable que le Rwanda se contente d'assurer la formation militaire des combattants congolais. En vain, il tente de convaincre Paul Kagame de retirer ses troupes. Kabila ne dispose d'aucune force capable de renverser Mobutu, excepté le renfort que lui apporte l'Angola par le biais des « Tigres », anciens gendarmes katangais exilés depuis de nombreuses années en Angola.

En réalité, la politique ougandaise se fonde sur l'expérience des luttes de libération successives des rebelles du Mouvement de Résistance Nationale contre Idi Amin et Obote. Yoweri Museveni a toujours dénoncé le rôle joué en 1978-1979, par la Tanzanie dans son implication directe dans les combats sur le territoire ougandais en réponse à l'invasion de l'Akagera par les troupes d'Idi Amin. Pour lui, la libération du peuple ougandais devait passer par le sacrifice et la lutte des Ougandais eux-mêmes. C'est pourquoi, lors de la seconde lutte de libération qui conduit le Mouvement de Résistance Nationale au pouvoir, il privilégiera la lutte nationale à tout soutien extérieur. Ce n'est qu'à quelques semaines de la chute de Kampala que Mwalimu Nyerere lui apportera un soutien logistique significatif.

Dans son soutien au FPR, Y. Museveni ne dérogera pas à la règle qui a forgé le succès de son mouvement en Ouganda, à savoir une totale autonomie des forces de Paul Kagame. L'Ouganda n'investira aucune troupe combattante dans des combats directs au Rwanda sauf dans des actions visant à répondre aux bombardements des populations civiles par les éléments du général Habyarimana. Une position identique sera adoptée par le gouvernement ougandais dans son soutien à la

affaiblir Kabila. En dépit du caractère séduisant de cette proposition, ils vont donc se limiter à rester proches de Kabila en se contentant de lui prodiguer des conseils sur la marche à suivre.

Yoweri Museveni qui n'est pas intéressé à jouer le rôle de « conseiller », décide de prendre ses distances à l'égard du vieux maquisard. Après la chute de Kinshasa, Museveni maintiendra son attitude, craignant que ses avis et conseils ne soient considérés comme une interférence dans les affaires internes du Congo...

L'Ouganda se limitera à envoyer au Congo des instructeurs pour la constitution d'un corps de police entraîné aux techniques de combat.

Jusqu'en 1998, Y. Museveni gardera cette attitude distante ne délaissant cependant pas l'idée de voir les Congolais se retrouver autour d'une table pour dégager un consensus sur la reconstruction de leur pays.

Ondekane et ses hommes.

Rien ne va plus entre les cousins

En signant l'accord de cessez-le-feu de Lusaka, Yoweri Museveni maintient la ligne diplomatique affichée le 18 avril 1999 à Syrte en Libye. Habile tacticien, l'hôte du colonel Muammar Kadhaffi était parvenu à négocier le retrait des troupes tchadiennes d'Idriss Deby, trop heureux de se dégager du borbier congolais. Près de 800 Tchadiens ont été sacrifiés dans la jungle congolaise. L'accord de Lusaka confirme le retrait de toutes les troupes étrangères du territoire congolais à ceci près qu'elles se transformeront en... gardiens de la paix avec mission de désarmer les bandes armées qui sillonnent le pays. « *Si les Congolais veulent composer avec Kabila, tant mieux, s'ils veulent continuer à se battre, rien ne les en empêche non plus* » affirme Yoweri Museveni. Ses troupes apportent à mes combattants, qui progressent dans le Nord du Congo en direction de Mbandaka, un soutien en terme d'artillerie et de logistique. L'Ouganda a retiré son appui aux forces du RCD/Goma pour se concentrer sur la Province Orientale et l'Equateur. Les divisions internes au sein du RCD ont favorisé ce retrait ougandais. Officiellement, Yoweri Museveni refuse de cautionner la logique du coup d'Etat qui a permis l'éviction de Wamba au profit d'Emile Ilunga. En réalité, en apportant son appui à la faction du RCD établie à Kisangani, l'Ouganda se démarque de la ligne dure du vice-Président Paul Kagame et joue après la carte militaire du MLC, celle de l'ouverture politique conduite par Ernest Wamba en direction de

Kinshasa. « *Entre les cousins rwandais et ougandais rien ne va plus !* » déclare un diplomate occidental.

En termes militaires, alors que le Rwanda vise les mines de diamant du Kasai et tente d'établir une ligne de front de près de 2.000 kilomètres entre le Katanga, le Kasai et la Province Orientale, les instructeurs ougandais qui encadrent mes hommes concentrent toutes leurs forces sur les rives du fleuve Congo. Avec le délabrement de l'ex-Zaïre, l'axe fluvial demeure la véritable colonne vertébrale économique de la RDC. Le brigadier général James Kazini est chargé de l'*Operation Safe Haven*, nom de code donné à Kampala à l'expédition congolaise. Sous un aspect débonnaire, l'homme est habile et expérimenté. Il assure également à Kisangani la protection physique d'Ernest Wamba et de son petit groupe. Sur le plan diplomatique, la signature de l'accord de cessez-le-feu par le MLC soulage Kampala accusé d'entêter la rébellion congolaise dans la logique de conquêtes militaires. En réalité, Kampala poursuit plusieurs objectifs à court et moyen terme. Le gouvernement ougandais veut empêcher tout nouvel assaut des rebelles ougandais, ADF, NALU, WNBK et autres réfugiés dans les montagnes congolaises. Une kyrielle de mouvements armés menacent en permanence les frontières ougandaises. Dans le conflit congolais, plus de 2.000 hommes formés au Soudan sous les ordres du commandant Taban, le fils d'Idi Amin Dada, seraient prêts à porter secours aux troupes défaites de Kabila. J'accuse Karthoum d'épauler Kabila dans les bombardements et la formation de terroristes katangais. Derrière la crise congolaise se cache bel et bien une autre guerre, celle du Soudan, dans laquelle

apaisées par le représentant des Nations-unies, l'ambassadeur Dinka, qui confirme qu'il faudra attendre neuf mois au mieux avant qu'une force des Nations-unies soit opérationnelle en RDC. Ce délai me paraît long, trop long pour les milliers de compatriotes qui sont exposés aux exactions des miliciens Interahamwe.

Dans l'Equateur, dans le Sud et le Nord-Kivu, des villages entiers ont été détruits par les extrémistes hutus, des familles entières ont été brûlées vives dans leur maison. En remettant à chaque délégation les enregistrements vidéo des charniers et des preuves accablantes des exactions commises par les génocidaires rwandais, je fais part des témoignages des habitants d'Abuzi, de Mozamboli, de Zongo.

Après Habyarimana et Mobutu, c'est au tour de Kabila d'être mis sur la sellette à cause des Interahamwe. A plusieurs reprises, nous avons capté les communications radio entre les bataillons interahamwe et l'état-major de Kabila. Je fais part de mes préoccupations et exige que la commission militaire mixte s'occupe immédiatement de la neutralisation et du rapatriement des milices rwandaises dans leur pays. « *Les Interahamwe sont plus de trente mille sur le sol congolais à combattre aux côtés des FAC comme une véritable armée parallèle, voilà le nœud du problème* » renchérit Bizima Kahara qui s'étonne de voir le Zimbabwe exiger une force des Nations-unies pour désarmer les extrémistes hutus et les groupes armés. « *Avec ou sans mandat des Nations-unies nous désarmerons les Interahamwe* » conclut l'ambassadeur rwandais Gasana.

Après plusieurs nuits de négociations ardues, la délégation zimbabwéenne conduite par le ministre

contrôlés par le professeur Wamba entre les deux mouvements. En réalité, le chef de l'Etat ougandais envisage le retrait progressif de ses troupes. Dès le 14 juillet, dix jours après la chute de Gbadolite, il se félicite devant ses hommes des résultats obtenus. *« Désormais, les Soudanais ne peuvent plus disposer de bases arrières au Congo. Nous avons fait notre travail. Si les Congolais veulent poursuivre la guerre, c'est leur affaire. Si Bemba veut négocier, c'est son choix. Nous demeurons des alliés et nous l'aiderons »* leur dit-il. Dans le camp des soldats de l'UPDF, c'est l'euphorie. Tous envisagent la perspective d'un retour imminent au pays.

Pour tous les cadres du MLC qui ont assisté à cette harangue et pour nos officiers, cette journée marque un tournant important dans la guerre de libération. Dorénavant, les troupes ougandaises ne combattront plus en ligne de front. En se dégageant définitivement de la lutte, l'Ouganda nous laisse le choix entre l'usage des armes ou la négociation. Signataire de l'Accord de cessez-le-feu de Lusaka, Yoweri Museveni est désormais sous la lunette de la communauté internationale et ne peut violer ses engagements sous peine de se voir définitivement isolé sur le plan international.

Du burlesque à la tragédie

La guerre de positionnement entre les deux ailes du RCD à Lusaka accentue le différend entre l'Ouganda et le Rwanda. Si le professeur Wamba se prévaut de défendre l'école des démocrates et s'insurge contre le putsch du 19 mai 1999 qui l'a renversé, l'école militariste du RCD/Goma fourbit ses armes. Les divergences entre le RCD/Kisangani

Dans la soirée du 8 janvier 2000, en compagnie d'Ernest Wamba et d'Emile Ilunga, nous abordons les points importants sur l'avenir de nos mouvements. Parmi les préoccupations, la position de l'Angola focalise notre attention. Une rumeur persistante fait état de la présence de troupes de l'Unita dans le secteur du Mouvement de Libération du Congo. Je confirme à mes interlocuteurs l'absence totale de tout rebelle angolais dans nos rangs. En réalité, il apparaît que les services de renseignement angolais disent avoir découvert à Bailundo une lettre que j'aurais rédigée à l'attention de Jonas Savimbi. Bien entendu, cette lettre non signée et rédigée en portugais constitue un montage grossier. Par ailleurs, Emile Ilunga relève également que les autorités de Luanda propagent des fausses informations selon lesquelles des réunions auraient été organisées à Bukavu et à Ouagadougou entre l'Unita et le RCD. De toute évidence, l'Angola se pose en obstacle de toute avancée de la rébellion. J'exhorte Ernest Wamba et Emile Ilunga de ne pas prêter le flanc à l'intoxication des services angolais. Pour Wamba, outre les relations supposées entre le MLC et l'UNITA, dans leur ensemble, les autorités angolaises refusent de discuter avec les mobutistes.

Au cours de cette même soirée, nous abordons les questions d'ordre diplomatique et sécuritaire. Emile Ilunga s'insurge de l'incapacité de la Commission Militaire Mixte qui siège à Lusaka de prendre la mesure de la situation et des multiples violations du cessez-le-feu perpétrées par les troupes de Kabila et les forces zimbabwéennes. Le général algérien Lallali, chef d'Etat major de la Commission militaire mixte, est loin de trouver grâce aux yeux du président du RCD. « *Comment voulez-vous que la communauté internationale s'implique et finance la*

Commission militaire mixte quand son commandant en chef exige un salaire mensuel de 50.000 Us dollars ? » s'interroge Ilunga. Sur le plan de la préparation du dialogue intercongolais, le RCD oppose un refus catégorique à une co-facilitation confiée à la communauté italienne San Egidio.

Après avoir évoqué les mesures pratiques en vue de la libre circulation des personnes et de leurs biens dans les territoires administrés par les mouvements, nous nous convenons de mettre en place un comité politique chargé de proposer les grandes lignes politiques du front commun et de préparer l'agenda des prochaines rencontres du forum. Une commission militaire mixte sera mise sur pied afin d'étudier la possibilité de mettre en place un Etat-major combiné des forces des mouvements de libération. Pour la première fois depuis le début de la guerre, une dynamique prend corps et les trois mouvements semblent converger sur la même voie. Fin janvier, les techniciens du MLC, du RCD et du RCD-ML se retrouveront en Ouganda, dans le centre de formation de Kyankwanzi, afin d'élaborer le programme politique de la rébellion.

LES DRAMES DE L'EST

Climat de terreur et de violence

Ces dix dernières années, la terreur et la violence règnent dans les territoires de l'est du Congo. Le génocide de plusieurs centaines de milliers de Tutsi et l'exode massif de près de deux millions de hutus rwandais dans l'ex-Zaïre ont jeté le Kivu dans la tourmente. Aux problèmes de surpopulation et de pauvreté s'est ajoutée l'importation sur le sol congolais des armées défaites et des milices génocidaires interahamwe. Face aux drames du Rwanda, la communauté internationale est tétanisée, paralysée par un sentiment de culpabilité de n'avoir pas pu empêcher le génocide.

La présence de plusieurs dizaines de milliers d'extrémistes hutus rwandais et burundais assistés et appuyés par les autorités congolaises va justifier l'intervention musclée des troupes rwandaises et ougandaises aux côtés de Kabila et de l'AFDL. Au cours des sept mois qui les conduiront au pouvoir, les troupes de Kabila et de Paul Kagame sont accusées par la communauté internationale d'avoir massacré plus de 200.000 hutus. Joseph Kabila, à l'époque porte-parole de l'AFDL à Kisangani et présent lors de la découverte des charniers, a cité récemment un chiffre beaucoup plus important.

La communauté internationale interpellée initie une enquête internationale qui échoue devant le refus obstiné de Kabila de collaborer.

La présence rwandaise est mal acceptée par les populations congolaises du Kivu qui jugent les

Tutsi arrogants et dominateurs. A la recherche d'une popularité de plus en plus précaire, Laurent Kabila se débarrasse brutalement de ses amis Tutsi. Il dénonce les accords qui le lient avec ses anciens alliés, portant notamment sur la sécurité des frontières et sur la neutralisation des génocidaires hutus.

Le 2 août 1998, une mutinerie instiguée par le Rwanda, met à nouveau le feu aux poudres à Goma, Bukavu et Uvira.

Adossées aux frontières du Rwanda, les populations du Kivu vivent depuis 1996 dans le cycle de la violence et du spectre de l'empire hima. En réaction à la grande peur d'une annexion des territoires par le voisin rwandais, le Kivu se ligue contre l'occupation des troupes étrangères. Faute d'un leadership politique éclairé, les minorités ethniques qui se sont senties marginalisées ou victimes de l'exclusion et de l'arbitraire, trouvent des modes d'expression de plus en plus violents au fur et à mesure de la dégradation des conditions socio-économiques. L'afflux de réfugiés venus du Rwanda et du Burundi a comme conséquence une floraison de milices locales connues sous les noms de Ngilima, Katuku, Mayi Mayi...

La réponse brutale des autorités se traduit par un enchaînement infernal de violations des droits de l'Homme. La société civile du Kivu se dresse en bouclier pacifique des populations. Elle est devenue un adversaire redoutable pour les autorités politico-administratives du Kivu et un acteur majeur dans la recherche d'une solution de paix dans l'est du Congo.

le Commissaire politique James Waphakabulo sont chargés de conduire la nouvelle politique de l'Ouganda. Début janvier, les rebelles congolais sont invités à se rendre à Kampala afin de s'entendre sur l'unification des mouvements. Les échéances électorales ougandaises placent les leaders du RCD devant une obligation de résultat. Aucun d'entre eux, au grand dam des activistes ougandais pro-Mbusa, ne peut se permettre d'hypothéquer les résultats attendus de la négociation.

Les acteurs

Les précédents fâcheux rencontrés au cours des trois années précédentes avec les responsables du RCD/K m'incitent à la prudence. La réunification des mouvements soutenus par l'Ouganda me paraît inéluctable et j'en mesure tout le bénéfice que les populations des territoires du MLC et du RCD/K pourraient en retirer. De Kanyabayonga à Imesse, en passant par Beni, Bunia, Isiro, Buta, Bumba, Lisala, Gemena, Gbadolite, Zongo, Libenge, Dongo et Imesse, plus de 15 millions de compatriotes établis sur une étendue de près de 800.000 km² pourront disposer d'une seule administration et d'une même armée. Ce challenge préfigure à mes yeux ce que pourrait être la réunification attendue par tous les Congolais de leur pays.

A Gbadolite, la perspective d'une réunification avec le RCD/K n'enchante pas les cadres politiques. Un contentieux lourd les oppose aux leaders de l'est qui n'ont pas hésité à traquer les partisans du MLC, à les arrêter et à détruire les représentations ouvertes à Beni et Bunia. Parmi les négociateurs, outre Olivier Kamitatu, se joignent à

remettre à la justice internationale les auteurs des massacres, et neutraliser tous les civils congolais illégalement armés.

Lors de la réunion du comité politique qui s'est tenue fin septembre à Kigali, j'ai instruit les délégués du MLC, Valentin Senga et Justin Kangundu, de défendre la constitution de cette force congolaise mixte. La proposition du Mouvement trouvera l'appui du RCD et de l'Angola. Par contre, le gouvernement de Kinshasa, le Zimbabwe et le Rwanda s'opposeront à cette ouverture vers la paix et la sécurisation du Congo et de ses frontières. Désormais, dans la sortie de crise, un axe s'est dessiné entre les deux visions de l'avenir du Congo. L'une attachée à l'intérêt général, à l'indépendance et à la souveraineté, l'autre à la compromission, à la servitude et au bradage du patrimoine national par les étrangers.

Le pillage des ressources du Congo

Faussaire, pillard, brigand, et malandrin, telles sont les conclusions que tout observateur neutre et impartial tirerait de ma personne à la lecture du rapport rédigé par l'Ivoirienne Safiatou Ba-N'Daw, chargée par le Secrétaire général des Nations Unies de diriger un groupe d'experts sur le pillage des ressources naturelles du Congo par les belligérants. Le panel conduit par Safiatou était composé d'un américain, Mel Holt, un Suisse, Henri Maire, et de deux africains, un Camerounais, François Ekoko, et un Sénégalais, Moustapha Tall.

Décidé à en découdre avec les autorités rwandaises et ougandaises, le panel d'experts s'est exclusivement orienté vers la recherche de tous les indices qui attestent une exploitation des richesses

naturelles du Congo par les « *agresseurs* ». Dans ses recherches, les experts ont tenté de démontrer que les armées ougandaises, rwandaises, du RCD et l'Armée de Libération du Congo ont participé à un véritable hold-up. Au cours de la première année du conflit, les belligérants auraient systématiquement procédé à la confiscation et le pillage pur et simple des banques et des richesses locales. La deuxième année aurait été mise à profit pour une exploitation plus durable des ressources à travers la signature de contrats avec des opérateurs privés. Des sociétés forestières, des petits exploitants miniers, des commerçants auraient reçu des autorisations du RCD et du RCD-ML des autorisations en vue de l'exploitation du bois, du coltan, de l'or et du diamant. Les données statistiques disponibles au Rwanda et en Ouganda font état d'exportations régulières de matières premières extraites du sol congolais.

Selon ce document, diffusé à large échelle avant son adoption par les Nations Unies, non implication directe dans le pillage des ressources du Congo est avérée. Madame Safiatou et les experts ont relayé une série de rumeurs fantaisistes ayant trait à la fabrication de fausses monnaies dans les territoires MLC, au nettoyage des banques commerciales de l'Equateur, au vol du café des entrepôts d'une compagnie privée de Gemena et à l'utilisation d'enfants-soldats dans des carrières de diamant. La volonté délibérée de nuire est tellement manifeste que le panel d'experts n'a pas pris la peine d'apporter la moindre preuve des allégations relayées dans son rapport. Au lieu de s'attacher à démontrer les mécanismes éventuels d'exploitation frauduleuse, ou de rechercher des preuves tangibles de tous les faits mis à ma charge.

UR Annex 47

No. of Company

GEN. CO. FORM No. A.9

19th 1989
GOVERNMENT OF UGANDA

1982904
THE COMPANIES ACT, 1958

BISEREKO KYOMUHENDO

Received By
Receipt No.	1183409
Date	15/10/89
Signature

NOTICE OF SITUATION OF THE REGISTERED OFFICE AND THE REGISTERED POSTAL ADDRESS OR OF ANY CHANGE THEREIN

Pursuant to Section 108.

Name of Company Ms DARA GREAT LAKES (INDUSTRIES) LTD Limited

NOTE:—This Notice must be forwarded to the Registrar of Companies within 14 days after the date of the incorporation of the Company or of the change, as the case may be.

CERTIFIED TRUE COPY

Presented by KASOLO AND AHIDDY ADVOCATES

BEN MUKASINGURA
REGISTRAR OF COMPANIES
KAMPALA

NOTICE

Of the Situation of the Registered Office of the Company

..... or of any change therein

To: THE REGISTRAR OF COMPANIES.

Ms DARA GREAT LAKES (INDUSTRIES) LTD hereby gives you notice, in

accordance with section 108 of the Companies Ordinance, that the Registered Office of the Company is situated

at KANSANGA Plot 3581/244 Kiwamba Rd.

and the registered postal address of the company is P.O. BOX 8352, KAMPALA

UGANDA

as from the 15th day of OCTOBER, 1989.

[Signature] (DIRECTOR)

(State whether Director or Manager or Secretary)

KASOLO & AHIDDY
ADVOCATES
P. O. BOX 2395, KAMPALA

DATED the 18th day of OCTOBER, 1989

19th Oct 1999
3027 1983908
BISEREKO KYOMUHENDO

Received from
Receipt No. 1983908
Date 18/10/99
Signature

THE REPUBLIC OF UGANDA
CERTIFIED TRUE COPY

THE COMPANIES ACT

SPECIAL RESOLUTION

BENJAMIN YASINGURA

REGISTRAR OF COMPANIES
KAMPALA

AT THE EXTRA ORDINARY GENERAL MEETING OF THE BOARD OF DIRECTORS OF M/S DARA GREAT LAKES (INDUSTRIES) LIMITED HELD AT THE COMPANY'S HEADQUARTERS IN KAMPALA ON THE 18TH DAY OF OCTOBER, 1999 RESOLVED BY SPECIAL RESOLUTION:

1. That the Company do open and operate a Bank Current Account with Standard Chartered Bank in Kampala, Uganda.
2. That Miss. Pranee Chanyuttasart be the only signatory to the said Bank Account.
3. The Registrar of Companies be accordingly notified.

DATED at KAMPALA this 18th day of Oct 1999.

WE CERTIFY that the foregoing is a true extract from the minutes of the Board of Directors' meeting held on the 18th day of October, 1999.

[Handwritten Signature]

CHAIRMAN

[Handwritten Signature]
KASULO & KHEDDU
SECRETARIES
P. O. BOX 105, KAMPALA



Editions | myCNN | Video | Audio | [Headline News Brief](#) | [Feedback](#)

Congo parliament OKs Kabila's son as president

January 24, 2001
Web posted at: 2:02 p.m. EST (1902 GMT)

 WEB EXCLUSIVE



Catherine Bond: Tense transition in Kinshasa

In this story:

[Joseph Kabila a mystery](#)

[Diplomats optimistic](#)

[RELATED STORIES, SITES](#) ↓

From staff and wire reports

KINSHASA, Congo (CNN) -- The Democratic Republic of Congo's parliament met on Wednesday and unanimously approved 31-year-old Gen. Joseph Kabila to succeed his father, Laurent Kabila, as the DRC's president.

"We consider this day Major General Joseph Kabila is invested with all constitutional powers," said the motion, approved by all 245 members present.

The younger Kabila was named acting president after his father's assassination last week, and later tapped to replace him by the slain president's inner circle.

He was expected to be sworn in on Thursday, a day later than originally planned.

The parliament also passed a resolution naming Laurent Kabila a national hero.

Joseph Kabila led all mourners on Tuesday at his father's funeral, which was attended by the leaders of three nations backing the DRC government's two-year battle against rebel forces backed by Uganda and Rwanda.

Kabila's swearing-in will come amid intensified efforts to end the civil war that has pulled six African armies into a struggle for the mineral-rich DRC.

The United Nations Security Council has organized a meeting of foreign ministers of the nations fighting in the DRC to push forward the peace process, a U.N. official said on Tuesday.

After Laurent Kabila's assassination last week, the United Nations Security Council has organized a meeting of foreign ministers of nations fighting in Congo to push forward the peace process, a U.N. official said on Tuesday.

Joseph Kabila a mystery

Kabila, a 31-year-old major general who commanded his father's army, was picked by the government as Congo's new leader last week after Laurent Kabila was shot and killed by a bodyguard while he sat in his office.

Kabila has yet to make any public address and it is a matter of intense speculation when he will and in what language. Raised in East African exile, he speaks much better English and Swahili than the French and Lingala of the capital.

An even bigger task will be finding a way to end the war against the backdrop of an upsurge of nationalism spurred by his father's death.

The Security Council session is expected to take place on February 21 and 22 in New York among the countries involved in the many-sided war, spokesman Fred Eckhard told reporters.

Diplomats optimistic

Congo has known little peace since the elder Kabila toppled veteran dictator Mobutu Sese Seko at the end of an eight-month bush war, rebaptizing the former Zaire to try to eradicate memories of three decades of decline and corruption.

Diplomats have told CNN, however, that they expect Joseph Kabila, as president, to press for the implementation of a peace accord his father

thwarted. If that happens, the U.N., which already has military observers in the Congo, will be able to deploy peace keepers there.

Kabila's swearing-in comes one day after Laurent Kabila was buried. At Monday's funeral, Joseph Kabila met the presidents of Zimbabwe, Angola and Namibia, his father's allies in the war since 1998 against rebels backed by the former friends in Uganda and Rwanda who helped his father take power in 1997.

The fighting has raged on in the former Belgium colony despite a 1999 peace deal in the Zambian capital, Lusaka. It called for an end to the fighting and dialogue monitored by the U.N. to ensure a ceasefire.

"Belgium thinks that we have to go back to the spirit and letter of the Lusaka accords," Belgian Foreign Minister Louis Michel said in Kinshasa after attending the funeral and meeting Joseph Kabila.

"The signatories must define a common interpretation of these accords. Dialogue between Congolese must take place without preconditions for anyone," he said.

Meanwhile, the son of the late Congolese dictator Mobutu Sese Seko said Tuesday that Laurent Kabila's death opens new avenues to reconcile the factions fighting for control of the vast nation.

"The passing of Mr. Kabila, aside from the sadness for his family, is bringing new opportunities for the country in terms of (building) a consensus," Nzanga Mobutu said in an interview. "We have to go ahead now with a national dialogue."

He called on the soon-to-be president to open up talks that would end the country's civil war, bring in opposition figures and eventually lead to elections.

"We're from the same generation. I wish he would answer this appeal for a new generation to work a change," he said. "There are a lot of youngsters who would like to have a role in our political life."

CNN Correspondent Catherine Bond, The Associated Press and Reuters contributed to this report.

UR Annex 48

**Security Council**

Distr.: General
14 March 2001

Original: English

Letter dated 14 March 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Uganda to the United Nations addressed to the President of the Security Council

I have the honour to refer to the letter from the Chargé d'affaires of the Permanent Mission of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council dated 26 February 2001. The letter appeared as Security Council document S/2001/174 of 27 February 2001.

1. We have noted with great relief the stated assurances given by the Government of the Democratic Republic of the Congo to fully respect the relevant provisions of Security Council resolution 1341 (2001) of 22 February 2001. We have also noted the apparent change by the same Government in that it has agreed to enter into internal dialogue with the various political groups in the Democratic Republic of the Congo as well as to accept the Facilitator, Sir Ketumile Masire, as provided for under the Lusaka Ceasefire Agreement.
2. However, there are certain issues raised by the Chargé d'affaires in his letter which cannot pass unchallenged because, not only do they give the wrong impression, they appear to be deliberate distortions.
3. Security concerns of neighbouring countries: The Chargé d'affaires confuses the reason why the neighbours of the Democratic Republic of the Congo have security concerns. The issue is not that the Government of the Democratic Republic of the Congo is to be held responsible for the "internal arguments" of its neighbours, but that what the Democratic Republic of the Congo has done/is doing with the armed groups who have gone into the Democratic Republic of the Congo and used it as a base to cause "insecurity" for the neighbouring countries. Allow me to refer to the report of the Secretary-General of 17 January 2000 (S/2000/30, para. 74), in which the Secretary-General clearly identified one of the root causes of the problem in the Democratic Republic of the Congo: "It is evident that the problem of the armed groups ... is a key factor in the conflict in the subregion, since it undermines the security of all the States concerned". I wish in particular to draw the attention of the Chargé d'affaires to the Secretary-General's conclusion: "It is essential to resolve this question in order to establish a lasting peace".
4. (a) On respect for human rights: Here again it is clear that the Chargé d'affaires of the Democratic Republic of the Congo is not being honest. The Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo does not exonerate the Government of the Democratic Republic of the Congo from human rights violations in that country. What is clear is that respect for human rights in the Democratic Republic of the Congo should be universal and not selective.



(b) HIV/AIDS: There is no evidence that HIV/AIDS has only increased in occupied provinces. This is a fallacy. It is well known that the prevalence of this disease is a major problem and a preoccupation of our continent. It is not a "direct result of the aggression against the Democratic Republic of the Congo" as the Chargé d'affaires wants us to believe. Nor are matters helped by obfuscating issues.

(c) Hema/Lendu conflict: Uganda is accused of direct involvement in the outbreak and continuation of inter-ethnic fighting between the Hema and the Lendu. Again the Chargé d'affaires is not being honest about the history of his country. What are the facts? Uganda has done its best to stop inter-ethnic fighting, pacify the affected areas and unite the various groups in the Democratic Republic of the Congo, historical rivalry between Hema and Lendu notwithstanding. The Secretary-General acknowledged Uganda's positive role in his report on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) of 12 February 2001 (S/2001/128, para. 27): "Since 22 January 2001 MONUC military observers in Bunia have reported the situation in town to be tense but with the Ugandan People's Defence Force (UPDF) in effective control."

(d) Recruitment and deportation of Congolese children to Uganda: Contrary to what is written, the truth is that following the outbreak of the recent ethnic fighting in Bunia, about 600 people, including children, were airlifted to Uganda. This was at the request of parents and Congolese authorities. The children (163) have since been handed over to UNICEF — on 22 February 2001. The Minister for the Presidency handed them to UNICEF, UNHCR and Save the Children, for settlement. It is again on record that the United Nations applauded Uganda for this in the UNICEF statement issued in New York in February 2001.

5. I will not comment on paragraphs 8 and 9 of the letter, because the United Nations Security Council is fully seized of the matter and is aware that the Government of Uganda has been and continues to be very cooperative in every respect.

6. I wish to take this opportunity, however, to assure the Security Council and the international community at large, that Uganda is committed to peace and stability in the subregion and that it has spared no effort in the search for a lasting solution to the conflict in the Democratic Republic of Congo. As a signatory to the Lusaka Ceasefire Agreement, the Kampala Disengagement Plan and the Harare sub-plans for disengagement and redeployment of forces, Uganda shall not tire of calling upon all the parties to the Lusaka Process to honour their obligations under the Lusaka Ceasefire Agreement. It is against this background that my Government warmly applauds the dialogue between the parties to the Lusaka Process and the United Nations Security Council held from 20 to 22 February 2001. We remain hopeful that both sides to that dialogue and its outcome will deliver on the commitments undertaken.

7. I should be grateful if you would bring the present letter to the attention of the members of the Security Council and have it circulated as a document of the Council.

(Signed) Daudi M. Taliwaku
Ambassador

Deputy Permanent Representative and Charge d'affaires a.i.

UR Annex 49

**RESPONSE
BY THE GOVERNMENT OF THE
REPUBLIC OF UGANDA**

TO

**THE REPORT OF THE UN PANEL OF EXPERTS ON THE
ILLEGAL EXPLOITATION OF NATURAL RESOURCES AND
OTHER FORMS OF WEALTH OF THE DEMOCRATIC
REPUBLIC OF THE CONGO**

**STATEMENT BY HON. AMAMA MBABAZI
MINISTER OF STATE FOR FOREIGN AFFAIRS, IN CHARGE
OF REGIONAL CO OPERATION**

**TO
THE UNITED NATIONS SECURITY COUNCIL**

**NEW YORK
3RD APRIL, 2001**

The President of the Security Council,
The Secretary General of the UN;
Members of the Security Council,

It is an honour for me to address this important meeting of the Security Council on the final report of the UN Panel of Experts on the Illegal Exploitation of the Natural Resources of the Democratic Republic of the Congo (DRC). I am particularly happy to see the presidency of the United States once again taking interest in the search for a lasting peace in the Great Lakes Region. We can only assure you of our readiness to render Uganda's full cooperation to enable you achieve this noble objective.

Mr. President, allow me also to express Uganda's gratitude to the Government of the United Kingdom of Great Britain for the able leadership of Her Majesty's distinguished Permanent Representative, Sir Jeremy Greenstock during his presidency of this Council last month when all the ground work for this meeting was done.

We are most obliged to all the members of the Security Council for the onerous task of the maintenance of international peace and security you render to the world on behalf of the UN.

2. The Government of Uganda welcomes the release of the Report of the UN Expert Panel on the illegal exploitation of natural resources and other forms of wealth of the DRC. I wish to thank the Security Council for giving us the opportunity to respond to the contents of the report.

3. I present to you Uganda's response to the report. The response covers all the allegations contained in the Panel's report and I am unable in the short time available to

me to present it verbatim. I urge Your Excellencies to study it in its entirety in order to fully understand Uganda's position. Allow me Mr. President, in the short time I have, to give you a few highlights of this response. The response is under three main headings:

- (a) Uganda's position on the investigation of the illegal exploitation of the natural resources of the DRC;
- (b) Comment on the contents of the report itself and especially the quality of evidence presented by the UN Expert Panel, and
- © The Way Forward.

Uganda's Position On The Investigation

4. I am sure that you all recollect the support Uganda and President Museveni personally gave last year to the proposal to establish a panel of experts to investigate the allegations of illegal exploitation of resources of the DRC. The Government of Uganda rendered maximum cooperation to the panel when it visited Kampala. We did all this because we believed that it was in the interests of promoting peace in the D R Congo that all that is being done in that country is above board. Uganda still firmly holds that view today. It is in that context that we welcomed the release of the Panel's report.

5. The report of the Panel raises important issues to be investigated which are of interest to Uganda. In 1998 Uganda and Rwanda had heard of some allegations leveled against some of our officers in the Congo and at a summit held in Kampala on October 14, 1998, it was decided that the matter be investigated. A joint Ministerial Probe Committee which I was privileged to co-chair was set up among other things to investigate these allegations. It was as a result of those allegations that President Museveni, in his capacity as the Commander-in-Chief issued an order dated 5 December 1998, to all Ugandan troops in the DRC and government officials prohibiting them and their relatives from engaging in any trade in the Congo. It was also made clear that officers violating the UPDF Code of Conduct would face disciplinary measures. It may be of interest to this Council to know that

since then indeed disciplinary measures have been taken against some members of Uganda People's Defence Forces who acted in breach of this order.

6. Uganda has taken note of the Panel's serious allegations that although the Uganda Government is not institutionally involved (para 7, 85), top Ugandan military officers and civilians are involved in the illegal exploitation of natural resources in the DRC.

7. This is the first time allegations of illegal exploitation have been specified and we welcome the opportunity to bring these matters to rest. In the case of the military officers and civilians mentioned in the Report and the Forestry Department alleged to have colluded with private companies in a scheme to facilitate the certification of timber from the DRC (para 51), I am happy to inform the Security Council that the Government of Uganda has decided to establish a Commission of Enquiry to investigate the allegations raised in the report and report to Government for appropriate action. This shall be an independent commission which shall conduct the inquiry in an open and transparent manner. The composition of the Commission will be announced shortly in Kampala.

Comment on the Report

8. Uganda, however, finds very serious problems with the Panel's report. The report suffers from fundamental flaws in the interpretation of the Panel's mandate and presents extremely poor and unreliable quality of evidence. Uganda finds the Panel's unwarranted attack on the person of President Museveni despicable and totally unacceptable.

Fundamental Flaws

Definition of *Illegality*

9. The Panel in para 15, claiming that it based itself on the interpretation of the term by the Security Council, interpretes illegality to mean that all activities which took place in Congo without the consent of the Government in Kinshasa are illegal. Of course this is incorrect. If Council had wished to give that interpretation, then there would have been no need to carry out any investigation since everybody in the world knows that the Kinshasa government controls only about 40% of the territory of Congo and the rest is under the control of rebel groups. The so called legitimate government is not in any position to give 'consent' to activities in areas it does not control.

10. This interpretation which the Panel says "suggested that only non-invited forces and their nationals are carrying out illegal activities in the" DRC ie only in Northern and Eastern Congo is contrary to the actual mandate of the Security Council which was that investigation should cover the whole of DRC. However this unfortunate interpretation of the term led to the onesidedness and bias in favour of one side of the conflict in the Congo that is abundantly reflected in the findings of the Panel throughout the report. The Panel "deems illegality to be the carrying out of an activity in violation of ... regulations" of the Government in Kinshasa (see para 15). This leads to the Panel's erroneous position of declaring all activities in areas controlled by the rebels illegal and explains why they do not seem to have pursued investigation in the areas controlled by the DRC Government and their allies.

11. This interpretation also clearly seeks to negate the Lusaka Ceasefire Agreement. The issue of legality was fully discussed by the parties to the Lusaka Agreement and was resolved clearly as is stipulated in the Agreement itself. Each of the Congolese signatories to Lusaka was charged with the responsibility to administer the areas they control until state administration is re-established. This UN SC has endorsed the Lusaka Agreement in various resolutions as the framework for resolving the conflict in the DRC. Is the Panel's position a proposition that this policy should change?

12. This interpretation, if accepted, would have the effect of criminalizing the traditional cross-border trade that has gone on between the people of Congo and Uganda since time immemorial. It would also in effect freeze life for the Congolese people in Eastern DRC.

Quality of Evidence

13. There are many grave allegations against Ugandan leaders and Uganda as a State. One would, therefore, expect that the Panel would pick evidence which would leave no room for reasonable doubt. Surely charges against a Government or a head of State would, as has been the case in previous similar cases, handled by reputable international bodies, require to be established by conclusive evidence involving a high degree of certainty. But what do we find in the Panel's report – hearsay evidence, lies and falsehoods, unattributed information and conclusions for which no type of evidence is offered.

14. In paragraphs 27 & 28 the Panel alleges that ' according numerous accounts in Kampala' the decision for Uganda's military involvement in the DRC in 1998 was motivated by economic and financial interests of top military officers. This is a very serious allegation indeed especially in light of the fact that Uganda has stated the reasons for her involvement in Congo which reasons were accepted and incorporated in the Lusaka Agreement. It is not enough to simply quote unnamed "numerous sources in Kampala". It is not acceptable that a Panel of Experts of the UN relies on street gossip to levy serious charges against a state!

15. The Panel alleges that UPDF was involved in the *dismantling of factories and machinery spare parts*, (para 36). The Panel provides absolutely no evidence to link this to the UPDF and that these were transferred to Uganda. **The citing of this**

alleged activity is therefore in bad faith

Most of the information in the report on which the Panel bases its conclusions is actually hearsay and we invite the Security Council to treat^k as unsafe evidence.

Falsehood and Lies

16. Under this category, the Panel of Experts knew that the statements they were making were false, but went ahead and made them anyway. For example, the Report acknowledges maximum cooperation received from the Uganda Government. The Panel alleges in paragraphs 11 and 89 that they asked to meet with individuals including Brigadier General Kazini, but the requests were turned down. This is not true.

a) In their meeting with H.E. the President of Uganda, both Brig. Kazini and Lt. Col. Mayombo were present. The Panel did not at any one time indicate that they wanted any information regarding the activities of these individuals in the DRC. The Panel's position was not surprising, since the Panel had indicated at the beginning of the meeting that their mission was not to investigate but to collect data.

(b) The Panel held a meeting with the Minister of State for Defense, Hon. Steven Kavuma. The meeting was attended by the Army Commander Maj. Gen. Jeje Odongo and the Acting Chief of Military Intelligence, Lt. Col. Mayombo, and others. Gen. Odongo expressed his willingness to be of assistance and invited the Panel to forward a list of specific questions for any officer of UPDF, including Brig. Kazini, which the Panel required to be answered. He informed the Panel that although Gen. Saleh had retired from the Army, Gen Odongo would serve him on behalf of the Panel. This invitation to the Panel, however, was never taken up by the Panel

up to date.

c) On the 6th March 2001, we communicated to the Chairperson of the Panel, on the follow-up to the interim Report, reconfirming our continued support of their work and inviting any questions, clarifications or additional data as well as extending another welcome to the Panel to revisit Uganda before the finalization of the Report but to no avail.

Attack on President Museveni and his family

17. The Panel makes a number of allegations against President Museveni as either (i) a family shareholder in some of the involved companies (paras 80, 52) (ii), an accomplice and (iii) on the verge of becoming a godfather of the illegal exploitation (paras 201-206, 211).
- 18 . Uganda is disturbed by the casual manner by which the Panel decided to disregard minimum decent language to use when referring to a Head of State of a member of State by referring to Presidents Museveni and Kagame as the "godfathers". It is important to note that
- (a) The Panel admits the need to refrain from making allegations about the personal involvement of the President, due to lack of evidence (para 195) and yet makes strong inferences and conclusion that President Museveni is an accomplice in the illegal exploitation of natural resources of the DRC, and is laying the foundation for the continuation of war in the DRC (para 201-206, 211) when they do not present

any evidence, even street gossip, that President Museveni was personally or even vicariously involved in illegal exploitation of resources in the DRC.

- (b) The Panel met H.E. the President on 11 November 2000 for over two hours at State House Kampala, and at no time did they ask him about involvement in the allegations now presented against him.
- (c) By bringing into disrepute the person and family of H.E. the President of Uganda, without any credible evidence, the Panel demonstrated either serious incompetence as a fact-finding team, or an arrogant display of malicious intentions.

Mr President,

19. How do you propose to address this grave and serious matter?

Conclusion

20. Uganda feels, therefore, that the quality of the report is so low that its value and credibility are seriously diminished and undermined. That is why we support the extension of the mandate of the Panel in the hope that a better job will be done. In this connection, Uganda would recommend that a new Panel is put in place or the current one is expanded under a new Chairman to inject professional competence, impartiality and serious leadership in the investigation process. It is also important to achieve a level of balance in the new Panel of Experts.

21, Uganda has also learnt one important lesson that it pays not to cooperate with the UN Panel of Experts. The Panel of experts acknowledges the maximum cooperation from Uganda. This ranged from meeting with HE the President, the Vice President, 1st Deputy

Prime Minister/Minister of Foreign Affairs, various cabinet ministers, and relevant Government officials as requested by the Panel. And what is the reward for this? Recommendations of sanctions against the people of Uganda. On the other hand countries which are actually suspected to be illegally involved in the exploitation of natural resources in the DRC have escaped rebuke even as they refused to cooperate with the UN Panel of investigation.

THE WAY FORWARD

22. Uganda believes that the cause of all the problems of the illegal exploitation of the natural resource is war and the absence of a stable and strong state in the DRC. Therefore, the primary focus should be on creating peace in the DRC. This can only be through the implementation of the Lusaka Peace Agreement. In ^{the} context, the Security Council will be expected to handle ^{the report} with the utmost care because it contains the element of diversion. Exploitation of natural resources is not the cause, it is the consequence of the war and absence of a strong state.

23. The Security Council should, therefore, remain determined to play a leadership role in the search for peace and stability in the DRC. The challenge before the UN Security Council is the generation of sufficient political will and focus in support of the Lusaka Peace Agreement. The Lusaka Peace Process provides a unique opportunity to address the security concerns of the DRC and her neighbours, and to create favorable conditions for an internal dialogue on a new democratic dispensation in the DRC. The withdrawal of all foreign forces, and emergence of a strong and stable state is the only guarantee to the end the illegal exploitation of natural resources in the DRC.

Thank you.

UR Annex 50

Xinhua News Agency
(c) Copyright 2001 Xinhua News Agency

Thursday, April 12, 2001

Zimbabwean Minister Defends Involvement in Congo.

HARARE, April 12 (Xinhua) - Zimbabwean Defense Minister Moven Mahachi Thursday said there is nothing "sinister" and "extraordinary" about Zimbabwe's involvement in the Democratic Republic of the Congo (DRC).

Mahachi told 86 soldiers who have just returned back from the DRC that their deployment in the DRC is for a good cause - to promote peace, stability, tranquillity and nothing else.

He reiterated that Zimbabwe harbors no territorial ambitions since it has all the territory it needs and is prepared to protect it.

"It is our mere contribution to the region's firm resolve to strengthen and consolidate democracy and restore peace and stability on the African continent," he said.

Mahachi said the successful implementation of the Lusaka Peace Accord would determine the pace at which Zimbabwe would continue to reduce its troops in the DRC until an appropriate time for total withdrawal as outlined in the Kampala disengagement and Harare sub-plans.

He said the presence of the Organization of African Unity (OAU) Joint Military Commission and, lately, a United Nations Peacekeeping Force in the DRC should act as a stimulus needed for the creation and fostering of a conducive environment for peace.

"On our part, we have great interest in the resolution of such internal conflicts because they directly affect the security situation in the entire African continent," the minister said.

"We, therefore, remain totally committed to the principle of the recent U.N. resolution regarding the peace process in the DRC and the Lusaka Peace Accord," he stressed.

At least 11,000 Zimbabwean troops, together with those from Angola and Namibia, have been propping up the DRC army, fighting rebels backed by Rwanda and Uganda since August 1998.

The Lusaka Accord was signed by all belligerents in the conflict in 1999, and as part of the agreement, most of the fighters have completed a 15 kilometers pullback from the frontline.

---- INDEX REFERENCES ----

NEWS SUBJECT: English language content; Armed Forces; International Relations; Political and General News; Military Action; Organization of African Unity; International Pol-Econ Organizations (ENGL GDEF GDIP GCAT MLT OAU OCAT)

PRODUCT: African/Middle East News/Features (DAF)

REGION: Democratic Republic of the Congo; Zimbabwe; Central African Countries; African Countries; Southern African Countries; Emerging Market Countries; Democratic Republic of Congo (Zaire); Zimbabwe; Africa; Rwanda; East African Countries; Rwanda; Namibia (ZAIRE ZIMBAB CEAFRZ AFRICAZ SOUAFRZ DEVGCOZ CG ZI AF RWANDA EAFRZ RW NMB)

Word Count: 310

4/12/01 XINHUAEN (No Page)

END OF DOCUMENT

UR Annex 51

Time To Leave DR Congo - M7

By John Kakande, Simon Peter Ekarot And Edris Kisambira President Museveni said last night it was time to get UPDF troops out of the DR Congo because ADF rebels threat had been contained. "In the coming few days, I shall be making important announcements about our involvement in the Congo. I shall consult with other leaders in the region and we shall come up with a decisive action on the Congo," he said. Museveni was addressing the nation on radio and television last night on the court ruling on the election petition. He said Uganda had tried to help the Lusaka peace process and the UPDF had pulled back nine battalions from the DRC. He said he would work for all Ugandans even those who did not vote him to heal the wounds. "I shall concentrate on eradicating household poverty that has been my major concern. I shall also work for the consolidation of the rule of law and constitutionalism." Museveni said he would not purge the public service but it would be manned by people he trusts, citing the new Police chief. "I appointed him (Major General Katumba Wamala) because I trust him very much. I will no longer tolerate civil servants who do not respect the mandate of the people. That is why I have appointed a new Police chief to clean up the force. The idea of kulemesa (to fail) government or the Movement will not help." Museveni said the appointment of a new Uganda Revenue Authority chief Annebrit Aslund Ericson would improve revenue collection. On the petition, Museveni said the Supreme Court had acquitted itself. "Just as I was on trial as winner, so were the judges. I am happy the judges have handled the case well and that is harbinger of good things to come." Museveni told Sudan to remove LRA rebel leader Joseph Kony from Juba according to agreements. He said the ADF had been weakened and a number of their commanders killed or captured. He said if their leader Kabanda did not surrender, he would be killed. Meanwhile, Museveni told MPs at the weekend that his family or army officer are not engaged in business in Congo. He was meeting the parliamentary committee on presidential and foreign affairs. Committee chairman Elly Karuhanga said yesterday Museveni said Uganda would withdraw her troops immediately. Museveni met the MPs at State House Nakasero. They discussed the UN panel report which implicated top UPDF officers in plundering Congo's wealth, Uganda's relations with Rwanda and reconciliation with petitioner Col. Kizza Besigye. Ministers Ruhakana Rugunda and Amama Mbabazi were present. Museveni sent Mbabazi, Karuhanga and Mukula to the UN to defend Uganda at the Security Council. The UN panel said people looting Congo's resources include Museveni's son Muhoozi Kainerugaba, Museveni's young brother Maj. Gen. Salim Saleh, Brig. James Kazini, Col. Tinkamanyire, Jovia Akandwanaho, Col Kahinda Otafiire, Col F. Mugenyi and Lt. Col. Noble Mayombo. It said Saleh and his wife, Jovia, are at the core of the illegal exploitation in areas controlled by Uganda. It said Kazini was Saleh's executing arm. The MPs quoted Museveni as saying the report was "biased and unresearched" and did not "merit any inquiry." Museveni said Uganda's involvement in Congo was "out of conviction" but not for material gain. He said he had interviewed his family members and they all denied any involvement in Congo business. He said he also interviewed Col. Mugenyi who denied the allegations. The French Le Monde newspaper last month, quoting UN sources, said Mugenyi had grabbed 15kg of pure gold from the government reserves in Watsa in September 1999. It said Mugenyi was using local people at Kilomoto to mine gold. Museveni told the MPs that Muhoozi went to Congo once during the regime of the late Laurent Kabila. Muhoozi was interested in exporting beef to Congo but the deal never took off. Museveni reportedly said it was Laurent Kabila who wanted a joint company with Saleh. The deal failed. He also said he had directed UPDF officers not to engage in business in Congo. He said private individuals do business in areas controlled by UPDF. Museveni said the panel should have focused on mining of reef as opposed to alluvial gold. Ends

Published on: **Monday, 23rd April, 2001**

UR Annex 52



Security Council

Distr.: General
24 April 2001

Original: English

Letter dated 24 April 2001 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to forward to the Council Rwanda's reaction to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2001/357 of 12 April 2001).

Rwanda wishes to restate its reason for being in the Congo as always expressed: that our troops were/are there fighting Interahamwe and ex-Forces armées rwandaises and to ensure the security of our territory and people. Stating it otherwise is diverting us from the real issues and Rwanda reiterates its support for the Lusaka Ceasefire Agreement, the only way forward in curbing accusations and counter-accusations.

Rwanda hopes that the Security Council will continue to assist the parties to the Lusaka Agreement towards full implementation of the Agreement without further delay and for all of the parties to move ahead with their expressed commitment.

I would appreciate it if this document were circulated to all members as a document of the Security Council.

(Signed) Joseph W. Mutaboba
Ambassador
Permanent Representative



Annex to the letter dated 24 April 2001 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Reaction of the Government of Rwanda to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo

This is a type of report the reader should read backwards. One should start with the wild recommendations in order to follow the absurdity of the report's contents. It is quite clear that the recommendations of the "Experts" were pre-set wishes on which they based their methodological framework.

It is indeed not surprising that their first attempt at producing a report was found inadequate and they had to be made to review it. Unfortunately, the second attempt is still very unprofessional and full of hearsay and innuendos. It is indeed not very helpful to the Security Council to depend on experts who have absolutely no knowledge of the region they are doing research on; because what you end up with are unsubstantiated newspaper stories indeed street talk and revisionist propaganda.

There are basically four issues that made the Panel of Experts produce this type of report:

1. They interpreted their mandate as witch-hunting, and produced something that seems to confirm what they considered given.
2. They worked under an umbrella of a daydream of the non-existence or indeed irrelevance of the rebellion in the Democratic Republic of Congo.

3. They based their main findings on a misconception of "illegality" and legitimacy.
4. They completely ignore or are ignorant of the history or trade links in the Great Lakes Region.
5. The Panel did not look at existing International treaties and conventions to which Rwanda and the DRC are party.

As far as the Panel's interpretation of their mandate is concerned, it manifests itself clearly in the unreliable sources of information. References to either "deserters", "high number of insiders living in the DRC and in Europe", "reliable sources" that are not identified, makes the report sound more like fictitious stories than anything else, and no effort was made to fulfill the mandate.

The Panel of Experts' report premises its findings on an assumption that the rebellion should have no say in the territories they control. They are obviously out of touch with the Lusaka Agreement and don't seem to know that these rebels have been invited for debates at the UN Security Council. According to the report, "all activities taking place in the Democratic Republic of Congo without the consent of the legitimate government are illegal".

This indeed is absurd and would obviously lead to absurd conclusions. To assume that all activities carried out by Congolese who are not under the Kinshasa administration are illegal is to ignore the realities on the ground. There are people living in the rebel-controlled areas. Wherever people are, there will always be economic activities. In these areas

there is an administration looking after the health, education and general well being of their population. These Congolese have every right to exploit the natural resources and other forms of wealth under their control as is indeed recognized by the Panel of Experts in paragraph 14b.

TRADE BETWEEN RWANDA AND CONGO

First of all, the report purports to be dealing with illegal exploitation since the beginning of the war in the DRC, but ends up attacking existing legal trade which the report refers to as illegal. Trade within the region did not start with the war in the Democratic Republic of Congo. Secondly, Illegal Trade in any Commodity only happens if:

- (a) The commodity is prohibited for trade due to health, phyto-sanitary, or any other well established reason. Such cases are notified to all World Trade Organisation members.

- (b) Goods are traded in a manner that contravenes established International or domestic trade procedures. Such procedures are well elaborated in the World Trade Organisation treaty, Regional and Sub-regional treaties as well as national Trade and Custom's Laws.

Rwanda and the Democratic Republic of Congo are signatories, and therefore members of the WTO, COMESA, CEPGL and the Northern Corridor organization. All these treaties and protocols oblige either country to facilitate trade between its peoples, transit of goods between

the two states, as well as free transiting of either country's cargo to a third party country. The present state of affairs dictates that all these transactions are carried out in the framework of the Lusaka agreement, which stipulates that the internationally recognized parties in the DRC, shall control territories they hold until new institutions are put into place.

CEPGL treaty was signed on 20th September 1976 between Rwanda, Burundi and Zaïre (currently the Democratic Republic of Congo). The treaty provides for co-operation in Banking Industry, Electricity, and Trade between the three states. Timber and cassiterite are listed among the products the Democratic Republic of Congo can export to Rwanda or Burundi as n° 1 and n° 40. The list covers 51 products. It is important to note that under this protocol, the three states trade in their local currencies, and their Central Banks carry out compensation. Trade between the three States is carried out by nationally registered companies (local and International) or individuals with nationally recognized licenses. There is no single Company / Enterprise or Individual without a proper license that has exploited timber or cassiterite and exported it to Rwanda in disregard of the CEPGL treaty. The burden of proof lies with the Panel of 'Experts'. Trade in these products existed even before the establishment of CEPGL and there is absolutely no reason why it should have stopped in the 1990's.

Rwanda has heavy mineral deposits with some under exploitation and others yet to be exploited. Among those under exploitation are Coltan (best quality in the Region), Cassiterite and Wolfram. Rwanda currently produces an average of 120 MT of Coltan per month which

accounts for the export figures supported by Rwanda certificates of origin. Both local and international enterprises registered to mine and trade in minerals, are exploiting and exporting these minerals to Europe with a certificate of origin signed and endorsed by competent civil servants of the Ministry of Commerce, Industry and Tourism. Samples of their signatures have been submitted to the European Union and COMESA Secretariats.

The above enterprises are by international trade regulations (Refer to WTO Regulations) free to import minerals either similar to those produced in Rwanda or completely non-existent in Rwanda for re-export or processing for export. Minerals that are re-exported are not accompanied by Rwanda Certificate of origin. Those that are processed and exported are accompanied by a certificate of origin indicating clearly the percentage of value added on the product by the Rwandan company and the percentage attributed to the country of origin of the raw materials. To date, Rwanda has not issued such a certificate of origin because not a single company in Rwanda has fully engaged itself in the processing of Minerals.

Under article 2 of Transit Regulations as contained in the Treaty establishing COMESA and under Rwanda's Customs legislation of 31st July 1992, Re-exportation and Transiting of Goods in Rwanda is Legal. Rwanda, like any other Member of WTO and COMESA, is legally bound to facilitate both re-exportation and transiting of goods within the set up procedures. Thus a company registered and doing mining business in the Democratic Republic of Congo can transit any minerals through

Rwanda to Europe or elsewhere. Rwanda issues RCTD (Road-Customs Transit Declaration) forms to such companies and only charges warehousing fees.

The government of Rwanda is not aware of any existing illegal trade, and stands to be corrected. If there is, the Panel of Experts should be in a position to provide in its report, the following:

- (1) Evidence of any company that has transited minerals from D.R.Congo through Rwanda against the provisions of COMESA, CEPGL and or WTO treaties.
- (2) Evidence that Rwanda has exported diamonds given in table 5 (Including paragraphs 104 and 107) of the report by producing certificates of origin that accompanied the mentioned exports.
- (3) The Laws or Conventions disregarded in facilitating transit of goods of Democratic Republic of Congo origin through Rwanda's Dry Port.

SPECIFIC ALLEGATIONS

In responding to specific allegations, the Government of Rwanda will now reply paragraph by paragraph where the report attempts to implicate Rwanda.

Para 31. Gulamali as a businesswoman is not a creation of Rwanda's presence in the DRC. She has been carrying out business activities in the Congo for over thirty years the panel could have been convincing by giving evidence of particular Rwanda support given to Mrs Gulamali.

In Paragraph 31, the report alleges that "Kigali military Airport" is used to facilitate transportation of Arms, military equipment and other merchandise. It should be clearly noted that Rwanda has no military Airports whatsoever.

Para 33. The Eastern part of the Congo has been cut off in terms of international air communication. In the face of this situation, the Congolese goods and people have found it necessary to transit through Kigali, for there are no international flights to Goma and Bukavu. Provisions of these services are not prohibited by any existing international laws. Therefore, the accusation that Kigali International Airport is used as a conduit for transporting Congolese goods is baseless.

Para 37. The report cites accusations leveled against Rwanda by an alleged "RCD defector". How does an international panel make such serious allegations basing their information on what they describe as an "RCD defector" who must have a grudge against the RCD and its ally Rwanda?

Para 38. In these paragraphs the report insinuates that the RPA both encouraged and participated in an alleged looting of local banks in Kisangani. The conclusions are based on the simplistic view that the soldiers involved in the alleged looting did not speak Lingala. This caliber of 'sources' and

the flimsy conclusions demonstrated above expose the research by the 'Experts' as lacking in seriousness.

Para 55. Allegations against Rwandans of extracting Congolese timber once again reflect ignorance on the part of the Panel with regard to existing Regional Trade Agreements and Conventions. If there are any Rwandan nationals involved in trade and commerce in Burundi or DRC, this is legitimate trade, which has been going on for the last 25 years, within the context of the CEPGL Agreement signed between the three countries in 1976. As a matter of fact, for decades, there have been a number of Rwandans who own and exploit thousands of acres of forests in the DRC.

Para 58. This part of the report sadly demonstrates how the document is nothing but fiction. In paragraph 58, the Panel mentions an alleged RPA Officer, one Commander Ruto, involved in the mining of coltan. It should be on record that there is no such rank as Commander in the Rwandan military institution, and, there is no soldier or officer by the name Ruto in the RPA.

Para 60. The Panel's report seeks to implicate the Government of Rwanda in organised extraction of Congolese natural resources by alleging that the Government has utilized prisoners to "dig coltan in exchange for a sentence reduction and limited cash to buy food". Much as the Panel does not

seem to be aware of the source of this allegation (the report simply indicates that "the Panel was recently informed"), this accusation was levelled against Rwanda by MISNA, a Roman Catholic News Agency, in early March and subsequently challenged by the Government to the embarrassment of MISNA itself. Today, there is a relatively large number of prisoners in Rwanda, a situation stemming from the 1994 genocide. The Government of Rwanda has been most open with the prisons system. Indeed, the Administration and maintenance of the prisons is jointly done by the Government and organizations representing the international community. The International Committee of the Red Cross (ICRC), The Penal Reform International (P.R.I.) and Avocats sans Frontières are three known organizations, which have worked closely with the Government with regard to the welfare of the prisoners. There is no way, therefore, that any number of prisoners would have been moved, much less crossed international borders, for any purpose without the knowledge of these organizations!

Para 61. The allegation that Rwanda is involved in destabilizing the wild-life population in the Kahuzi-Biega Park is unfounded, given the fact that there has never been any Rwandan Military deployment in this particular area. Instead it is a stronghold of the Interahamwe militia suspected to have murdered tourists in Bwindi Game Reserve in 1999.

Para 64. The report also states that "Imported goods for the occupied zones arrive via the ports of Mombasa and Dar-es-Salaam. This was supposedly confirmed during the Panel's visit to the customs services ... in Kampala". This particular declaration on the part of the Panel demonstrates that it simply drew its conclusions from a position of ignorance. There is nothing new, no discovery, in the fact that the whole of Eastern Congo hinterland to date uses the ports of Mombasa and Dar-es-Salaam because of geographical proximity. The alternative longer route is through the Port of Matadi on the Atlantic Ocean along the River Congo.

Para 68. The accusation that Congolese nationals hold Bank accounts in Rwandan Banks needs to be put in context. The CEPGL Agreement allows nationals of Rwanda, Burundi, and DRC to carry out Bank transactions in any of the three countries without hindrance. The Congolese people have, over decades, carried out transactions with Rwandan financial institutions and the Rwanda Postal System within the existing regional conventions. Once again, where it is happening, it is legitimate and legal.

Para 73 - 75 & 86.

The Companies mentioned in these paragraphs are both Rwandan and foreign private businesses with no link to the Government of Rwanda.

It should be clearly understood that the Minister of Finance or any member of his family has no interests whatsoever with Air Navette. The Minister of Finance reserves the right to take legal action against this blatant defamation.

The insinuation in paragraph 86 that transactions between individual private banks and certain political organizations in the region have the approval of the Government of Rwanda has no basis.

Para 76. The allegation that natural resources extracted from the Congo are illegally transported through Kigali is not correct. This has clearly been demonstrated by the existence of regional trade conventions, the inaccessibility of Eastern Congo by international carriers and the fact that RCD is an organization responsible for the welfare of a population of over twenty million people.

Para 77. With regard to the financial and banking allegations in this paragraph, it should be pointed out that there were no new banks established in Rwanda after 1997. Secondly, two of

the banks mentioned in this paragraph, namely Union des Banques Congolaises and Banque Commerciale du Congo, have neither their headquarters nor any branches in Rwanda, although once again there would be nothing illegal if they did.

Para 83. The report seeks to identify certain businessmen with the Government and Individual leaders in Rwanda. Mr. Modeste MAKABUZA is a case in point. This is a well-known Congolese businessman, whose family trading activities span a period of four decades. He has no known business connection with the leadership in Rwanda and with President KAGAME in particular, whom the Panel's report has shamelessly chosen to single out.

Para 84. This part of the report once again demonstrates the laughable nature of the work carried out by the Panel. Neither the names of the officers nor the designations mentioned in the paragraph exist in Rwanda.

Para 90 & 91.

Allegations put forward in these two paragraphs are, like any others in the report, wild, unfounded, and baseless, and the Government of Rwanda challenges the Panel to substantiate them.

Para 110 – 114

The calculations in these paragraphs are based on three false premises. First the figures are all fictitious. Rwanda does not have 25,000 soldiers in DRC. Second the frequency of use and cost of aircraft are wildly exaggerated. Third, the bonus payments to RPA soldiers in the DRC, don't exist.

Para 126, 127, 128 & 129.

As demonstrated by the Government of Rwanda throughout this response, the report has failed to establish that RPA has:

- (a) any direct commercial activities in DRC
- (b) shares in any companies or enterprises
- (c) any direct payments from RCD
- (d) any protection money and indeed any tax revenues received by the so-called "Congo desk"
- (e) any uptake by RPA soldiers from Congo.

Para 175 - 179.

Allegations in these paragraphs demonstrate total disregard on the part of the Panel as far as the root causes of the war in the DRC and the conflict in the Great Lakes region are concerned. They are in contradiction with the recommendations of the countries of the region and the UN Security Council itself, as to the way forward in resolving the conflict in the Great Lakes region, which is the implementation of Lusaka Agreement as it is.

Paragraph 185:

Bilateral aid for Rwanda comes in two forms: either as direct budget support or through NGOs.

There is a transparent budgetary process with inbuilt accountability mechanisms; namely the Institutions of the Auditor General, Cour des Comptes, and the Parliamentary Public Accounts Committee. All these are functional and ensure that public funds are utilized as provided for in the Finance Law.

The balance of payments support situation is very clear. Government social sector expenditure (education, health and other social services) has steadily increased over the last three years. Infact, it has more than doubled for health and education over this period.

The Bretton Woods Institutions records are available to testify to this. In addition, there are independent yearly audits by donors giving direct budget support, e.g. Crown Agents for the United Kingdom and the French-based "MD 21 Company" for the European Union funds.

These audit reports are available and reflect what this aid exactly does. The panel did not have to speculate on what these funds are utilized for.

Paragraphs 187- 190:

From 1998, Rwanda started an economic structural adjustment programme with the Bretton Woods Institutions. There is an inbuilt mechanism of monitoring the implementation of the various structural, fiscal and monetary reforms. The International Monetary Fund (IMF) and the World Bank have very competent staff whose duty it is to verify compliance. The work of these reputable UN bodies and their staff over this period is there for everybody to see. The panel would have done these institutions and their staff better justice if they had consulted their work and records. To date, nobody has refuted the competence of these institutions.

Rwanda's qualification for HIPC Initiative was a result of firm government commitment to the implementation of the required reforms and achievement of the set targets. The clearly set criteria were hard earned and not simply a reward as the panel would like to put it.

Paragraph 190 is erroneous and contradicts paragraphs 110 -111. The defense budget has not increased instead it has steadily decreased as follows (as % GDP):

1998 - 4.3
1999 - 4.2
2000 - 3.8
2001 - 3.2

(Source: IMF: Rwanda: Memorandum of Economic and Financial Policies, Nov 2000)

Paragraph 195:

We submit that the Panel, by its own admission, has no basis for dragging Rwanda's Head of State, let alone his family, into its report. If indeed the Panel has no evidence of his family's involvement in diamond trade, why mention it? If it is not intended to tarnish his name? It is not acceptable that a Panel with a UN mandate can engage in an unwarranted smear campaign against Heads of States of member states, their families, or even as individual citizens.

Paragraph 196-197:

The report wants the world to believe that there is something inherently evil for a Head of State to know some of the country's prominent business people. We, however want to categorically refute the insinuation that, this makes President Kagame a business associate or in any way interferes with the responsibilities of his high office.

Paragraph 198:

The reorganization of all Rwandan institutions is done in accordance with our fundamental law, which came into force in 1993. There is no way President Kagame can create institutions outside this framework. That is why the report is wrong to suggest there is a Department of External Relations in the Ministry of Defence that carries out business transactions for the RPA.

Paragraph 200:

The report continues to misrepresent the President's words and intentions. When he said Rwandan citizens carry out commercial activities in DRC, he was stating a fact. None of that has changed. He was not deceiving anybody and he had correct information. Rwanda government considers the attitude of Panel members on this issue shocking and a grave insult. It is equally disingenuous for the Panel to distort the words of the President. When he talked of a "self-sustaining war", he was referring to the capacity of RCD to shoulder their own costs of the war.

Paragraph 210:

The mission of the RPA has not been diverted as the Report claims. The RPA under the leadership of President Kagame stopped Genocide and it has continued to successfully protect the people and territory of Rwanda. The RPA freed 1.5 million refugees held hostage in DRC by EX-FAR and Interahamwe in 1996. The massive infiltration and barbaric acts committed by the same genocidal forces have reduced to insignificance because the RPA has contained them. Today, the RPA is undeniably exemplary in the implementation of the Lusaka Agreement.

Paragraph 211:

The Panel has not proved the existence of criminal cartels in this region. The region is "fragile and sensitive" because proven criminal forces, including Interahamwe and EX-FAR, are supported militarily, politically, and morally in spite the numerous Security Council resolutions urging member states to cease all forms of assistance to them.

President Kagame was instrumental in stopping genocide, the ultimate crime, and will continue to ensure the people of Rwanda maintain the capacity to prevent a recurrence of genocide. The International Community should not be diverted from correcting mistakes of the past that allowed genocide to occur in its presence in the first place.

The Government of Rwanda believes that most of these allegations stem from, and are part of, a revisionist campaign whose authors are well known. The campaign which seeks, on one hand, to deter the Government and people of Rwanda from searching for a lasting solution to their security problems, and on the other, to attempt to justify continued support for the genocidal forces that are the real reason why our forces are in DRC.

CONCLUSION :

The spirit that guided the work of the Panel of Experts is clearly demonstrated in their conclusions and recommendations. First and foremost, the Panel states that "its report and recommendations are consistent" with resolutions 1304 (2000) and 1341 (2001) of the Security Council as well as the Lusaka Agreement. This couldn't be more wrong. They are diametrically opposed. It is indeed very interesting that the first recommendation they make is an extension of their mandate. How mercenary?

Most of their recommendations, particularly those dealing with sanctions and financial and economic matters, are very crude attempts to imply that the rebellion in Congo should simply be dismantled, and their allies also suffer the consequences of having supported it. The Experts are advocating that the Security Council reject the Lusaka process, obviously a step in the wrong direction. It is not necessary to go into details of their recommendations on diamond business, forest and timber, reparation and compensation and framework for

reconstruction, as the recommendations are based on pure bias. The bias of the report is further set in its definition of what commodities to investigate. Paragraph 13 lists resources, which only occur in areas controlled by rebels. Cooper, Cobalt, Uranium, Kasai diamonds and oil are passed over since in the eyes of the panel they are plundered by a "legitimate" government and its allies. Indeed, one of the most disturbing feature of the report is its glossing over the real plundering of the natural resources and other forms of wealth by the Kinshasa Government and its allies. The criminal transactions carried out partly for financing the war and partly for enriching some individuals are handled in the Panel's report as if they were normal transactions. This is of course due to the Panel's deliberate misconception of legitimacy and legality.

In paragraph 242, by seeking personal security and protection of the security council, members of the panel imply that what they have done will cause harm to countries, organizations and individuals mentioned in the report. This further demonstrates the unprofessional behavior of panel members. This report was not investigating anything more dangerous in the region than say the flow of arms to the genocidaires [(see Council Resolutions 918(1994), 997(1995), 1011(1995), 1013(1995), 1161(1998) plus letter S/1998/438 and report S/1998/1096)]. The plea can only mean that the whole report is suspicious and deliberately seeks to injure countries, and individuals mentioned in the report.

It is very important that the World body does not fall into the trap of those who continue to want to divert world attention from the real causes of the current situation in the DRC. The Security Council will

recall that it set up an International Commission of Inquiry (Rwanda), which submitted its report S/1998/1096 in November 1998. In paragraph 87 of their report they make it clear that "The Commission is convinced that the ex-FAR and Interahamwe have continued to receive arms and ammunition both through their close links with other armed groups in Angola, Burundi, Uganda and elsewhere, and most recently, from the Government of the Democratic Republic of Congo. Despite the imposition upon them of a Security Council arms embargo, which has remained in force since the genocide of 1994. The Ex-FAR and Interahamwe have now become in effect the allies of the Government of Democratic Republic of Congo and its allies, the Governments of Angola, Chad, Namibia and Zimbabwe. The new relationship has conferred a form of legitimacy on the Interahamwe and the ex-FAR. This is a profoundly shocking state of affairs".

This indeed is the root cause of the war in DRC, as far as Rwanda is concerned, and not commercial activities. Any reports that would attempt to divert the focus of the Security Council from the Lusaka process are very dangerous indeed.

Finally, the Security Council is urged to keep on course in as far as securing peace and security in the Great Lakes region is concerned. In so doing, it must watch out for various maneuvers that attempt to divert our attention from the real problem of the negative forces such as Interahamwe, FDD, ADF etc and their sponsors. This particular report is diversionary, maliciously unfair, and definitely ill intentioned. It should therefore be dismissed in its totality.

Kigali, 23 April 2001.

UR Annex 53

United Nations

S/PV.4317



Security Council

Fifty-sixth year

Provisional

4317th meeting

Thursday, 3 May 2001, 10.45 a.m.
New York

<i>President:</i>	Mr. Cunningham	(United States of America)
<i>Members:</i>	Bangladesh	Mr. Chowdhury
	China	Mr. Wang Yingfan
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Ireland	Mr. Ryan
	Jamaica	Miss Durrant
	Mali	Mr. Ouane
	Mauritius	Mr. Neewoor
	Norway	Mr. Strømme
	Russian Federation	Mr. Lavrov
	Singapore	Mr. Mahbubani
	Tunisia	Mr. Mejdoub
	Ukraine	Mr. Krokhmal
	United Kingdom of Great Britain and Northern Ireland.....	Sir Jeremy Greenstock

Agenda

The situation concerning the Democratic Republic of the Congo

Letter dated 12 April 2001 from the Secretary-General addressed to the President of the Security Council (S/2001/357).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

01-35824 (E)



The meeting was called to order at 10.50 a.m.

Expression of thanks to the retiring President

The President: As this is the first meeting of the Security Council for the month of May, I would like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Sir Jeremy Greenstock, Permanent Representative of the United Kingdom, for his service as President of the Security Council for the month of April 2001. I am sure that I speak for all members of the Council in expressing deep appreciation to Ambassador Greenstock for the great diplomatic skill with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Letter dated 12 April 2001 from the Secretary-General addressed to the President of the Security Council (S/2001/357)

The President: I should like to inform the Council that I have received letters from the representatives of Angola, Burundi, Canada, the Democratic Republic of the Congo, Japan, Namibia, Rwanda, the Sudan, Sweden, Uganda and the United Republic of Tanzania, in which they request 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 those representatives 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.

On behalf of the Council, I welcome the Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo, His Excellency Mr. Leonard She Okitundu.

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

The President: I welcome the Special Envoy of the President of the Rwandese Republic, His Excellency Mr. Patrick Mazimpaka.

At the invitation of the President, Mr. Mazimpaka (Rwanda) took a seat at the Council table.

The President: I welcome the Minister of State for Foreign Affairs and Regional Cooperation of Uganda, His Excellency Mr. Amama Mbabazi.

At the invitation of the President, Mr. Mbabazi (Uganda) took a seat at the Council table.

The President: I welcome the Minister of Finance of Burundi, Mr. Charles Nihangaza.

At the invitation of the President, Mr. Nihangaza (Burundi) took the seat reserved for him at the side of the Council Chamber.

At the invitation of the President, Mr. Manguera (Angola), Mr. Heinbecker (Canada), Mr. Akasaka (Japan), Mr. Andjaba (Namibia), Mr. Erwa (Sudan), Mr. Norström (Sweden) and Mr. Mwakawago (United Republic of Tanzania) took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Ms. Safiatou Ba-N'Daw, Chairperson of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo.

There being no objection, it is so decided.

I invite Ms. Ba-N'Daw to take a seat at the Council table.

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

Members of the Council have before them a letter dated 12 April 2001 from the Secretary-General to the President of the Security Council transmitting the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, document S/2001/357.

I should also like to draw the attention of the members of the Council to the following documents: S/2001/378, letter dated 16 April 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Uganda to the United Nations addressed to the President of the Security Council; S/2001/402, letter dated 24 April 2001 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council; and S/2001/433, letter dated 1 May 2001 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council.

On behalf of the Security Council, I would like to welcome Foreign Minister She Okitundu of the Democratic Republic of the Congo, Minister of State Mbabazi of Uganda and Minister of State Mazimhaka of Rwanda. We look forward to their remarks. We also welcome Ms. Ba-N'Daw, Chairperson of the Panel of Experts.

I would like to take this opportunity to thank our colleague Ambassador Mutaboba of Rwanda for his service to his country and the United Nations. We wish him a safe journey home and extend a warm welcome to his successor, Ambassador Gasana.

Today's meeting occurs against a backdrop of sadness and outrage in the Democratic Republic of the Congo and the international community. Six representatives of the International Committee of the Red Cross were brutally murdered on 26 April.

In the presence of Foreign Minister She Okitundu, we extend our condolences to the families of the four Congolese victims. In the presence of our Colombian and Swiss colleagues, we extend the same message of sympathy for their nationals, who also lost their lives in the service of our common humanity.

We express the hope that the perpetrators of this crime will be brought to justice. We all need to work for the safety and protection of humanitarian personnel throughout the world and support those who seek to alleviate human suffering caused by conflicts that we seek to resolve.

I would like to note also that our discussion today takes place 15 months after the last United States presidency of the Security Council, and we also discussed the situation in the Democratic Republic of the Congo. Much has changed, but much remains to be done, and our discussion today on this important topic

should be seen in the context of this Council's determination to help bring the tragic conflict in the Congo to an end.

I shall now give the floor to Ms. Safiatou Ba-N'Daw, Chairperson of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo.

Ms. Ba-N'Daw (*spoke in French*): I am grateful for this opportunity to present the results of our work to the Member States of the United Nations.

The mandate entrusted to us by the Security Council had three main points: to consider the illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of the Congo; to research and analyse the links between the exploitation of resources and the continuation of the conflict; and to make recommendations to the Security Council. The results of our work are presented in the order recommended in our mandate.

First is the illegal exploitation of resources and other forms of wealth. The Rwandan and Ugandan armies, and to a lesser extent the Burundi army, have been engaging in massive looting of the natural resources of the Democratic Republic of the Congo since 1998. This exploitation has benefited from existing structures that date back to the war of August 1998. This exploitation takes two forms: mass-scale looting and the systematic and systemic exploitation of resources.

The mass-scale looting has consisted mainly of the extraction, removal and confiscation of natural resources, which are amassed or placed in reserve by private individuals, companies or other groups. Military and civilian officials of these two countries, as well as the rebel leaders, have profited directly in most cases.

The systematic and systemic exploitation has required good organization and appropriate infrastructure. In the case of Uganda, General Kazini has set up networks and circuits with individuals he controls. In the case of Rwanda, the organization is more sophisticated and involves various levels. In short, an entire system has been set up by the authorities of certain countries with a view to greater efficiency in the exploitation of the natural resources of the Congo.

As regards the Government, although we cannot speak of the illegal exploitation of natural resources, the Panel has nonetheless identified some rather surprising practices by which the Government of the late President took some of the profits of parastatal entities or granted concessions to the companies of associates, in violation of certain procedures.

On the first point of the mandate, the Panel concludes that certain Congolese and the Ugandan and Rwandan armies are engaging in the exploitation of natural resources and have set up structures to facilitate this exploitation. That exploitation involves coltan, gold, diamonds, timber, ivory, coffee and fiscal resources.

The links between the exploitation of resources and the continuation of the war are found at three levels: at the level of personal gains of high-ranking military and civilian officials, who benefit either from direct financial gains or from getting important contracts for their companies; in the field, because there is more fighting between the regular armies of non-invited States and the Mai-Mai and other negative forces in the mining areas than at the official front, where they have to deal with the Congolese Armed Forces (FAC) and its allies; and at the level of financing the conflict, because of the gap between the military expenditures of the various armies and the level of the defence budget of the various countries.

The conflict is financed in four ways, all of which are linked to the exploitation of resources of the Democratic Republic of the Congo.

The regular armies are financed from the public coffers. The problem often is how to meet the shortfalls. In some cases, it is the public coffers that provide that role. However, the public coffers often benefit from a trickle-down effect of the re-exportation economy based for the most part on the exploitation of the resources of the Democratic Republic of the Congo.

There is also financing from secret funds, as well as free financing, which allows the armies stationed in the Democratic Republic of the Congo to receive funds directly or indirectly from local companies or individuals involved in the exploitation of natural resources.

There is also financing through barter, in which the authorities in control of a given area grant a mining

or other concession to one enterprise, which provides military equipment in exchange.

The recommendations are essentially of six kinds. However, the Panel stresses only four for the sake of presentation: sanctions against countries and entities illegally exploiting the natural resources of the Democratic Republic of the Congo; preventive measures with a view to avoiding the situation's recurrence; compensation for those suffering the illegal exploitation of their natural resources; and the establishment of a framework for the reconstruction of the occupied areas.

The Panel thanks all those who supported it in its work. This is also an excellent opportunity for us to thank in particular the Government of Uganda, which provided all the information we asked for.

The Panel had a difficult and very delicate mission that had to be carried out and completed in extremely adverse and hazardous circumstances in a sensitive region where the susceptibilities and ambitions of the belligerents have reduced the life of the local populations to insecurity and uncertainty. Life in the region today hangs in the balance. We are grateful to God for our safety and that of the many witnesses with whom we spoke, as well as and especially that of ordinary Congolese.

The President: I wish to acknowledge the presence among us of the Secretary-General and to thank him for coming.

I now give the floor to the Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo.

Mr. She Okitundu (Democratic Republic of the Congo) (*spoke in French*): At the outset, on behalf of Major-General Joseph Kabila, President of our Republic, and of my Government and people, as well as on my own personal behalf, I extend our deepest condolences to you, Sir, to the families of the victims, to the International Committee of the Red Cross (ICRC), and to the Governments of Switzerland and Colombia over the cowardly murder on 26 April of six members of the ICRC, including four nationals from my country. My Government pays tribute to the dedication of the people of the ICRC who have given their lives to ease the suffering of my people. Despite this tragedy, it is our hope that the ICRC and all other

humanitarian organizations will continue their efforts to help the people of my country.

I express my delegation's pleasure at seeing you, Sir, preside over this open meeting of the Security Council on the situation in the Democratic Republic of the Congo. We are pleased that the Security Council is currently being led by the representative of the United States this month, a crucial and decisive moment for putting a final end to the war of aggression that has been waged against my country for 34 months. I also take this opportunity to extend to you, on behalf of my delegation and on my own personal behalf, my warmest congratulations on your assumption of the presidency of the Security Council, the principal organ for the maintenance of international peace and security.

My delegation also acknowledges the excellent work of the delegation of the United Kingdom of Great Britain and Northern Ireland during its presidency last month.

We also pay a well-deserved tribute to Mr. Kofi Annan, Secretary-General of the United Nations. My country is grateful to him for his outstanding efforts to restore peace to the Great Lakes region and to the Democratic Republic of the Congo in particular. He has shown enormous energy and perseverance in seeking to end the useless and senseless violence that has taken so many lives in our country. The Democratic Republic of the Congo, through its highest authority, Major-General Joseph Kabila, President of our Republic, hopes that the Secretary-General will be able, in a second term, to maintain the situation in the Democratic Republic of the Congo as one of his top priorities and to pursue his most commendable work towards lasting peace and reconstruction in my country.

Lastly, I would thank Mrs. Safiatou Ba-N'Dow and all members of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo for their essential report, which is of great political and historic significance to us in the Congo. It demonstrates that the false pretext of border insecurity is no longer tenable and that the real motive for the aggression is the systematic plundering and illegal exploitation of the natural resources of the Democratic Republic of the Congo. The aggressor countries have occupied Congo because of their vast economic

interests there, which fuel their warmongering. We therefore welcome the report in document S/2001/357.

We bitterly regret, however, the fact that the report confirms rather belatedly what my country has loudly proclaimed since the very beginning of the aggression, namely, that the main objective has not been the security concerns of the three aggressor countries: Uganda, Rwanda and Burundi. The memorandums and all the white books that my Government has conveyed to the Security Council since August 1998 clearly show the double link between the illegal exploitation of our resources and the unleashing of the war, as well as between the illegal exploitation and the mass violations of human rights and international humanitarian law. These documents have been submitted to the Council, which has issued them as official documents.

In paragraph 1 of General Assembly resolution 1514 (XV) of 14 December 1960, "Declaration on the granting of independence to colonial countries and peoples", whose provisions are essentially duplicated in resolution 2625 (XXV), it is stated that

"The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation".

We thank you, Sir, and all members of the Security Council for having included on the Council's agenda the item on the illegal exploitation of the natural resources and other forms of wealth of the Democratic Republic of the Congo, in violation of its national sovereignty. The item is indeed within the competence of the Security Council because of the Council's principal responsibility under the Charter for the maintenance of international peace and security. The subject logically falls within the Council's interest in a swift return of lasting peace to my country and my people.

My delegation is pleased that a consensus is clearly emerging today within the Council and the international community on the direct linkage between the planned massacre of the Congolese people, the shameless looting of the resources of the Democratic Republic of the Congo and the continuation of fighting. All of this ends up seriously impoverishing our people.

My delegation is pleased that in order to delimit the goal of its work, the Panel of Experts decided to define and interpret the concept of "illegal exploitation". This deals with all the extracting, producing, marketing and exporting activities carried out in the Democratic Republic of the Congo in violation of its sovereignty, in violation of mining and environmental measures and in violation of international contractual and customary law.

We would remind the Council of the following.

First of all, in the Corfu Channel case, in 1949 the International Court of Justice issued a ruling in which it affirmed that among independent States, respect for territorial sovereignty is one of the essential bases of international relations. The concept of sovereignty includes exclusivity, autonomy and full authority within the territorial region.

Secondly, General Assembly resolution 1803 (XVII) of 14 December 1962, entitled "Permanent sovereignty over natural resources," in paragraph 7 states that violating the rights of peoples and nations to sovereignty over their natural resources and wealth is contrary to the spirit and letter of the principles of the Charter of the United Nations and hinders the development of international cooperation and the maintenance of peace.

The report of the Panel of Experts describes most eloquently the structures used by the occupying forces, namely, Rwanda, Uganda and Burundi, whose iniquitous and villainous methods are unequalled in the darkest chapters of modern history.

Death threats against the members of the Panel of Experts are unacceptable. It is up to the Security Council, which gave them their mandate, to ensure their security and to require that all States concerned cooperate fully with the United Nations so that the truth can burst forth.

The greed of the aggressor countries has sown death and destruction throughout my country. The Council will recall the terrifying figures cited by Ms. McAskie, Emergency Relief Coordinator *ad interim*, in her report on 28 November 2000. The report noted the 16 million Congolese who were directly affected by the war of aggression — that is 33 per cent of the entire population of the country. Two million died as direct and indirect victims of the war, including approximately 600,000 children under five years old.

Many other millions of innocent Congolese civilians have become refugees in other countries or are internally displaced. These figures have been confirmed by the European Office of Humanitarian Assistance and the International Rescue Committee, which reported on nearly 3 million dead in the areas occupied by the aggressors. This is an appalling, intolerable situation.

The Council will recall the massacres of peaceful Congolese civilians, the assassinations and murders of civilians and Congolese prisoners, the deportation of entire populations, attacks on individuals, rape and the deliberate spreading of the AIDS virus.

The Council should remember the suffering of the city of Kisangani, where three times the Rwandan and Ugandan troops clashed, bombing residential areas, cultural objects and places of worship despite their being protected by the provisions of article 53 of Additional Protocol I to the Geneva Conventions of 12 August 1949, and thus causing loss of human life, especially among the vulnerable, mostly women and children. Following these hateful acts, the Council adopted resolution 1304 (2000) of 16 June 2000 and called for the immediate, unconditional withdrawal of Ugandan and Rwandese troops. We deplore the fact that today, about a year later, despite measures taken by the International Court of Justice in The Hague last July, the city is still occupied.

More recently in Ituri, Ugandan troops caused deadly clashes between the Hema and Lendu, two important ethnic groups in our Orientale province, who until then were living in peace.

On the moral, material and physical levels, the damage that has been done is enormous. The Congolese people, who warmly welcomed the report of the Panel of Experts, are now entitled to call for appropriate reparations pursuant to article 91 of Additional Protocol I of the Geneva Conventions. It provides that a party to a conflict which violates the provisions of the Conventions and the Protocol shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces. Paragraphs 87 to 93 in the report of the Panel of Experts clearly indicate the names of individuals implicated in the looting.

Let me offer a few arguments proving that what has happened in my country did not happen by chance, but was rather premeditated and carefully planned. On

31 August 1998, my Government submitted a memorandum on the armed aggression by the Rwandan/Ugandan coalition against the Democratic Republic of the Congo. The memorandum, issued as an official document of this Council, showed how powerful alliances of interests made use of the move by aggressor countries to serve their goal of dismembering Central Africa for the purposes of economic domination and control of the sources of important raw materials.

The geographic zones of expansion of this Balkanization strategy extend from the north of the mining province of Katanga to the southern Sudan, passing through the forests of the province of Maniema, the Ruzizi valley in South Kivu, the province of North Kivu and Orientale province. These vast geographical areas contain enormous, coveted wealth, such as strategic minerals, gold, diamonds, oil, niobium, columbo-tantalite (coltan), timber, coffee, quinine and so forth.

At the environmental level, the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, in violation of its sovereignty, has had devastating and perhaps irreversible consequences for the management of the flora and fauna. Entire national parks — Virunga, Garamba, Salonga, Kahuzi-Biega — that were classified by UNESCO as the heritage of mankind have been completely devastated. First they were victims of the flood of Rwandan refugees and people displaced by successive conflicts. Then the parks became the target of poaching established as a practice of war and of organized illicit trafficking.

My delegation made a heartfelt appeal to the Security Council that it should call on the international community to react and help us protect unique species. Because of the savage slaughter with automatic weapons by the occupying forces, Congolese elephants, bonobos, gorillas in the eastern plains, mountain gorillas, chimpanzees, baboons, white rhinoceroses, okapis and Congolese peacocks are all being exterminated.

As a result of this enormous undertaking, only the people of the Congo are losing. Continuation of this unjust and senseless war and the illegal exploitation of the natural resources and other forms of wealth have greatly increased the suffering of our people.

We were outraged to hear that even yesterday Uganda was being praised by the Bretton Woods institutions when at the same time the report of the Panel of Experts, in paragraphs 187 to 190, shows how the systematic looting of Congolese resources has directly contributed to improving the balance of national accounts in that country and in Rwanda. The fact that our aggressors are on the list of countries benefiting from the Highly Indebted Poor Countries Debt Initiative is seen by my people as rewarding them for their crimes.

My country endorses the recommendations by the Panel of Experts in paragraphs 236 to 242. These relate to reparations and compensation for the Congolese people and show that it is necessary to set up a framework for the reconstruction of the country. To that end, the conditions should be created to bolster the powers of the State and to enable it to provide improved safety and security for people throughout its national territory.

In paragraph 239 of its report, the Panel of Experts recommends the establishment of an international mechanism that will investigate individuals named in that paragraph as being involved in economic criminal activities. That list should be expanded to include those named in paragraph 211 as being on the verge of becoming the godfathers of this illegal exploitation. My Government considers that the Council should act swiftly on the basis of these relevant recommendations.

With all due respect for Rwanda, the systematic looting of the natural resources of the Democratic Republic of the Congo has helped finance and support the war in my country. My delegation would recall that pillage is prohibited under article 33 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

The aggressors bear the shame of claiming to teach the people of the Congo a lesson in democracy and good governance. But in fact, they are bands of looters. They will answer to history for this barbarism, which will go down in the annals of mankind, along with their attendant atrocities and massacres.

I wish most sincerely to thank Angola, Namibia and Zimbabwe, which have come to my country's assistance in the framework of the self-defence provisions of the statute of the Southern African Development Community and in conformity with the

relevant provisions of the United Nations Charter. I must point out that, in the absence of the aggression of which the Democratic Republic of the Congo is victim, the allied troops of Angola, Namibia and Zimbabwe would certainly not be on Congolese territory.

My Government wishes also to pay hearty tribute to the entire Congolese people, which has tirelessly stated, loud and clear, its devotion to the Congolese nation and its keen wish to coexist within a united, strong country, in line with the founding accord of the republic and with the self-determination achieved on 30 June 1960.

My delegation assures the Council and the international community that His Excellency Major General Joseph Kabila, President of the Republic, is determined on behalf of the Congolese people to restore peace through a diplomatic solution to the conflict. On 2 February 2001, the Security Council heard His Excellency Major General Joseph Kabila, President of the Republic, speak at length about the illegal exploitation of natural resources and other forms of wealth in my country. That exploitation must end immediately: the consequences for present and future generations are already extremely grave.

The illegal exploitation of the mining resources of the Democratic Republic of the Congo by aggressor States and their nationals violates the right of the Congolese people to self-determination. It also violates the principle of the territorial integrity and sovereignty of the Democratic Republic of the Congo, which the Security Council has repeatedly reaffirmed in all its resolutions on the situation in my country.

With a view to attaining the peace demanded by my people, and in the light of the gravity of the situation, my Government calls on the Security Council to call for protective measures comprising an embargo on looted products in transit through, *inter alia*, Kigali, Bujumbura and Kampala. And principally we call on the Council to implement all the recommendations of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo, including: order the demilitarization of the city of Kisangani, reparations for material damage, and compensation for the population in accordance with resolution 1304 (2000) of 16 June 2000; state that only the total and final withdrawal by the aggressors can guarantee an end to the looting of the wealth of the Democratic

Republic of the Congo; recognize the grave moral, material and physical damage suffered by the Congolese people as a result of this war and the concomitant mafia-like activities; order meaningful reparations for that damage in order to restore the rights of the Congolese people; and order that legal action be taken against the perpetrators of this looting and their accomplices.

The President: I thank the Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo for the kind words he addressed to me.

The next speaker is the Special Envoy of the President of the Rwandese Republic, His Excellency Mr. Patrick Mazimpaka, on whom I now call.

Mr. Mazimpaka (Rwanda): My delegation would like to congratulate you, Sir, on your assumption of the presidency of the Council for the month of May. Our congratulations also go to your predecessor, Sir Jeremy Greenstock, for a job well done last month. I wish to thank you and, through you, the Security Council for convening this open meeting, at which delegations can express themselves on the contents of the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo, document S/2001/357 of 12 April 2001, which has just been presented to the Council.

Rwanda fully cooperated with the Panel, as is rightly recognized in the report; since the publication of the report we have put forward the reaction of the Government of Rwanda, which is set out in document S/2001/402, to which reference has been made, for everybody to read through in order to see our detailed comments.

We believe that the mandate given to the Panel was not carefully defined; this led to contentious interpretations. In our view, there are four major issues that made the Panel of Experts produce a report that we do not endorse.

First, the report interpreted "illegality" to mean activities carried out without the consent of a legitimate Government or of an authority exercising power and control over territory. Those concepts, which are generally accepted, are, in the context of the Democratic Republic of the Congo, defined also in the Lusaka Ceasefire Agreement: article III, paragraph 18,

stipulates that State administration shall be exercised by the Congolese signatories until new institutions emanating inter-Congolese dialogue are set up. That has not yet happened. Since that Agreement received and, we hope, continues to enjoy the support of the Council, we would have expected the Panel to adopt the letter and spirit of the Agreement.

Secondly, the Panel extended the definition of natural resources and other forms of wealth to include services, transport, finance, and other movements of goods and people. In our region, these are regulated by multinational agreements, which include those between our three countries — the Democratic Republic of the Congo, Burundi and Rwanda — and the conventions of the Economic Community of the Great Lakes Countries (CEPGL), as well as regional arrangements, such as those under the Common Market for Eastern and Southern Africa (COMESA) and the Northern Corridor arrangement; these conform also to World Trade Organization conventions.

Ignoring these historical ties among the peoples of the region is prejudicial to the socio-economic well-being of the people of the region, and more particularly those of the Democratic Republic of the Congo cut off from Kinshasa, who have been historically linked to the world through eastern routes through Rwanda, Burundi and Uganda.

Thirdly, the sources cited by the Panel do not reflect the efforts that the Government made to facilitate access to information. The Panel had an opportunity to meet Rwanda's head of State, President Paul Kagame, for two hours. Nothing in the report indicates that the Panel benefited from that meeting. It is also true that none of the conclusions were put to the President for discussion. The same goes for the large number of ministers and officials who made themselves available to discuss the issues with the panel.

Fourthly, the private sector, which was characterized as pivotal in the illegal exploitation, was never contacted to clarify their business practices or credentials to the Panel. That is against the norms of natural justice.

We can only conclude that the panel relied on unacceptable sources variously described in the report as deserters, a "high number of insiders living in the Democratic Republic of the Congo and in Europe" (S/2001/357, para. 11) and "reliable sources" (*ibid.*, *passim*) that are not identified. One wonders why the

Panel could not appreciate that such politically motivated sources would only give information to serve their own political agendas. Deserters would in normal circumstances be defectors from one side to another, and would only slur the side they had left.

We find it unusual that a panel of experts would evaluate its own report, pass judgement and impose punitive measures — as this one did — and that it would do that on the basis of a report that the Panel admits is today only 70 per cent complete. It surely should not include condemnations of heads of State and their families, companies and individuals without meeting the burden of proof of guilt. The way heads of State are treated in this report is simply unacceptable and sets a dangerous precedent.

Since the report concludes that economic reasons have superseded the security concerns of Rwanda, allow me to reiterate the reasons why Rwanda has had to defend its citizens against a murderous war waged from the Democratic Republic of the Congo.

Members of the Council may recall that, after the genocide of 1994, the Security Council was on numerous occasions seized of the matter of the precarious security conditions caused by Interahamwe militia and ex-Rwandese Armed Forces (FAR) soldiers in refugee camps in Zaire. No solution was found by this body. It became necessary for Rwanda and its allies to find a solution to that situation. I am glad to say that this was done with a measure of success, because 1.5 million refugees were able to return home and security was restored to Rwanda for a while. However, the situation changed dramatically when the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) Government of President Laurent Kabila decided to regroup and rearm those forces.

Once again, appeals to the United Nations to avert the looming crisis multiplied. The Security Council set up an International Commission of Inquiry that established beyond a reasonable doubt the existence of well-organized forces bent on destabilizing the Great Lakes region. Those included, and were organized around, the Interahamwe and ex-FAR militia, which at the time numbered 70,000. The report contained in document S/1998/1096 described as profoundly shocking the network of forces from Rwanda, Burundi, Angola and Uganda, the unhindered flow of arms to them, and the support they were receiving from the Government of the Democratic

Republic of the Congo. At that time western Rwanda, the prefecture of Gisenyi, Ruhengeri, Kibuye and Cyangugu and parts of Byumba, Kigali and Gitarama were described as red zones by United Nations agencies because of insecurity due to incursions by those forces based in the Democratic Republic of the Congo.

The situation changed dramatically when Rwandan forces were able to put an end to those infiltrations and push those forces back into the Democratic Republic of the Congo — helped that time by a rebellion against the Kabila Government. Security was gradually restored in Rwanda and, though not completely to date, in North Kivu. That situation enabled Rwanda to continue to repatriate refugees and to reintegrate them into our society. Close to 100,000 refugees have returned in the last six months alone, and a total of 18,000 ex-FAR soldiers have been reintegrated in the national army — the Rwandan Patriotic Army (RPA) — at command, staff and other ranks. The improvement in security and other developments in the human rights area convinced the Special Rapporteur to recommend, successfully, that the Commission on Human Rights put an end to its monitoring of Rwanda. We hope that this can be achieved in the whole region once we succeed in putting an end to the activities of the negative forces.

The war in the Democratic Republic of the Congo brought in several countries and generated rebellions against the Government. In a genuine attempt to find solutions to the multiple causes of the conflict, the belligerents negotiated the Lusaka Ceasefire Agreement with the assistance of countries of the region. That Agreement addresses the sovereignty of the Democratic Republic of the Congo, including control over its resources, the rights of the Congolese people and the security of neighbouring countries. The Lusaka Agreement provides for mechanisms to rid the Democratic Republic of the Congo of all the negative forces. That is a task the Security Council can ignore only at the peril of the Democratic Republic of the Congo and the region. Signatories to Lusaka, today at least, appear to be working in tandem to implement the Agreement as it is, and need unconditional support from this body. At this stage, the implementation of both the Lusaka Agreement and Security Council resolution 1341 (2001) is of paramount importance.

We are also busy preparing plans for the disarming of the forces upon which the Security

Council had imposed sanctions in connection with rearming through resolution 918 (1994). Had the Council reinforced that resolution, the Lusaka Agreement would be far advanced today and the situation in the Democratic Republic of the Congo and the region would certainly have improved. We urge the Council to re-examine its resolutions on the situation, and in particular with regard to the activities of the Interahamwe and ex-FAR troops, namely, resolutions 918 (1994), 997 (1995), 1011 (1995), 1013 (1995) and 1161 (1998), as well as the letter contained in document S/1998/438 and the report contained in document S/1998/1096. We also urge the Council to take action without further delay so as to neutralize these groups and their mushrooming allies — such as the Forces pour la défense de la démocratie (FDD) and the Mayi-Mayi. All countries should be discouraged from continuing to support these forces by all means available to the Council.

It came to our attention that the Panel is seeking the extension of its mandate to do what it terms the remaining 30 per cent of the work to be done. The Council may recall that in February 2001 the preliminary report was considered inadequate and inaccurate. At that time we pointed out those inaccuracies. To our knowledge, the Panel never went back to the field to cross-check the information. We are also forced to deal with a “final” report that the Panel itself admits to be only 70 per cent done, and on the basis of which Rwanda, its leaders and its citizens are unreservedly condemned. Such a request is simply meant to pre-empt reactions from people and countries, like Rwanda, that have been wrongly accused by the Panel.

Rwanda proposes that this report should be dropped altogether because it is inaccurate and inconclusive and does not in any way interpret the wishes of the Council. It does not reflect the genuine desire of members to establish the state of affairs in the Democratic Republic of the Congo so as to recommend ways and means of rectifying the situation, in the interest of the Congolese people. It does not do justice to countries like Rwanda, which went out of its way to cooperate with the Panel.

However, should it please the Council to reopen the investigations and correct the numerous lacunae in the report just presented, then Rwanda wishes to propose the following.

First, the Council and the Member States which are the subject of this investigation should agree on the terms of reference and spell out the appropriate methodology. Secondly, clear definitions of terms loosely used in the previous report, such as "illegal", "legitimate", "power" and "control", should be established in relation to the specific and unique political situation prevailing in the Democratic Republic of the Congo and in the region. Thirdly, treaties, agreements and protocols governing the trade regime in the region should be duly recognized. And fourthly, the responsibilities of countries of destination of the resources should be determined with regard to both import and export activities.

My delegation respectfully wishes to urge the Security Council to keep on course insofar as securing peace and security in the Great Lakes region is concerned. The Council will be encouraged to know that, since the last meeting between the Council and the Lusaka signatories, the commitment to the implementation of the Lusaka Agreement demonstrated then has borne some fruit. The disengagement exercise, in spite of a few problems, is effectively complete. Joint planning between the Joint Military Commission and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) for the disarmament, demobilization, repatriation and resettlement of negative forces is under way, as envisaged by resolution 1341 (2001). The inter-Congolese dialogue, crucial for re-establishing common State authority over the whole Congolese territory, was due to be launched in Lusaka this morning. The concept of the plans for the final withdrawal of all foreign forces from the Democratic Republic of the Congo was approved last month, and planning will start soon.

The Lusaka process provides us with the only realistic and long-lasting approach to the problems of the Great Lakes region. Rwanda believes that its security concerns cannot be minimized by any other considerations. It believes also that in Lusaka all the parties will find equitable solutions to the problems that face their respective countries. The Security Council and the whole United Nations system should continue to accompany our countries in the quest for the successful and timely implementation of the Lusaka Ceasefire Agreement as it is.

The President: I thank the Special Envoy of the President of the Rwandese Republic for the kind words he addressed to me.

The next speaker is the Minister of State for Foreign Affairs and Regional Cooperation of Uganda, Mr. Amama Mbabazi, to whom I give the floor.

Mr. Mbabazi (Uganda): It is an honour for me, on behalf of the delegation I lead and of my country, to address this important meeting of the Security Council on the final report of the United Nations Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo.

I am particularly happy to see the presidency of the United States once again taking an interest in the search for a lasting peace in the Great Lakes region. We can only assure you, Sir, of our readiness to render Uganda's full cooperation to enable you to achieve this noble objective.

We are equally grateful to Her Majesty's Government of the United Kingdom for the able leadership of Her Majesty's Permanent Representative, Sir Jeremy Greenstock, whose presidency last month made the necessary preparations for this meeting.

The Government of Uganda is most obliged to all of the members of the Security Council for the onerous task of the maintenance of international peace and security, which they all render to the world on behalf of the United Nations.

The Government of Uganda welcomes the release of this report. I wish to thank you once again, Mr. President, as well as the Council, for giving us the opportunity to respond to its contents. I will present to the Council Uganda's response in full. This response covers all of the allegations against Uganda in the report. I have also attached the personal response of President Museveni of Uganda, a copy of which he has already sent to the Secretary-General and which has, I hope, already been circulated to Council members.

Allow me therefore, in the short time I have, to give the Council a summary of this response. My summary, like the response itself, will cover three areas. First, we will talk about the principle itself of investigating these allegations. Secondly, we will make comments on the contents of the report, and especially on the quality of the evidence presented. Finally, we will talk about the way forward.

The report of the Panel raises important issues to be investigated which are of interest to Uganda. In 1998, Uganda and Rwanda heard of some allegations made against some officers of our armies operating in the Congo. At the summit held in Kampala in October 1998, a decision was made to establish a ministerial probe committee — which I was privileged to co-chair, along with my colleague the head of delegation of Rwanda — to look into those allegations.

It was as a result of those allegations that President Museveni, in his capacity as Commander-in-Chief of the Ugandan People's Defence Forces, issued an order dated 5 December 1998 to all Ugandan troops in the Democratic Republic of the Congo and Government officials prohibiting them and their families from engaging in any trade in the Congo. It will be of interest to the Council to know that since that time, that order has been actively enforced and that some people who have fallen afoul of it have suffered disciplinary consequences.

We therefore support and welcome the principle of investigation. We take note of the Panel's serious allegations that, although the Ugandan Government is not institutionally involved, as the report states in paragraphs 7 and 85, top Ugandan military officers and civilians are involved in the illegal exploitation of resources in the Democratic Republic of the Congo. This is the first time that allegations of illegal exploitation have been specified, and we welcome the opportunity to put these matters to rest.

In the case of the military officers and civilians who are mentioned in the report, and in the case of the Department of Forestry, which is alleged to have colluded with private companies in a scheme to facilitate the certification of timber from the Democratic Republic of the Congo illegally, I am happy to inform the Security Council that the Government of Uganda has decided to establish a judicial commission of inquiry on this matter. The commission will be independent; it will work openly and transparently. The actual composition will be announced in due course in Kampala.

Having said that, I should like to say that Uganda has serious problems with this report. The report has fundamental flaws in it. The first flaw is the very basis on which it is founded: the definition of illegality. The Panel defines illegality as meaning the violation of sovereignty, and says that, according to this Council's

understanding of the definition, all activities in the Democratic Republic of the Congo which are taking place without the consent of the Government in Kinshasa are illegal. It goes further, saying that that interpretation suggests that only non-invited forces and their nationals are carrying out illegal activities in the Congo. Finally, the Panel deems illegality to be the carrying out of an activity in violation of regulations established by the Government in Kinshasa, stating that that definition is based on the Security Council's understanding of the term illegality.

We have a very serious problem with that definition in many ways. First of all, as the Council knows, Uganda fully participated in the debate when the resolution establishing the Panel to investigate this matter was adopted by the Security Council. This question of legality or illegality was, indeed, debated in the context of whether the investigation should cover the whole of the Congo or part of the Congo. The argument that the investigation should cover only the eastern Congo was based precisely on the question of legality and legitimacy. But there was an argument, clearly presented by my colleague from Rwanda, that, in fact, the Lusaka Agreement clearly took care of this point, because it defined the question of legality during the period of the implementation of the Lusaka accord. It was agreed that for that period, as provided for in the Lusaka accord, the three Congolese parties signatories to that accord — the Government of the Democratic Republic of the Congo, the Congolese Rally for Democracy (RCD) and the Movement for the Liberation of the Congo (MLC), as it was then known — would each be charged with the responsibility of administering the area that it controlled until State administration was re-established after the national dialogue resulted in a new political dispensation in the Democratic Republic of the Congo.

This argument was presented to this Council and, obviously, the Council, in its wisdom, decided that the investigation should therefore cover the whole of the Congo, not just part of it. I therefore have no reason to believe the Panel when it says that this definition was the understanding of the Security Council.

Secondly, if, indeed, that definition as stipulated by the Panel in the report had been intended, there would have been no need to have an investigation. It is public knowledge that 40 per cent of the country is under the control of the Government in Kinshasa and that the other 60 per cent is under the control of rebel

authorities. It is also common knowledge that normal life — normal in the context of a war situation — goes on in the areas controlled by the rebels. It would not, therefore, have been necessary to establish a Panel to investigate something that everyone accepted: the fact that the central Government in Kinshasa had no authority and was therefore not consenting to the activities that were taking place in 60 per cent of Congo, which would, therefore, have been declared illegal straight away.

The importance of this point lies in the fact that the rest of the report, and the rest of the investigation, was based on the understanding that every activity — the extraction of minerals, production of any kind and any commerce or export in areas not controlled by the Government — was illegal and therefore defined as looting and plundering of the resources of the Congo. We think that that is erroneous; it is an incorrect definition of illegality, and we do not believe that that was the meaning conveyed to the Panel by this Council.

Of course, the results are obvious; they are self-evident. Although the report says that the Panel did not receive cooperation from the Government side and its allies, there is no indication that there was actually a serious attempt to carry out an investigation. Indeed, the report clearly discloses that the Panel acted on the assumption that whatever happened on the side controlled by the Government was legal and therefore not subject to investigation.

The second flaw in this report is the quality of the evidence presented. Most of the evidence is either hearsay or falsehoods, and the Panel makes statements which are not attributed. As I said earlier, in our response we tackled the report paragraph by paragraph to show that most of the evidence on which it is based is, in fact, hearsay. I will pick out one example to illustrate the point. Paragraph 27 of the report states that

“Numerous accounts in Kampala suggest that the decision to enter the conflict in August 1998 was defended by some top military officials who had served in eastern Zaire ... and who had had a taste of the business potential of the region.”

It does not give us the sources. However, we know that these stories are abundantly available in the public

domain in Uganda. They are in newspapers; they are on the streets.

We think this is a very serious matter. Uganda has given its reasons why it got involved in the Congo. These reasons not only were accepted by the belligerents in Congo, but the security concerns are actually contained in the Lusaka Agreement. Indeed, the Lusaka formula proposes to handle that specific problem. So, if the United Nations Panel of Experts is to contradict that position, to contradict what you, the Council, have accepted in various resolutions, surely it must present clear evidence that leaves no one in doubt about its truthfulness and credibility — not numerous accounts in Kampala.

If you go to Kampala, Mr. President, you will find a lot of street gossip about what is happening in the Congo and about what is happening in the Security Council today. But if a panel of experts is going to make recommendations that sanctions be imposed against a country of 23 million people, surely it must present evidence that is credible, that leaves no one in doubt that what they are saying is true.

The Panel of Experts has made statements in its report that the members of the Panel know to be false. They acknowledged maximum cooperation received from the Government of Uganda. They were received by the President, the Vice-President, the Prime Minister, the Minister for Foreign Affairs, the Minister of Defence, the Minister of Finance, the Minister of Transport, the Minister of Energy and Minerals, the Minister of Forestry and all sorts of other officials. Everyone they asked for they met. But regarding what they say in paragraph 11 and paragraph 89, that they asked for individuals and their request was turned down — they named this specific individual as Brigadier General Kazini — I would like to inform this Council that this is not true. First of all, they never asked for Kazini. I saw this for the first time in their report. Secondly, in fact, General Kazini met them, not once, but twice. Thirdly, when they met the military commander, General Odongo, he offered the Panel specifically that if they passed out questionnaires or asked for any officers in the Congo they wanted to interview, he was ready to make these officers available. Up to this moment, they have not made such a request. So to report that they requested these people — presumably they made these requests to the Government of Uganda and the Government of Uganda

turned them down — when they know this is false is totally unacceptable.

On 6 March this year, we communicated with the Chairperson of the Panel on the follow-up to the interim report, reconfirming our continued support for its work and inviting any questions, clarifications or additional data, as well as extending another welcome to the Panel to revisit Uganda before the finalization of the report. The Panel did not respond to this.

What we find most despicable is the attack by the Panel on the person of President Museveni. Let us look at paragraph 211. I will read out a sentence:

“Presidents Kagame and Museveni are on the verge of becoming the godfathers of the illegal exploitation of natural resources and the continuation of the conflict in the Democratic Republic of the Congo.”

Godfathers are Mafia. Godfathers are those who control criminal cartels, criminal syndicates. Therefore, to call President Museveni a godfather is a very, very serious matter. Or to call President Kagame a godfather is a very, very serious matter. There must be evidence for them to justify this label. What evidence is there in this report? None, absolutely none. The only time they mention the name of President Museveni is to say that he has a blood brother called General Saleh, who is said to have shares in a company that is dealing in business in the eastern Congo; that he has a son who has shares in a business suspected to be doing business in the eastern Congo; and that he has a sister-in-law who has shares in a company that is dealing in business in the Congo, all of which, of course, is, by that other definition, termed illegal.

But even if it were true that these relatives of the President were in fact engaged in that business, is it logical, is it normal to call the President, or anyone for that matter, names; to give him a label for the acts of relatives without showing any evidence that he was party to those actions?

The casual manner in which the name of the President has been handled is totally unacceptable to the people of Uganda. President Museveni is the head of State of a Member country of the United Nations. If you are to call him names, surely you must have evidence. They call him an accomplice to crime. Why? Paragraphs 201 to 206 say that some rebel in the Congo is alleged to have stolen money. The report was given

to President Museveni and he did not act against that rebel; and therefore President Museveni qualifies as an accomplice to crime.

We find this despicable, we do not accept it and we do not know how you will handle this, Mr. President, because it is setting a very serious precedent. Even ordinary people's reputations are protected. Obviously, all these allegations against the name of the President are calculated to injure the reputation of President Museveni without cause. We demand an apology, we demand that they be withdrawn and we request that this Council look into this matter and take appropriate action.

When we meet with the Secretary-General, we know that this Panel, as a body of the United Nations, enjoys criminal and civil immunities, but our view is that the manner in which it has treated the name of President Museveni is an abuse of privilege.

Uganda therefore feels that the quality of the report is so low that its value and credibility are seriously diminished and undermined. That is why we support the extension of the mandate of the Panel, in the hope that a better job will be done. In this connection, Uganda would recommend that a new panel be put in place or that the current one be expanded, with a new chairperson, to inject some level of professional competence, impartiality and serious leadership into the investigation process. We believe that it is also important to achieve a level of balance in the new panel of experts in order to make sure that bias and prejudice are avoided.

Uganda has also learned one lesson, an important lesson: it pays not to cooperate with this United Nations Panel of Experts. The Panel of Experts acknowledges, as the Chairperson did this morning, the maximum cooperation that Uganda rendered. This ranged from meeting the President himself, the Vice-President and others to giving the Panel all the data it requested. There was nothing that was not given. What reward do we get? Abuse of the President and recommendations of sanctions against the people of Uganda. What evidence is there that Uganda was institutionally involved in the illegal exploitation of resources? Some individuals, numbering approximately 10, were involved, yet this Panel recommends that the United Nations impose sanctions on 23 million Ugandans. Why not ask for the arrest of those individuals? On the other hand, countries that are

suspected of actually being illegally involved in the exploitation of natural resources in the Democratic Republic of the Congo have had their dubious interests legitimized, if this report does so. Who has said that a sovereign State cannot commit a crime?

Uganda believes that the cause of all this is war in the Congo. It is the absence of a stable, strong State in the Democratic Republic of the Congo. Therefore, we believe that the primary focus should be on creating peace in the Democratic Republic of the Congo. This can be only through the implementation of the Lusaka Agreement. In this context, we would expect the Security Council to handle this matter with the utmost care, because — and members have heard the language used this morning — this report and what has been said have seriously poisoned the atmosphere in the region and have the potential of being diversionary from the cause of pursuing peace through Lusaka. The exploitation of natural resources is not the cause, but the consequence of the war and the absence of a strong State.

Our view therefore is that the Security Council should remain determined to play a leadership role in the search for peace and stability in the Democratic Republic of the Congo. I have been much more pleased than I was the last time I visited this Council by its level of involvement. Everybody is happy that the peace process at long last appears to be moving towards disengagement. The Political Committee has adopted a schedule of withdrawal of foreign forces. National dialogue is on the move. Forces have moved. Uganda has moved seven battalions and will be moving another two within the next few days, and we are considering completely moving out. The Lusaka peace process provides a unique opportunity to address the security concerns of the Democratic Republic of the Congo and its neighbours and to create favourable conditions for an internal dialogue on a new democratic dispensation in the Democratic Republic of the Congo. The withdrawal of all foreign forces and the emergence of a strong and stable State are the only guarantee of an end to the illegal exploitation of natural resources in the Democratic Republic of the Congo.

The President: The next speaker on my list is the Minister of Finance of Burundi. I invite him to take a seat at the Council table and to make his statement.

Mr. Nihangaza (Burundi) (spoke in French): Allow me at the outset to perform the pleasant duty of

congratulating you, Sir, and, through you, the Government of the United States on your assumption of the presidency of the Security Council for the month of May. We are convinced that your presidency will allow the work of the Council to progress on the path towards peace throughout the world, in particular in the Great Lakes region.

Let me also welcome the presence of the Secretary-General, Mr. Kofi Annan, and commend him for his commitment to peace and development in the world, in particular in the countries of the Great Lakes.

The Government of the Republic of Burundi has received the report in document S/2001/357, issued by the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. We wish to draw the Security Council's attention to the following points.

First, in its report, the Panel did not find sufficient evidence to indict Burundi. In view of the publicity in the media focused on the accusations levelled against Burundi, anyone might have expected to find a mass of very specific data in the report to substantiate those accusations. It will be noted from a reading of the report that Burundi is named from time to time, appearing in a perfectly ritual fashion on a list of countries to be targeted.

It is only in paragraph 105, on page 25 of the English version of the report, that we find three sentences that might be regarded as containing these so-called accusations against Burundi. This is the substance of the paragraph:

"An IMF office memorandum indicates that 'Burundi does not produce gold, diamonds, columbo-tantalite, copper, cobalt, or basic metals'. Burundi however has been exporting minerals it does not produce. As in the case of Uganda and Rwanda, Burundi's export of diamonds dates from 1998, coinciding with the occupation of the eastern Democratic Republic of the Congo. The coltan exports span a longer period (1995-1999), perhaps suggesting that this might be a regular activity."

This is the only sort of accusation against Burundi contained in the report: a reference to an International Monetary Fund (IMF) document of which there is no trace; I have looked in Washington and hunted in my country, and this IMF document does not exist. In

short, paragraph 105 confirms that Burundi is not involved in plundering the wealth of the Democratic Republic of the Congo.

Secondly, paragraph 105 seems to suggest that there are no mineral ores in Burundi and that there is no trade with the Democratic Republic of the Congo. This is quite astounding. Trade between Burundi and the Democratic Republic of the Congo has always existed and includes a wide range of products. I would like to inform the Council that before the war approximately 40 per cent of Burundi's exports went to the Democratic Republic of the Congo, and the same is true today. As far as ores are concerned, the document presenting the position of the Burundi Government, which was submitted to the Security Council, provides statistics that attest to Burundi's exploitation of gold, cassiterite, coltan and tin.

It should also be noted that *comptoirs* for gold and diamonds existed long before independence, both in the eastern Democratic Republic of the Congo and in Bujumbura. They were run either by Congolese or Burundians, or by nationals of other countries.

Thirdly, the grave nature of the conclusions on Burundi contrasts with the lack of supporting data that one would expect to find in the body of the report. When we were in school, we were taught that the conclusion of a composition should reflect the substance of the body of the text. In the case of this report, five whole pages of serious conclusions and recommendations correspond to just three sentences in the body of the report. This disproportion undermines the credibility of the report as far as Burundi is concerned.

Fourthly, Burundi is still prepared to cooperate with the Panel of Experts. Despite the indiscriminate way in which Burundi is implicated, the Government of Burundi is still prepared to offer its full cooperation with the Panel of Experts. Indeed, it intends to carry out its own inquiry into the possible involvement of Burundians. We recommend that the experts revisit Burundi and interview people on both sides of the border. To this end, Burundi is glad that the Security Council has decided to extend the mandate of the Panel of Experts.

Burundi has always stated that the deployment of security arrangements on its border with the Democratic Republic of the Congo was dictated by security concerns and by the need to keep open the

trading corridor via Lake Tanganyika. My country has no political or territorial ambitions vis-à-vis any neighbouring country.

In conclusion, the Government of Burundi refutes the serious accusations that have been levelled against it, and calls on the Security Council to take into account the anomalies identified in the report where Burundi is concerned.

Burundi takes the view that resolving security issues between the Democratic Republic of the Congo and its neighbours would end all of the problems and elements of tension associated with the state of "subregional conflict". The report of the Panel of Experts should not distract us from genuine security concerns. This is why Burundi once again states its readiness to pursue a dialogue with the Government of the Democratic Republic of the Congo and the other partners of the subregion in order to secure our common borders and find long-term responses to the underlying causes of the conflicts that are tearing that region of Africa apart.

In this context, the Government of Burundi notes with concern that the Burundian rebels and other negative forces based in the Democratic Republic of the Congo are shifting towards other rear bases in the subregion with a view to provoking total war in Burundi. The Government will shortly be making proposals to the Security Council that will be aimed at ensuring that the successful implementation of the Lusaka Agreement does not have the unfortunate result of causing the death-mongers to move into neighbouring Burundi and other adjacent countries — a situation that would imperil the Arusha Peace Agreement and that we hope the international community will not allow to develop.

The President: I thank the Minister of Finance of Burundi for his kind words addressed to me.

I shall now turn to members of the Council to speak. It was important to hear the statements from our guests this morning, particularly the Ministers. I would like to note that I still have a number of speakers on my list and the hour is growing late. I intend to suspend the meeting between 1 and 1.15 p.m. and to resume later in the afternoon, because we obviously will not finish now.

Mr. Mejdoub (Tunisia) (spoke in French): My delegation would like to express its appreciation to Ms.

Safiatou Ba-N'Daw and the other members of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo for the significant amount of work they have done pursuant to the mandate given to them by the Security Council. The report they have prepared is an extremely important document.

My delegation would also like to welcome the Ministers for Foreign Affairs of the Democratic Republic of the Congo and Uganda, the Special Envoy of the President of Rwanda and the Minister of Finance of Burundi. Their presence here today bears witness to the importance that those countries attach to this meeting and to this issue. Their contribution to our debate is essential in clarifying certain aspects of the matter under consideration so that we can objectively assess the situation.

Our meeting is taking place at a decisive moment in the implementation of the Lusaka Ceasefire Agreement and the relevant resolutions of the Security Council. This meeting is also being held just before the Council's mission to the region to evaluate progress made in the peace process. The Council's mission will take account, *inter alia*, of the links between the exploitation of the resources of the Democratic Republic of the Congo and the continuation of the fighting.

In its report, the Panel of Experts provides sombre information about the scope of the illegal exploitation of the natural resources of the Democratic Republic of the Congo and about the continuation of the conflict. It also identifies a correlation between the economic interests of certain outside actors and the continuation of the conflict.

We attach the greatest importance to ending the illegal exploitation of the natural resources of the Democratic Republic of the Congo and to putting an end to the war once and for all. It is a question of reasserting the sovereignty and territorial integrity of the Democratic Republic of the Congo and its sovereignty over its natural resources, as the Council has affirmed in its resolutions on the Democratic Republic of the Congo.

Unfortunately, as the Panel notes, it is the Congolese people that is suffering the consequences of the pillage of its resources and of the continuation of the war. The people of Congo, who desire a better

future, are counting on the support of the international community to end the war and the pillage of its resources, and to restore peace, security and stability to the region.

The conclusions and recommendations of the Panel of Experts are of great importance and could have significant consequences for the Democratic Republic of the Congo, for the region and for the Security Council's efforts with respect to the situation in the region. They therefore merit our careful consideration and frank and constructive dialogue with the parties concerned.

We have heard the Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo express his Government's satisfaction with the report and describe the expectations of the Congolese Government. We have also heard high-level representatives from Burundi, Rwanda and Uganda explain the views of their respective Governments. Indeed, the aim of today's meeting is to enable the States named in the report to provide the clarifications they deem appropriate or useful with respect to what is very serious information.

Today's meeting and the talks the Security Council mission will have in the region will enable more in-depth discussion of Council follow-up to this matter in the light of additional information from the Panel of Experts and of its assessment of the situation. In our view, the report should encourage the parties to genuinely implement Council resolutions and to take concrete steps to advance the peace process. In that context, we expect the withdrawal of foreign forces from the Democratic Republic of the Congo to be swift, complete and final. Any new initiative by the parties to that end would certainly be welcome.

While there has been progress in the implementation of the Lusaka Ceasefire Agreement and of Security Council resolutions, a heinous crime has disrupted that progress: last week's murder, at Bunia, Orientale Province of the Democratic Republic of the Congo, of six members of the staff of the International Committee of the Red Cross — four Congolese, one Colombian and one Swiss — who gave their lives in the cause of peace. Last Friday, the President of the Security Council, on behalf of the members of the Council, condemned that heinous and cowardly crime.

In the light of that grave event, we reaffirm the need for all parties to respect the principles of neutrality and impartiality in the provision of humanitarian assistance. We recall that it is the responsibility of all parties to ensure the safety and security of United Nations and associated personnel.

Mr. Krokmal (Ukraine): I would like to start my statement by expressing our deep concern at and our condemnation of the cowardly murder of six staff members of the International Committee of the Red Cross in an ambush in Orientale Province on 26 April. My Government conveys its sincere condolences to the Governments of the Democratic Republic of the Congo, Colombia and Switzerland, and to the families that have been so sadly affected. We stress the urgent need to ensure that the safety and security of international relief workers and of United Nations peacekeeping and other personnel will be among the Council's priority tasks in the region.

Turning to the work of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo, allow me to say that we are grateful to you, Mr. President, for arranging this meeting of the Security Council, which enables countries with a direct interest in this issue and countries accused of the illegal exploitation of natural resources of the Democratic Republic of the Congo to participate and to help shape the Council's action in this regard.

We are pleased to welcome the Foreign Minister of the Democratic Republic of the Congo, the Foreign Minister of Uganda, the Special Envoy of the President of Rwanda and the Minister for Finance of Burundi to this meeting; we have listened carefully to their remarks.

We also would like to thank the Chairperson of the Expert Panel, Ms. Safiatou Ba-N'Daw, for her very useful and informative briefing and for all the work that has been done by the Panel in fulfilling its mandate, assigned through the statement of the President of the Security Council dated 2 June 2000 (S/PRST/2000/20). Allow me to reiterate Ukraine's full support for that statement and for the other relevant Security Council decisions, the goal of which is to put an end to the illegal exploitation of natural resources of the Democratic Republic of the Congo, which fuels the conflict in that country.

We think that the nature of the Panel's report is in sharp contrast to that submitted to the Council in January, as it contains numerous recommendations, including coercive measures, which are the result of the Panel's review of the basic forms of illegal exploitation of natural resources of the Democratic Republic of the Congo and of the collection of extensive data on the structures engaged in such exploitation and their financial, commercial and transport activities.

It is of great concern to Ukraine that, according to the report, the illegal exploitation of natural resources of the country, in particular diamonds and other strategic minerals, is considerable. We call upon all Governments concerned to take immediate steps to end such activities and to ensure compliance by their individuals and corporations with legally acceptable standards of business.

It is of equal importance that they also provide full cooperation with the Panel in collecting information on all activities of illegal exploitation of natural resources of the Democratic Republic of the Congo as well as in identifying the links between such activity and the continuation of the conflict in that country. This matter should be a principal focus of the Security Council.

We believe that the Security Council should also pursue an approach that links efforts aimed at cessation of the illegal exploitation of natural resources and the achievement of the desired political objectives in the context of the process of the implementation of the Lusaka Ceasefire Agreement.

In assessing the overall situation, my delegation believes that it would be responsible on the part of the Security Council to extend the mandate of the Panel of Experts for a final period of three months and to let the Panel complete its action plan.

My delegation feels that the Security Council should be given an opportunity to consider the whole situation in question before it decides on the proposed recommendations in this regard. We look forward to receiving the Panel's final report.

Finally, I would like to express my delegation's full support for the statement that you, Mr. President, will make at the end of this meeting. We are hopeful that it will build on the international community's

efforts to restore the peace and normality that the Democratic Republic of the Congo so sorely needs.

Mr. Ryan (Ireland): May I also welcome the Foreign Minister of the Democratic Republic of the Congo, Mr. Léonard She Okitundu, the Personal Envoy of the President of Rwanda, Mr. Patrick Mazimpaka, the Minister of State for Foreign Affairs of Uganda, Mr. Amama Mbabazi, and the Minister of Finance of Burundi, Mr. Charles Nihangaza, and thank them for their participation in this discussion.

May I also convey, on behalf of the Government and the people of Ireland, our sympathy and condolences to the Governments and the peoples of Colombia, the Democratic Republic of the Congo and Switzerland, and to the families of the murdered representatives of the International Committee of the Red Cross.

The report of the Panel of Experts is being reviewed carefully by the Irish authorities. We support an extension of the mandate of the Panel to allow it to continue its work, and we look forward to receiving a comprehensive addendum to this report. We hope, in particular, that this will provide the international community with a fuller picture of the complexity and the extent to which the exploitation of resources in the Democratic Republic of the Congo contributes to sustaining the conflict in the region. This would deepen the understanding of the international community of the range of issues which feed the conflict in the Democratic Republic of the Congo and assist our efforts to support the parties in advancing the peace process.

Sweden, as Presidency of the European Union, will be making a statement later in today's debate. Ireland subscribes fully to the position of the European Union. I make the following points in my national capacity.

The remit of the Panel was broad, focusing on illegal exploitation and the link between exploitation and the continuation of the conflict. The report of the Panel of Experts makes some very serious allegations against all parties to the conflict. Today's meeting has given those countries against which allegations are made an opportunity to respond.

We have heard the concerns of some parties named in the report that the information is unsubstantiated or incorrect. Nonetheless, the

allegations are of a sufficiently serious nature to merit thorough investigation by the relevant national authorities. The Irish Government expects the parties concerned to carry out such investigations and to extend every cooperation to the Panel of Experts in its future work. No effort must be spared by the relevant authorities to ensure that activities which undermine the peace process in the Democratic Republic of the Congo are halted and that the Congolese people can finally be allowed to benefit directly from the natural wealth of their own country.

In this regard, I welcome Minister Mbabazi's announcement of his Government's decision to establish an independent judicial commission of inquiry which will work openly and transparently to investigate the allegations relating to Uganda. I also welcome Minister Nihangaza's declaration of his Government's decision to investigate allegations and to cooperate with the Panel during its extended mandate.

At the same time, the concerns expressed by some parties named in the report cannot be dismissed out of hand. An extension of the mandate of the Panel will allow it, over the coming months, to pursue further, in a thorough manner, issues which it did not have the opportunity to address in depth in the final report. It will also facilitate further discussion with parties that have expressed concern with the final report. We strongly encourage all parties to engage in further full and frank dialogue with the Panel as it updates its report and assesses progress. We remind those parties that have not extended full cooperation to the Panel of their obligation to do so. Failure to do so would seriously undermine their international standing.

This report is but one element in the wider efforts of the international community to end the conflict in the Democratic Republic of the Congo. As the Panel proceeds with its work over the coming months, we will be looking at the impact of such activities in the context of the peace process and how the work of the Panel can support that process. In particular, we will look to progress from the parties on the three core issues set out in the Lusaka Agreement. The first is the preparation and adoption of a precise plan and schedule which, in accordance with the Lusaka Ceasefire Agreement, would lead to the completion of the orderly withdrawal of all foreign troops from the territory of the Democratic Republic of the Congo. The second is the preparation for immediate implementation of prioritized plans for the disarmament, demobilization,

reintegration, repatriation or resettlement of armed groups. The third is progress in the inter-Congolese dialogue.

The Security Council mission to the region later this month will provide the Council with an opportunity to engage with the parties on the wider dimension of the conflict in the Democratic Republic of the Congo, focusing in particular on the three core elements of the Lusaka Ceasefire Agreement. We urge the parties to maximize the potential of that visit for concrete progress and to use the occasion of the visit to engage closely with the members of the Council on the core obstacles to peace in the region.

Mr. Levitte (France) (*spoke in French*): I thank you, Mr. President, for organizing this meeting on a subject of particular importance. France's best wishes go out to the United States presidency of our Council this month.

I would like to thank the Secretary-General for his lengthy presence among us this morning. I would also like to welcome very warmly the Ministers of the Democratic Republic of the Congo, Uganda, Rwanda and Burundi, who are also present in the Chamber.

As my colleague from Ireland has said, the Ambassador of Sweden will in a short while set out the views of all the countries of the European Union. As my colleague has done, I too would like to add some comments in my national capacity as representative of France.

The information contained in the Panel's report is not, in fact, entirely new. Numerous elements had already surfaced in the press, and non-governmental organizations had also attested to the situation in various ways. But this is the first time that an overall picture of the looting of the resources of the Democratic Republic of the Congo has been provided to us. That picture is extremely disquieting.

I would like to commend the work done by Ms. Ba-N'Daw and the other experts. The report of the Panel is courageous and well documented. It should be stated clearly that we know that the safety of the experts was at times under threat. This is a matter of concern for the whole Council.

With regard to methodology, the Panel strictly followed the mandate given to it by the Security Council. This explains the large number of States

investigated pursuant to the broad interpretation given to the concept of illegality.

One conclusion must be drawn. Not only does the looting of resources feed the conflict; today we may even ask ourselves whether looting has itself become a motive for the continuation of the conflict. The Security Council must henceforth take into account this facet of the deadliest conflict currently besetting the African continent. All of us recall the figures put forward by New York's International Rescue Committee: 2.5 million deaths since 1998, 200,000 of which were directly related to combat. These figures are appalling. They demand action and mobilization on the part of our Council and of all the parties.

The Council's responsibility is to work with all of the parties concerned to help end the looting, and this report will help us do so. By a unanimous decision of the Council, we will be extending the Panel's mandate for a three-month period. Over the next three months the Panel will keep us informed. It will further expand its knowledge of this very important issue, and, in three months' time, it will present to us a fresh appraisal of the situation.

In the Panel's work and in the mobilization of the international community, it will be important to ensure that, beyond the United Nations, the multilateral institutions concerned and the countries involved all participate fully in this endeavour. We would like the Council to work in a spirit of dialogue with all of those involved.

From this standpoint, I should like to welcome not only the presence of the Ministers around this table but also the statements that they have made. We must listen attentively to one another. We welcome their spirit of cooperation, and, in the same vein as my colleague from Ireland, we would also like to welcome the announcement by Minister Mbabazi of the creation in Uganda of an independent commission of inquiry. I welcome also the statement made by the Minister of Finance of Burundi.

All of the countries involved must demonstrate this same spirit of dialogue. For our part, we are listening attentively and objectively to them. At the end of the three months, when we have the additional report, we will consider in this Chamber possible further measures, which may be necessary if the progress that we hope to see towards ending the looting

of the Democratic Republic of the Congo has not been achieved.

All of the States involved must demonstrate a spirit of dialogue. Some of them have chosen not to state their position today, and I appeal to those not present in the Chamber and which have been implicated to demonstrate the spirit of cooperation shown by the Ministers who are here today.

Above and beyond this report, I think that we should all keep in mind the key objective that the Security Council wishes to achieve in the Great Lakes region. Our goal is to put an end to the conflict. Our goal is the restoration of peace — peace with security for all. Ultimately, our objective is a return to economic development. All of this requires the implementation of the Lusaka Agreement.

The United Nations is resolved to lend its fullest support to that goal, but, of course, it is the actions of the parties themselves that will make it possible to advance in that direction.

Sir Jeremy Greenstock (United Kingdom): We warmly welcome you to the presidency, Sir, and I thank you for your kind words earlier in this debate.

It is very good to see the Ministers of the Democratic Republic of the Congo, Uganda, Rwanda and Burundi here with us today. It has been extremely important for us to listen to their statements and to engage in a very necessary debate.

Like my two predecessors in this discussion, I point to and fully support the statement which Sweden will make on behalf of the European Union later on today, but I want to make one or two remarks in my national capacity.

The United Kingdom takes very careful note of the work done so far by the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo. We thank the members of the Panel for their diligence and their courage.

The report of the Panel addresses an issue of considerable concern: the way the natural resources of the Democratic Republic of the Congo are being used to fuel the conflict there. There is more work to be done to shed light on this problem, and we therefore support the extension of the Panel's mandate.

In the presidential statement which the Council will adopt later today, we set out guidelines for the continued work of the Panel. Among other things, the extended mandate will allow the Panel to pursue further information which was not previously available and to follow up responses to the Panel's report, including the extremely important ones today. We believe that an addendum to the Panel's work will provide an opportunity to produce a fully balanced analysis and to record, as far as possible, corroborated evidence relating to all parties to the conflict.

This is a key element, because one of the most important things the work of the Panel has done is to bring this problem, of which we had all heard reports, closer to the surface. We now need a serious and frank dialogue with all concerned, but especially with the parties to the conflict. Today's debate is a start, and, given the vigorous contributions we have heard so far, the debate is, of course, going to continue.

We and all the parties agree that illegitimate exploitation has to end. That is a vitally important basis of agreement. But there is also, of course, some disagreement on the precise facts of what was and is illegitimate exploitation. That is inevitable, given the circumstances in the Democratic Republic of the Congo and the scope of the problem. We must engage with each other and try to achieve greater clarity, but we also need to focus on the primary goal here, which is not to punish or narrowly to assign blame, but to tackle the problem in the interests of promoting the wider peace process and alleviating the suffering of the Congolese people. It is their resources which have been unscrupulously exploited for the benefit of others.

We do not regard resources as being the cause of the conflict in the Democratic Republic of the Congo, nor would addressing this problem alone solve that conflict. But the natural resources of that country have become part of what fuels the conflict, so all of the parties must recommit themselves to work across the board to bring an end to the conflict. In that context, the Panel might usefully focus, in the next three months of work, on better long-term sectoral strategies, concentrating on specific materials, for instance, gold, diamonds and coltan.

It is vital for the future peace, stability and development of the Democratic Republic of the Congo that its natural resources should work for the benefit of its people. In addressing the abuses, we must also be

prepared to help the Government and the people of the Democratic Republic of the Congo to build effective and transparent structures for legitimate exploitation and trade in resources, including with its neighbours. We therefore look to the Panel to establish a comprehensive approach to the long-term aspects of the problem which could help determine the success or failure of the future of our efforts to bring peace and stability to the Democratic Republic of the Congo and to the region.

The President: I thank the representative of the United Kingdom for the kind words he addressed to me.

Mr. Granovsky (Russian Federation) (*spoke in Russian*): I should like first of all to congratulate you, Sir, on your assumption of the presidency; I am confident that you will discharge your duties in the most effective way possible. We would also like to join others in welcoming the representatives of the Democratic Republic of the Congo, Rwanda, Uganda and Burundi who are participating in today's meeting of the Security Council. We have listened very carefully to the important statements they have made.

The Russian Federation is grateful to the Panel of Experts, chaired by Ms. Safiatou Ba-N'Daw, for the substantive report that it has provided on the illegal exploitation of the natural resources and other forms of wealth of the Democratic Republic of the Congo. We are disturbed by the information that it contains about the large-scale looting of resources, in violation of the sovereignty and territorial integrity of the Democratic Republic of the Congo. However, we do not believe that the report should prompt the over-hasty adoption of measures on the basis of an emotional response; rather, it should provide food for thought, as it contains information that we must study calmly and carefully. Accordingly, we support a three-month extension of the mandate of the Panel of Experts so that, at the end of that period, it can submit an addition to the current report, including commentaries by States named in the report. We call on all the States mentioned in the report to cooperate with the experts in their work and to clarify carefully the situation with regard to the natural resources and other forms of wealth of the Democratic Republic of the Congo.

Illegal activities, by whomsoever committed, must be brought to an end, and the sooner the better. Russia believes that, in the final analysis, it is the

armed conflict that underlies the problem of the illegal exploitation of the resources and other forms of wealth of the Democratic Republic of the Congo, just as it underlies the problems of refugees, internally displaced persons and child soldiers, human rights violations, humanitarian crises and many other problems. Only recently has there been some movement towards a settlement of that conflict. We believe that movement towards a political settlement in the Democratic Republic of the Congo must be a priority for the Security Council. That is how we see the Council's discharge of its responsibilities under the Charter for the maintenance of international peace and security.

Mr. Ouane (Mali) (*spoke in French*): I should like first of all to thank you, Mr. President, for having convened this public meeting to consider the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo.

I note the presence at this important meeting of the Minister for Foreign Affairs of the Democratic Republic of the Congo, the Minister of State for Foreign Affairs and Regional Cooperation of Uganda, the Special Envoy of the President of the Rwandese Republic and the Minister of Finance of Burundi. I should also like to express my delegation's gratitude to Ms. Safiatou Ba-N'Daw, Chairperson of the Panel of Experts, and, through her, to all the members of the Panel for the important work that they have carried out.

The report before us deals with a matter of concern to this Council: the link between the illegal exploitation of a country's natural resources and the continuation of the conflict that is affecting it. In this regard, I should like first of all to restate Mali's position of principle, which resolutely rejects any illegal exploitation of the natural resources and other forms of wealth of a sovereign and independent State.

In this regard, my delegation believes that the Security Council should thoroughly examine the information and recommendations contained in the report with a view to putting an end to the plundering of the natural resources and other forms of wealth of the Democratic Republic of the Congo. Such plundering is fuelling the continuation of the conflict, causing unspeakable suffering to the Congolese people and destabilizing the whole region.

The message of this report is clear: measures must be taken to end the plundering of the natural

resources and other forms of wealth of the Democratic Republic of the Congo. From this standpoint, the international community and the Security Council must take steps to promote the peace process, which has recently taken a positive turn with the launching of phase II of the deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). As the Secretary-General emphasized in his seventh report (S/2001/373) on MONUC, everything must now be done to promote the successful transition to phase III.

In this context, we believe that the discussions begun today should be continued, in particular during the Security Council's mission to the Great Lakes region. It is essential to maintain the impetus of the Lusaka process, while respecting the territorial integrity and sovereignty of the Democratic Republic of the Congo as well as that of other countries in the

region, thus contributing to the return of lasting peace and stability in the Great Lakes region.

Mali looks forward with interest to the final report of the Panel of Experts; we will then state our views on the recommendations contained therein. That is why we support the request for an extension for a further three months of the mandate of the Panel of Experts.

In conclusion, I should like to join in condemning the murder, in the Bunia area, of six staff members of the International Committee of the Red Cross and to express our condolences to their families.

The President: If there is no objection, I propose to suspend the meeting for a lunch break.

The meeting was suspended at 1.10 p.m.



Security Council

Fifty-sixth year

4317th meeting
Thursday, 3 May 2001, 3 p.m.
New York

Provisional

<i>President:</i>	Mr. Cunningham	(United States of America)
<i>Members:</i>	Bangladesh	Mr. Chowdhury
	China	Mr. Wang Yingfan
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Ireland	Mr. Ryan
	Jamaica	Miss Durrant
	Mali	Mr. Ouane
	Mauritius	Mr. Neewoor
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Mr. Mahbubani
	Tunisia	Mr. Mejdoub
	Ukraine	Mr. Krokhmal
	United Kingdom of Great Britain and Northern Ireland.	Sir Jeremy Greenstock

Agenda

The situation concerning the Democratic Republic of the Congo

Letter dated 12 April 2001 from the Secretary-General addressed to the President of the Security Council (S/2001/357).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

01-35889 (E)



The meeting was resumed at 3.10 p.m.

The President: I should like to inform the Council that I have received a letter from the representative of Zimbabwe 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. Jokohya (Zimbabwe) took the seat reserved for him at the side of the Council Chamber.

The President: Before continuing with the list of speakers, I thought I would indicate that if any of the visiting Ministers wishes to take the floor again to comment on what has been said during the Council discussion after Council members have spoken, we would wish to give him that opportunity, and I would ask his delegation to inform the Secretariat so that I would know to give him the floor when the Council members have finished speaking.

Mr. Wang Yingfan (China) (spoke in Chinese): The Chinese delegation welcomes the Minister for Foreign Affairs of the Democratic Republic of the Congo, the Minister of State for Foreign Affairs of Uganda, the Special Envoy of the President of Rwanda and the Minister of Finance of Burundi. We welcome their presence at this open meeting of the Security Council.

The Chinese delegation appreciates the efforts undertaken by the Panel of Experts and Ms. Ba-N'Daw in submitting the final report on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo. We support the President of the Council in convening this meeting to listen to the views of the parties concerned. This will help put an end to the looting and illegal exploitation of the natural resources of the Democratic Republic of the Congo.

Judging from the relevant information provided by the Panel report, the illegal exploitation and looting of the natural resources of the Democratic Republic of the Congo have become rampant and are closely linked

to the continuation of the conflict. On this question, like other countries, we believe that the Security Council should take appropriate measures to put an end to this looting and illegal exploitation and should pave the way for the proper resolution of the conflict. Therefore, we endorse the extension of the mandate of the Panel for an appropriate period of time.

From what we have heard today at this meeting, we understand that the report of the Panel has had various strong repercussions. While fully affirming the efforts of the Panel, we also believe that the report has room for improvement. In some of the information provided in the report, there is no clear distinction between cases with conclusive evidence and those with evidence that is either inadequate or merely hearsay. We hope that, in the next phase of its work, the Panel of Experts will apply stricter standards. It should, in particular, focus its work on the looting and illegal exploitation of the resources of the Democratic Republic of the Congo, address the principal questions of significance and base its conclusions on hard evidence.

For the sake of its domestic development and an expeditious resolution of the conflict, the Democratic Republic of the Congo, as a sovereign State, must exploit its own natural resources. To link all exploitation of the natural resources of the Democratic Republic of the Congo with the continuation of the conflict would contradict the facts and be inimical to solving the problem of illegal exploitation. The conflict in the Democratic Republic of the Congo is an intricate and complicated one, involving such issues as the withdrawal of foreign troops, the internal political dialogue, the disarmament of armed groups, national reconciliation and the security concerns of the Democratic Republic of the Congo and its neighbours. To a great extent, these issues are interconnected and affect one another.

The international community, especially the countries of the Great Lakes region, must work together. The signatories to the Lusaka Agreement need to implement it in earnest and expeditiously translate into action the commitments made under it. In order to solve the conflict in the Democratic Republic of the Congo, it will be necessary in the long run to achieve reconciliation among all nationalities and all political forces within the country.

With respect to the external environment, all countries in the Great Lakes region must enjoy peace and stability on the basis of such norms of international relations as mutual respect for state sovereign, territorial integrity and non-interference in internal affairs; they must also coexist peacefully and develop normal inter-State relationships. We have noted that the situation in the Great Lakes region has recently undergone some positive changes. The countries of the region have had increasing contact and have made positive efforts to improve inter-State relations. We hope that the parties to the conflict will treasure the hard-won momentum towards peace, take positive measures in a proactive and determined way and with statesmanlike vision and courage, and make effective efforts to end the conflict as soon as possible and to establish a peaceful and friendly environment conducive to the continued existence and development of the Great Lakes region.

The Democratic Republic of the Congo has long been mired in an intractable conflict. The country and its people have experienced formidable hardships and are faced with daunting challenges to put an end to the conflict and achieve peace. Their post-conflict tasks rapidly to eradicate poverty, achieve national reconciliation and consolidate peace will be most arduous. We appeal to the international community to resort to all possible ways and means to support and assist the Democratic Republic of the Congo.

The Chinese Government and people will, as always, work with the international community and continue to make tireless efforts in this regard.

Mr. Valdivieso (Colombia) (spoke in Spanish): My delegation congratulates you, Sir, on your wisdom in including this debate among the first actions on the Council's programme of work for this month. The subject of the illegal exploitation of the natural resources of the Democratic Republic of the Congo is clearly related to the establishment of an environment of peace and security in the Great Lakes region.

We wish to express our pleasure at the presence of the Ministers of Burundi, the Democratic Republic of the Congo and Uganda; the envoy of the President of Rwanda; and the members of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, which prepared the report. We have listened with attention and interest to the statements made by

the representatives of those countries, which will allow this Council and my own country's authorities to gain a clearer picture of the facts relating to the disturbing situation described in the report.

The exploitation of the natural resources of the Congo is the subject of our deliberations today because of its close connection to the persistence of the conflict that continues to drain the lifeblood from that country. According to recent figures, and as has also been mentioned at this meeting, that conflict has directly or indirectly claimed over 2.5 million victims since 1998. 200,000 deaths have been caused directly by the fighting, while the rest have been the result of famine and diseases that have afflicted the population in the inhospitable places to which they have had to flee in escaping the violence.

In such circumstances, tragic events occur, such as last week's attack against the workers of the International Committee of the Red Cross, to which a number of speakers have referred. We offer our condolences to the Congolese and other families that have lost loved ones and we wish to offer thanks for the expressions of sorrow and solidarity with us over the loss of our compatriot in that incident.

My delegation believes that, in principle, the exploitation of the mineral, timber or agricultural resources of a country — apart from the issue of its legality or illegality — must be condemned by the international community if it contributes to creating a tragedy of such proportions. It is unacceptable that millions of persons must live in fear and poverty in the midst of their own country's natural wealth.

The report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo also warrants the following comments.

First, we believe that the Secretary-General followed the criteria laid down by the Council to select the Panel of Experts, presided over by Ms. Ba-N'Daw. We favour an extension of its mandate for three months and we await with interest its final report.

Secondly, we have found the information and data provided in the report on the persons, armed groups and countries that exploit and market the resources of the Congo in order to finance the conflict to be staggering. Without commenting on the evidence presented, which is under study, analysis and

evaluation by our Government and our mission, we believe that the Governments and groups mentioned should proceed independently to investigate these data and convey the results of their investigations to the Panel of Experts during the following months of its mandate.

Thirdly, we recognize that, for a long time now and because of its geographical location, the eastern part of the Congo has strong economic links to the neighbouring countries. That is why it came as no surprise to us that there is an active import-export trade there. It is appropriate nonetheless to preserve the mutual benefits of that trade with a view to the future reconstruction of the economy of the Great Lakes region. Any peace conference for that region should take that aspect into account.

Fourthly and finally, we have taken note of the sanctions proposed by the authors of the report. Sanctions are indeed a legitimate mechanism whereby the Security Council can effect changes in the conduct of the armed participants in conflict situations. Nevertheless, before considering the use of this mechanism, we have always advocated a respectful dialogue conducive to cooperation with the international community, such as the one we are holding today. We would hope that this will hold true in the current instance.

I wish to conclude by stating our conviction that any action by the Council on the item before us today should be part of a vigorous effort to achieve a lasting peace in the Democratic Republic of the Congo — a peace that respects the sovereignty and territorial integrity of the countries of the Great Lakes region, and that also takes into account their legitimate security interests.

It is in this spirit that my delegation has expressed its wish to take part in the next mission of the Security Council to that region of Africa.

Mr. Kolby (Norway): The Government of Norway welcomes this open debate on the important topic of examining the link between the exploitation of natural resources in the Democratic Republic of the Congo and the continuation of the tragic conflict in the Great Lakes region. We welcome the participation here today of the Ministers of the Democratic Republic of the Congo, Rwanda, Uganda and Burundi as a sign of their commitment to the issue and to a peaceful solution to the conflict.

We thank the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo for its report. The report provides extensive information on the complexity of the conflict and significant food for thought for our further deliberations. Before commenting on the Panel's report, I would, however, like to make some general remarks.

Norway notes with concern the terrible toll the conflict is having on the people, economy and environment of the Democratic Republic of the Congo, and we remain strongly concerned about the lack of governance and continued violence, particularly in its eastern regions. The Government of Norway strongly condemns the recent murders of International Committee of the Red Cross personnel in Orientale Province and underlines the need to hold the guilty accountable for this hideous crime. Norway calls on the parties to ensure the safety of all international personnel working to assist the region in its quest for peace, security and development.

Furthermore, Norway continues to believe that the Lusaka Ceasefire Agreement remains the path to a peaceful and lasting solution to the conflict in the Democratic Republic of the Congo and the Great Lakes region. We certainly hope that the countries and the various rebel groups involved in the conflict do not forget this fundamental premise. We continue to urge the parties to explore thoroughly all political avenues that might be available for finding a peaceful solution. In our view the parties to the conflict have taken significant steps since the adoption of Security Council resolution 1341 (2001) in February of this year. The parties have begun the disengagement process, and the deployment of observers and liaison officers of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) is proceeding. However, other key aspects of the peace process, notably demobilization, disarmament, rehabilitation and reintegration of the negative forces operating in the region and a constructive inter-Congolese dialogue leading to effective governance of the Democratic Republic of the Congo, remain indispensable. We look forward to further signs of political will and common pursuit among the parties to achieve real progress in these regards.

The efforts to re-establish peaceful relations in the Great Lakes region must take due account of economic agendas in conflict. The Panel report

indicates that considerable illegal exploitation of the natural resources of the Democratic Republic of the Congo is taking place. We find this deplorable and appeal to all parties to cease without delay all exploitation activities that fuel the conflict in the Democratic Republic of the Congo. In this regard, we would like to make some remarks regarding cooperation with the Panel of Experts. In both reports — the interim report of 16 January and the report of 12 April — the Panel complains about the lack of cooperation from certain countries, individuals and private companies. We regret that the Panel has faced “a problem of imbalance in the acquisition of data” (S/2001/357, para. 11) and that “This constraint can be felt in the report.” (*ibid.*) We would like to urge all parties to cooperate fully and to provide the Panel of Experts with relevant data as soon as possible. We will always need to ask ourselves what may have been omitted in a report like this. Information has come to our attention indicating that some private companies involved in this exploitation business are not mentioned in the report. We would like to ask the Panel of Experts to look into this matter.

Several members of the Security Council have asked the Chairperson of the Panel of Experts to provide the Council with a more assertive presentation of the findings, separating hard facts from more loosely based information. It is very difficult for the members of the Council to distinguish between information and accusations that are based on primary data that can link the accused parties to illegal exploitation with some certainty, and the parts of the report that are based on information obtained in interviews. If possible, the next presentation should contain corroborative evidence against those involved.

We agree with the assumption behind the mandate of the Panel of Experts that the parties to the conflict are motivated by the desire to control and profit from the natural resources. Moreover, we take note of the indications that the parties finance their armies and military operations by exploiting these resources. This is reflected in the initial conclusions and recommendations of the Panel. My delegation supports an extension of the mandate of the Panel of Experts by three months in order for the Panel to complete its work. Further confirmation by the Panel — beyond reasonable doubt — that countries in the region and other actors continue to be involved in exploitation activities fuelling the conflict in the Democratic

Republic of the Congo will be perceived as a very serious matter by this Council.

In conclusion, we urge the parties to the Lusaka Ceasefire Agreement to maintain the momentum that has been created over recent months and look forward to the further dialogue on the next steps to take place after the Security Council's mission to the area. We believe that the full commitment by all involved parties to peaceful negotiations will remain indispensable in the search for a lasting solution to the conflict.

Mr. Chowdhury (Bangladesh): Bangladesh gives warm greetings to you, Mr. President, on your assumption of the presidency of the Council. We are confident that under your leadership and the United States leadership, we will have an effective presidency.

We meet here against the backdrop of the horrendous murder in Bunia of six humanitarian personnel of the International Committee of the Red Cross. There can be no excuse for such heinous acts. My delegation conveys our sincere condolences to the bereaved families. We demand a prompt inquiry into the incident so that those responsible are brought to justice without delay.

We have great pleasure in welcoming the Ministers of the Democratic Republic of the Congo, Uganda and Burundi, and the Special Envoy of Rwanda, who are with us today to discuss an issue of serious significance for peace in the Democratic Republic of the Congo.

Ms. Safiatou Ba-N'Daw, Chairperson of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo, and her colleagues on the Panel — Mr. François Ekoko, Mr. Mel Holt, Mr. Henri Maire and Mr. Moustapha Tall — deserve our appreciation for their courage and commitment in pursuing the mandate given to them by the Council. Their comprehensive report and their findings and recommendations assume critical importance, particularly in view of the current forward movement in the peace process in the Democratic Republic of the Congo.

We shall limit our observations to five issues. The first is the findings and conclusions of the Panel. The Panel has concluded that the plundering of the resources of the Democratic Republic of the Congo continues and that there is a clear linkage between

illegal exploitation and the continuation of the war. If the conclusion is established beyond doubt, all concerned will have to assume due responsibility and take measures to break the nexus between the illegal exploitation of the resources of the Democratic Republic of the Congo and the continuation of the war.

The findings of the Panel in its present report should be examined, taking the views of concerned countries and other relevant parties fully into account. There are questions about the methodology used, about the quality of evidence and about the nature of the conclusions. In fact, the main purpose of today's meeting is to hear the various views. The Panel will do well if it can substantiate its conclusions against disclaimers offered.

The findings and conclusions of such expert panels have serious implications for the objectives pursued by the Security Council. We stress that reports of panels of experts issued in the name of the United Nations should meet evidentiary standards and other relevant norms. A panel should, at the same time, be able to investigate and to submit its findings with absolute independence and objectivity.

The second issue is the definition of illegality. We have noted the Panel's definition of illegal exploitation. It has been stated that the definition does not seem to conform to the provisions of the Lusaka Agreement. There are questions on the legality or illegality of exploitation of resources in areas under rebel control. The question is relevant, as some of the rebel movements are signatories of the Lusaka Agreement.

The third issue relates to an immediate response by the Council, concerned parties and Member States to the findings and recommendations. As an interim response, the Council should call for immediate cessation of the illegal exploitation of the mineral and other resources of the Democratic Republic of the Congo. The Panel recommends a number of steps that, we believe, Member States can take unilaterally at this stage. They include steps with regard to the import, export and transportation of certain minerals and financial transactions that have been put into question. Countries involved may also consider declaring an immediate moratorium on the supply of weapons and all military matériel to rebel groups operating in the Democratic Republic of the Congo.

A unique area of concern is conflict timber. The world is aware of conflict diamonds and other high

value commodities. It is a revelation to us that plundering extends to such mass-volume products as timber and non-timber forest products. We support the Panel's recommendation that concerned countries should, as per international practice, declare to the United Nations Forum on Forests the origins of the timber that is being shipped from their seaports, as well as the certification documents of such timber. Timber and non-timber forest products coming from warring areas should be declared as "conflict timber and non-timber forest products". Similar positive steps may also be considered by the countries on the demand side.

The Council's demand for such interim measures should extend to all actors involved in illegal activities: Governments, armed forces, individuals and public or private enterprises engaged directly or indirectly in the extraction, transport, import and export of resources of the Democratic Republic of the Congo.

The fourth issue relates to further action by the Council. Any specific measures by the Council should follow consideration of the addendum to the report that the Panel will be requested to submit before the expiry of its extended mandate. The Panel will be expected to respond to the comments of those cited in the report, update its data and complete unfinished tasks in the remaining areas of investigation. Council action in terms of appropriate measures can follow only after conclusive evidence is available and after parties responsible for the illegal activities fail to take corrective measures or to comply with the Council's demands.

Finally, we would like to underline that the Democratic Republic of the Congo should have full sovereignty over its national resources; exploitation, illegal or otherwise, by outside actors should not contribute to sustaining the war.

The Council's purpose in pursuing the matter is to facilitate the peace process; it should take all appropriate measures to that end.

Mr. Mahbubani (Singapore): We would like to join our colleagues in welcoming the ministers from the Democratic Republic of the Congo, Burundi and Uganda and the high-level envoy from Rwanda. I think that this high-level participation reaffirms the importance of the debate we are having today.

We share the shock and horror that has been expressed by many of our colleagues over the killing of

personnel of the International Committee of the Red Cross (ICRC); we hope that effective measures will be taken to resolve this state of affairs.

The advantage of speaking late in the day is that many of the points that we would have liked to make have already been made by our colleagues, including most recently by Ambassador Chowdhury, who said that we all have to reaffirm the territorial integrity and sovereignty of the Democratic Republic of the Congo, and that the looting and pillaging of resources are unacceptable. Thus, at this stage we have only two additional points to add to the discussion.

The first point we want to make is that the Panel of Experts, in delivering its report (S/2001/357) to us, has basically delivered what may be called a hot potato. It is a hot potato because it has created a dilemma for the Council, and the dilemma is this: if the contents of the report and the findings of the Panel are correct — and I stress the word “if” because we, as a national delegation, do not have the capacity to verify, confirm or deny the findings of the report — then the Council has an obligation to take action in response to the points made in the report. If they are not correct, then we have an obligation, as an institution, to clear the record and ensure that no false or misleading impressions are left behind.

Frankly, we are not sure what institutional strength we might have, as the Council, to verify the claims made in the report; but such verification we have to do. Clearly, before we make any decisions in the Council, we have to be sure that they are based on sound facts and due diligence. I am glad that this is a point that has been echoed in several of the speeches that have been made in response to the Panel's findings.

In some ways, we have bought ourselves some time. In giving the Panel a three-month extension, we hope that the Panel will make every effort to respond to all the points raised today — and I am glad that members of the Panel have been here listening to the statements made both by members of the Council and by the high-level envoys who are here — so that when the Panel comes back to us in three months' time we will, we hope, be in a better position to respond adequately and effectively to the many strong claims found in the Panel's report.

The second point we want to make here is that, in looking at the whole issue, we should be aware that in

some ways the issue of natural resources exploitation is only one of the dimensions of the conflict we are addressing. It may be useful to refer to a quote from a recent book by a writer named Michael T. Klare, who has just published a book entitled *Resource Wars: The New Landscape of Global Conflict*.

“Particularly vulnerable are once-colonized areas where the occupying power destroyed local institutions, plundered the countryside of its human and material resources, and departed without laying the groundwork for effective, self-financing national governments ... once a rebellion has erupted, the fighting often evolves into resource conflict.”

In the case of the Democratic Republic of the Congo, that legacy of exploitation began more than 100 years ago, when King Leopold II of Belgium colonized the region as his personal fiefdom and began the systematic exploitation of its natural wealth. More recently, the aftermath of the Rwanda genocide in 1994 and the rebellions in 1996 and 1998 have further complicated the situation and transformed economic activities and trade networks in the region.

Clearly, we have to address deep-rooted problems when trying to analyse the situation here. It is doubtful that we can do so very clearly in such an open setting. But we are pleased to note that the retreat we will have this weekend with the Secretary-General will touch on the issues of the Democratic Republic of the Congo. I hope that in that debate we will address openly some of the more difficult issues, which cannot be addressed in such an open session as this.

Finally, let me just state for the record that we support the presidential statement to be issued at the end of the day.

Miss Durrant (Jamaica): My delegation wishes to commend you, Mr. President, for convening this open meeting on the issue of the situation in the Democratic Republic of the Congo, as this provides an opportunity for us to address in a transparent manner the issue of the illegal exploitation of the natural resources of the Democratic Republic of the Congo and its linkage with the continuation of the conflict in that country and the implications for the Great Lakes region as a whole.

My delegation wishes to thank Mme Ba-N'Daw for the presentation of the report of the Panel of Experts appointed by the Secretary-General at the

request of the Council. We recognize only too well, from the report as well as from Mme Ba-N'Daw's presentation, that the task has been an arduous one.

My delegation joins others in welcoming to the Council the Ministers from the Democratic Republic of the Congo, Burundi, Rwanda and Uganda. We have taken careful note of their statements, because my delegation believes that it is important for those who have a direct interest in the report to be listened to by the Council before any action is taken.

My delegation has noted that the report contains disturbing allegations about the illegal exploitation of the natural resources of the Democratic Republic of the Congo. Those allegations regard financial and economic matters, the diamond business, forests and timber. We have noted that they are extremely serious in nature and must be studied along with the comments we heard this morning from the representatives of the Governments concerned. In that regard, we welcome the determination expressed by several of the Ministers who spoke that investigations will be carried out and that where perpetrators are found, they will be brought to justice.

The Panel's recommendations revolve around six broad themes, and they carry very serious implications. It is in that context that we support the extension of the Panel's mandate for a further period of three months so that it can finalize its work. It will only be at that stage that the Council will be able to examine the recommendations and the further findings of the Panel so that it can take appropriate action.

My delegation supports the action to be taken by the Panel based on its action plan, as well as that outlined in the statement to be delivered by the President at the end of this debate.

We continue to be extremely concerned about the situation in the Democratic Republic of the Congo, because with so many people affected, including more than two million internally displaced persons and refugees in neighbouring States, we have on more than one occasion drawn attention to the makings of an immense humanitarian tragedy.

We are pleased that progress has been made towards the implementation of the Lusaka Agreement. We believe that the mission to be carried out by the Council later this month will go a long way in providing a basis for further action by the Council in

support of the implementation of the Lusaka Agreement.

At this stage, my delegation wishes to express our sincere condolences to the families of the staff members of the International Committee of the Red Cross and to the Governments of the Democratic Republic of the Congo, Colombia and Switzerland. Those persons who lost their lives in the cause of peace remind us of the immense pressure under which humanitarian workers — who go into areas into which we often would not send peacekeepers — labour on behalf of the international community.

The discussions today clearly attest to one fact, and that is the need for a comprehensive and lasting peace in the Democratic Republic of the Congo within a regional context involving the entire Great Lakes region. We look forward to that day, and we look forward to continuing support to the people of the Democratic Republic of the Congo and to the people of the neighbouring States as the international community seeks to bring peace to that war-torn region.

Again we emphasize that there can be no military solution to the crisis in the Democratic Republic of the Congo. It is therefore important for us to continue to give our support to the steps leading towards national reconciliation.

Mr. Neewoor (Mauritius): Allow me, first of all, to congratulate you, Mr. President, on your assumption of the presidency of the Security Council for the month of May. We have no doubt that the United States presidency of the Council this month will be very productive and fruitful. We also thank you for holding this important public meeting to discuss the report of the Panel of Experts on the Illegal Exploitation of the Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo by various parties involved in the conflict in that country.

This public meeting is an important opportunity for all interested parties to comment freely on the contents of the report, and the views expressed here will undoubtedly help the Security Council in charting the course of its future action.

In this regard, my delegation is particularly pleased to welcome in the Council Chamber the Foreign Minister of the Democratic Republic of the Congo, Mr. Leonard She Okitundu; the Minister of State for Foreign Affairs and Regional Cooperation of

Uganda, Mr. Amama Mbabazi; the Minister of Finance of Burundi, Mr. Charles Nihangaza; and the Special Envoy of the President of the Rwandese Republic, Mr. Patrick Mazimpaka.

We also appreciate very much the presence of Ms. Safiatou Ba-N'Daw, Chairperson, and of the members of the Panel on the Democratic Republic of the Congo.

My delegation commends the Chairperson and the members of the Panel for the comprehensive report they have submitted in fulfilment of their important mandate. We must all recognize that the Panel has been entrusted with an extremely complex and daunting task. We thank the members of the Panel for the dedication and courage with which they have fulfilled their responsibilities.

A report of this nature, based on investigations carried out in difficult circumstances we all know, will obviously be questioned by concerned parties. There may be criticisms with regard to the form, method and depth of the investigations carried out, as well as on the conclusions, recommendations and comments contained in the report.

In certain cases, criticism may be genuine and justified, and in others just superficial. But overall the report has confirmed beyond a doubt that there is indeed massive illegal exploitation of the natural resources of the Democratic Republic of the Congo, including diamonds, coltan, copper, cobalt, timber and gold, and that there is a nexus between such illegal activities and the conflict in the Democratic Republic of the Congo.

The Democratic Republic of the Congo is a sovereign nation, and the resources of the country belong solely to its people. It is unfortunate that this important African country has been engulfed in conflict over the last few years and that several neighbouring countries have become involved in it for one reason or another. It is a sad reflection, however, that the conflict has served as an opportunity for many to plunder the resources of the Congo, particularly at a time when the country has been in a situation of crisis. We urge all concerned parties to cease forthwith all unlawful activities in the Congo.

With regard to the report of the Panel, my delegation supports the proposal that the mandate be extended to enable the Panel to pursue and complete its important work. We urge all parties concerned to

cooperate fully with the Panel and to ensure the security of the members of the Panel while it is carrying out its important mandate on behalf of the United Nations.

In the meantime, we support the view that the Security Council should keep in abeyance the application of measures recommended in the present report until the additional report of the Panel becomes available at the end of the three-month extension of the mandate.

We urge the Governments concerned to take such unilateral measures as they deem necessary to ensure that their nationals are not in any manner involved in illegal exploitation of the resources of the Democratic Republic of the Congo. In this regard, we welcome the initiative taken by the Ugandan Government to carry out investigations in the country.

The conflict in the Democratic Republic of the Congo has not only inflicted immense suffering on the people of that country, but has also affected peace and security in the region as a whole. It has also impeded development and progress as well as regional cooperation. This deadly conflict must end, and the way to achieve that is full implementation of the Lusaka Agreement and full compliance with the disengagement plans which have been subsequently signed by all parties involved in the conflict. We urge all the parties to honour their commitments in this regard.

I cannot end without expressing our shock and dismay at the killings of International Committee of the Red Cross (ICRC) workers in Bunia. We hope that the parties that have influence in the area will help identify the assassins and bring them to justice.

Finally, Mauritius supports the presidential statement which is proposed to be issued at the end of this meeting.

The President: I thank the representative of Mauritius for his remarks addressed to me.

I will now make a statement in my capacity as the representative of the United States.

I think that we have had a very interesting discussion today which opens a new dimension to the conflict in the Democratic Republic of the Congo, and my delegation and I listened with great interest to our guests from the region.

The United States believes that the Panel provided a broadly accurate picture of the emerging and troubling economic dimension of the crisis. We may not agree with all of the elements of the report, but we cannot ignore this dimension of the conflict if we want peace to come to the Democratic Republic of the Congo and the region. I am pleased that it seems that we all agree that the Panel should complete its work and should work to further refine its report over the next several months.

The report of the Panel reminds us that the resources of the Democratic Republic of the Congo are not being used for the benefit of the Congolese people. While we do not believe that the pursuit of wealth was a cause of the conflict, we do believe that the unregulated pursuit of the wealth of the Congo is a consequence of the conflict. The longer the conflict drags on, the more blurred the lines between cause and consequence become.

We must also, in looking at the situation in the Democratic Republic of the Congo, give serious consideration to the imminent report of the International Rescue Committee, which maintains that the conflict in the Democratic Republic of the Congo has caused mortality to increase by 1 million deaths per year since the outbreak. We should also bear in mind the humanitarian and human rights reporting of our Secretary-General and his colleagues in the United Nations Organization Mission in the Democratic Republic of the Congo. Finally, we again recall with sorrow and outrage the murder of the International Committee of the Red Cross (ICRC) workers on 26 April.

There are two areas in the report of the Panel of Experts that I would like to call to the attention of the Chairperson and her colleagues in connection with their further work. The first is the inclusion of the former Rwandan Armed Forces (ex-FAR) and Interahamwe in a category labelled as "so-called negative forces". While we are certain that the Panel in no way meant to diminish the opprobrium with which the Council regards the perpetrators of the Rwanda genocide, this is an unfortunate linguistic construction that we hope can be avoided in future.

The second issue has to do with the Kiswahili language, which is misidentified as a foreign tongue spoken by those who invaded the Democratic Republic of the Congo. Kiswahili is widely spoken in the Congo

and is a lingua franca of commerce and intellectual life throughout East and Central Africa. It is an African language that binds Africans together within their countries and within their region, and labelling it as a foreign language in the Democratic Republic of the Congo is inaccurate.

The report tells us that the actions of those who are in violation of the sovereignty of the Democratic Republic of the Congo stand out as most objectionable. However, the report also states that the activities of the Congolese rebel groups, the Government of the Democratic Republic of the Congo and some of its allies are contributing to these troubling events. In addition to the message that the Democratic Republic of the Congo's occupiers are financing their activities through illegal or illicit activities, we also take from this report the fact that the country remains subject to foreign and indigenous corrupt practices. While this is a colonial legacy, it is also a post-independence phenomenon. While foreigners must accept their responsibility for the plundering of the Democratic Republic of the Congo's resources, so, too, must Congolese, past and present, take such responsibility.

Another cause for concern has been the failure of the Government of Zimbabwe to cooperate with the Panel. We are not here to pass judgement on that Government's activities, but we must remind each other of our obligation to cooperate with this type of investigation. The Governments that have extended the fullest cooperation are those that came under the greatest criticism. This cannot be allowed to create a future dynamic whereby Governments choose non-cooperation as their best policy option.

I want to repeat something that other speakers have noted, because it is essential to our discussion here today and to the follow-up. Our goal is not to punish or apportion blame; our goal is, and must remain, the successful implementation of the Lusaka Ceasefire Agreement and the relevant Security Council resolutions. I note that Minister Mbabazi and others this morning noted that the Lusaka Agreement offers a unique opportunity to find peace in the region. We agree, and we want to continue working with all of the partners in the area within the Lusaka process to realize its potential.

Peace based on the Lusaka Agreement and the relevant Security Council resolutions is the only answer in the region. That is why the Security Council

is sending a mission to the region later this month, and that is why we are here today. We believe that peace in the Democratic Republic of the Congo must rest on three pillars: the full withdrawal of all foreign forces; the disarmament, demobilization, resettlement and reintegration of armed groups, particularly the former Rwandan Armed Forces (ex-FAR) and the Interahamwe; and the implementation of a new political dispensation arrived at via the inter-Congolese dialogue. Ending the illegal exploitation of the natural resources of the Democratic Republic of the Congo and protecting its people cannot be accomplished in a vacuum, but they are both near-term and long-term requirements. The foreign and domestic parties must end such activities so as to help create a climate in which peace can take root. However, the Congolese parties themselves must also build the institutions that alone can provide for the human rights and welfare of their people.

With new momentum in the peace process, we hope that the conflict in the Democratic Republic of the Congo is coming to an end. As we look to the future, I recall the words of Abraham Lincoln, who, speaking in the waning days of our own national nightmare, said:

“With malice toward none, with charity for all ... let us strive on to finish the work we are in, to bind up the nation’s wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.”

I now resume my functions as President of the Council.

The next speaker inscribed on my list is the representative of Japan. I invite him to take a seat at the Council table and to make his statement.

Mr. Akasaka (Japan): At the outset, I would like to express my Government’s shock and deep regret at the deaths of six workers of the International Committee of the Red Cross in the Democratic Republic of the Congo on 27 April, and to extend our sincere condolences to their bereaved families. Such heinous attacks on humanitarian workers must be condemned.

Before commenting on the report of the Panel of Experts on the Illegal Exploitation of Natural

Resources and Other Forms of Wealth in the Democratic Republic of the Congo, I would like to emphasize that the resolution of the conflict in the Democratic Republic of the Congo — in which nearly half of the countries on the African continent are involved and more than 3 million lives have been lost — is critical not only to the countries directly concerned, but to the peace and prosperity of Africa as a whole. Japan urges all the parties concerned to implement the Lusaka Peace Agreement without further delay, and calls upon the Security Council to make every effort to fully implement phase II of the United Nations Organization Mission in the Democratic Republic of the Congo.

The illicit exploitation of diamonds and other natural resources must be stopped, as it poses one of the main obstacles to the settlement of the conflict in the Democratic Republic of the Congo and is a cause of recurring open hostilities. Indeed, as mentioned in the report of the Panel of Experts, the exploitation of non-diamond resources, including such mineral resources as gold and coltan, as well as timber, is also fuelling the conflict in the eastern part of the country. Although the report before us contains a number of recommendations for curtailing the illicit activities, today I would like to focus my comments on the following two points.

First, the relationship between the illicit exploitation of natural resources and the protraction of the conflict in the Democratic Republic of the Congo must be considered in the wider context of consolidating peace throughout the region. This will require a comprehensive and integrated approach. In particular, as part of its efforts to achieve a peaceful settlement of the conflict in the Democratic Republic of the Congo, the Security Council should at the same time address the economic and security problems in neighbouring Burundi, Rwanda and Uganda. It will be necessary to pursue peace-building, post-conflict reconstruction, development and democratization from a regional perspective.

Secondly, in order to ensure the effectiveness of such a region-wide integrated approach, the Council must ensure the smooth transition from one stage of the peace process to the next, from conflict resolution to peace-building to post-conflict development. This will require a coherent strategy throughout the entire period of United Nations involvement. Any gap in the extension of international assistance required at

different stages, particularly at a point of transition from one stage to the next, must be avoided.

As pointed out in the Secretary-General's recent report on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2001/373), the Council must now begin to contemplate entering phase III, which involves the withdrawal of foreign forces as well as the implementation of the process of disarmament, demobilization and reintegration or resettlement of ex-soldiers. In this reconstruction and development phase, social and economic assistance will be especially critical. To ensure that it is extended as smoothly and efficiently as possible, it is incumbent upon the Security Council to cooperate more closely with major donor countries, as well as with international financial institutions such as the International Monetary Fund and the World Bank and with the United Nations Development Programme.

Before concluding, I would like to offer my comments on the reference made in the report to the companies located in various countries, including Japan, which the report claims are importing uncertified timber from a Ugandan-Thai forest company called the DARA-Forest, located in the Ituri area of the Democratic Republic of the Congo. The Japanese authorities are investigating the matter and would appreciate any concrete evidence that the Panel of Experts might have to substantiate the statement made in the report and that would assist our Government in its investigation. I wish to assure members that Japan is doing its utmost to halt such illegal practices.

In this connection, I would like to call the attention of the members of the Council to the communiqué that was issued at the conclusion of the G-8 Okinawa Summit last July, which contained a paragraph calling for the suspension of illegal logging and trade practices in the interest of sustainable forest management. Japan is committed to implementing the provisions of that communiqué in cooperation with the international community.

The President: The next speaker is the representative of Canada. I invite him to take a seat at the Council table and to make his statement.

Mr. Duval (Canada): Canada welcomes the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. The

members of the Panel were set an extraordinarily difficult task, and through Ms. Ba-N'Daw we thank them for their work.

For almost three years, the Democratic Republic of the Congo has been torn apart by a conflict regional in scope and devastating in toll. As in Angola and Sierra Leone, where the illicit exploitation of diamonds and other resources has helped fuel conflict, we have had reports of systematic looting of the natural resources, fuelling continued violence in the Democratic Republic of the Congo. As the report before us makes clear, economic interests have been at the very heart of this conflict.

The war in the Democratic Republic of the Congo constitutes a disturbing example of a new sort of conflict, one in which war itself has become profitable, where economic interests compete with political objectives and where the aim of some belligerents is not to prevail, but to sustain the conflict and those conditions that allow criminality to flourish. Advancing peace and human security in such a context is a daunting task.

(spoke in French)

The report of the Panel of Experts contains disturbing allegations that the Council must consider carefully. Where the allegations are borne out, the Council must act. In the first instance, the Council should work with the relevant Member States to ensure that action is taken to stop the looting of resources. If those Member States refuse to cooperate, the Council must consider more robust action.

As several speakers have emphasized, it is not a matter of punishment or blame, but rather of ensuring the implementation of the Lusaka Agreement and the decisions taken by the Council. Any individuals, Governments and armed groups that have illegally exploited the natural resources of the Democratic Republic of the Congo and, through their activities, have contributed to the perpetuation of the war there, merit our condemnation. The exploitation of resources, and the fuelling of war, must end without delay. Progress in this regard will be critical to reducing the flow of arms circulating in the region, which is itself a key prerequisite for the achievement of peace.

The illegal exploitation of resources of the Democratic Republic of the Congo contributes directly to the suffering of the civilian populations. The

International Rescue Committee estimates that up to 3 million people have died as a result of the war, directly or indirectly. Three out of four children in the Democratic Republic of the Congo are dying before the age of two. Those who do not die run the risk of being recruited by armed groups fighting for control over regions rich in resources. In some instances, these groups are engaging in deliberate campaigns of terror among civilian populations and committing violations of human rights and humanitarian law with impunity. Populations, forced to flee from violence and to leave their land and homes, are deprived of their means of subsistence, further exacerbating this humanitarian crisis. More than 2 million people are internally displaced, and hundreds of thousands are refugees.

Humanitarian access must be provided to help all these people. All parties to the conflict must respect their obligations, including the need to ensure the safety and freedom of movement of humanitarian personnel. Canada is deeply saddened by last week's tragic murder of six Red Cross workers, and our condolences go to the families of the victims. These events remind us of the often difficult and dangerous environments in which humanitarian workers are operating, often finding themselves in peril while trying to provide protection and assistance to those most in need.

The Lusaka signatories, many of which are at this table, must, without delay, bring this conflict to an end. The implementation of the Lusaka Ceasefire Agreement and relevant Security Council resolutions constitutes the only viable solution to the crisis in the Democratic Republic of the Congo. The inter-Congolese dialogue is also crucial to peace and stability in the Democratic Republic of the Congo and must be held as soon as possible. We are encouraged by the latest achievements of the facilitator, whose Office Canada broadly supports. We welcome the cooperation now extended to the facilitator by the Government of the Democratic Republic of the Congo.

The Government of Canada remains fully committed to the peace process in the Democratic Republic of the Congo, which, we hope, will bring a just and lasting peace to the region.

Full consideration must be given to the report of the Panel of Experts, and the Panel's mandate must be extended so that it can complete their work. A full understanding of the causes of this conflict must be

achieved if the international community is to assist the parties in establishing effective political solutions and in choking off economic incentives for the continuation of the war.

The President: The next speaker is the representative of Sweden. I invite him to take a seat at the Council table and to make his statement.

Mr. Schori (Sweden): I have the honour to speak on behalf of the European Union. The Central and Eastern European Countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus, Malta and Turkey align themselves with this statement.

The European Union also welcomes the report of the Panel of Experts, and we recognize the work accomplished by the Panel so far and note with interest the conclusions and recommendations put forward in its report.

The European Union supports the decision by the Security Council to extend the mandate of the Panel of Experts for a period of three months. It is important that this time be given to allow the Panel, *inter alia*, to gather additional information on aspects not fully covered in the report of 12 April, such as the role of certain regional actors, to fully analyse existing data and to gather comments from parties and actors cited in the report. We welcome the commitment by the Security Council to consider both the current report and the expected addendum when the Panel reports back in August with an update on the situation. It is our hope that the follow-up will contribute to the peace process in the Democratic Republic of the Congo, which has seen encouraging developments already.

Though further investigations and consultations are warranted, the European Union wants to put on record today its concern at the general findings in the report. They indicate that widespread illegal exploitation of natural resources and other forms of wealth has occurred in the Democratic Republic of the Congo and that there is a link between exploitation and the continuation of the conflict. That is, in short, unacceptable.

The European Union urges Governments and rebel groups to investigate the information contained in the report, to take action to prevent any illegal

exploitation and to refrain from exploitation contributing to the continuation of the conflict. We also call on other actors, individuals and private companies alike to act responsibly and cease any involvement in illegal exploitation. For its part, the European Union has taken note of the information in the report relating specifically to alleged activities by European companies, and member States are following up on that information.

Today's meeting is crucial as a forum for parties to elaborate their positions in response to the report by the Panel of Experts. The European Union particularly appreciates the presence here today of the Ministers of the Democratic Republic of the Congo, Rwanda, Burundi and Uganda, and I welcome the announcements made this morning by the Ministers of Uganda and Burundi on investigations to be carried out regarding the activities of their nationals. We take their active involvement as a sign of commitment on the part of their Governments to engage in a constructive dialogue on the issues addressed by the Panel. Such political dialogue, both among the parties directly concerned and between them and the Security Council, the United Nations and the international community as a whole, should be pursued to enable measures effectively putting an end to illegal exploitation and to exploitation which sustains the conflict.

Establishing a legal framework for a sustainable management of natural resources is crucial for any long-term development policy. As the Democratic Republic of the Congo and the neighbouring countries gradually emerge from the devastating conflict that has engulfed the region, the opportunities to invest in rehabilitation, reconstruction and socio-economic development will grow. The European Union remains ready to respond to these needs, including by assisting the countries of the region to establish a sustainable framework for resource management.

The European Union reaffirms its position that lasting peace in the Democratic Republic of the Congo can be achieved only through a negotiated peace settlement that is fair to all parties; through respect for the territorial integrity and national sovereignty of the Democratic Republic of the Congo and for democratic principles and human rights in all States of the region; and by taking account of the security interests of the Democratic Republic of the Congo and its neighbouring countries. We reiterate our strong support for the Lusaka Agreement as the consensual basis for

peace in the Democratic Republic of the Congo and the region.

In this context, the European Union welcomes the report of the Secretary-General of 17 April reflecting that some progress has been made in the implementation of the Lusaka Agreement and confirming in particular that phase II of the United Nations Organization Mission in the Democratic Republic of the Congo has been launched. The European Union also welcomes the plans for a Security Council mission to the region later this month and hopes that this active commitment by the Security Council can assist the parties in taking the right decisions towards peace.

Studying the interface between economic interests and armed conflicts is vital in order to get a full understanding on a global scale of today's threats to international peace and security. The European Union welcomes the increasing attention given by the Security Council to this aspect in the context of a number of conflicts currently on its agenda.

Finally, I want to add my voice to those that have expressed today their sorrow and outrage at the murder of the six workers of the International Committee of the Red Cross in the Democratic Republic of the Congo. Our sympathies go to their families and relatives.

The President: The next speaker on my list is the representative of Namibia. I invite him to take a seat at the Council table and to make his statement.

Mr. Andjaba (Namibia): I wish to congratulate you, Sir, on your assumption of the presidency of the Security Council and to thank you for arranging this important meeting.

I would also like to take this opportunity to commend Ambassador Greenstock for the excellent manner in which he conducted the work of the Council in April.

My delegation welcomes the Minister for Foreign Affairs of the Democratic Republic of the Congo, as well as the Ministers from Uganda and Burundi and the special envoy from Rwanda.

I would also like to thank the Chairperson of the Panel of Experts, Ms. Ba-N'Daw, for introducing the report of the Panel this morning.

At the outset, I would like to express my delegation's profound sorrow and deep condolences for the tragic murder of six staff members of the International Committee of the Red Cross (ICRC) on 26 April in Ituri province in north-eastern Democratic Republic of the Congo. They died while providing much-needed humanitarian assistance to the people of the Democratic Republic of the Congo. It is our hope that this tragedy will not seriously disrupt the important work of the ICRC and other humanitarian organizations. My delegation condemns this cowardly act in the strongest possible terms and calls for immediate investigations to ensure that the perpetrators and their instigators are brought to justice. These murders, furthermore, should be condemned by everybody. This latest incident is again proof of the massive violations of human rights and international humanitarian law that are being committed in the eastern part of the Democratic Republic of the Congo.

Contrary to what we have heard from some delegations this morning, the Panel produced an objective, comprehensive and well-substantiated report. Its working methods were sound and it had an inclusive approach by holding extensive discussions with Governments, international organizations and non-governmental organizations. The use of primary resource documents, often produced by countries themselves, and of vital statistics objectively revealed the discrepancies between exports and trade before and during the war in the Democratic Republic of the Congo. This approach has confirmed beyond any doubt the ruthless plundering of the resources of the Democratic Republic of the Congo by the aggressor countries, the rebel groups and individuals beyond normal trade under bilateral or multilateral trade agreements.

I, for one, did not expect the countries of Uganda, Rwanda and Burundi to say: "Yes, we are looting the resources of the Democratic Republic of the Congo". Even in 1998, when these countries first aggressed the Democratic Republic of the Congo, they were denying that they had troops in the Congo, but eventually they admitted it. Burundi in particular denied it until recently, when they confirmed to the world that they had withdrawn three battalions from Congo and that two remained. This information is with the Security Council, and we believe that the international community should not be fooled by such denials.

Furthermore, the quality of the report reflects the high degree of professionalism of the Panel members. Throughout their work they have maintained a strict evidentiary standard to substantiate their findings. The conclusions reached in the report also clearly show that the invasion of the Democratic Republic of the Congo took place for economic reasons, not because of security concerns as claimed by the invading forces. The Security Council should take strong measures to correct the situation and to deter the committing of similar atrocities in the future.

My delegation fully supports the conclusions reached by the Panel. Throughout, the report contains alarming revelations, such as the role of some international financial institutions in directly or indirectly encouraging the illegal exploitation of the natural resources of the Democratic Republic of the Congo. The fact that those institutions never questioned the increasing exports of resources by the aggressor countries, and even rewarded them with the Heavily Indebted Poor Countries Debt Initiative when it was clear that they were plundering the resources of the Democratic Republic of the Congo, is of deep concern and should be further investigated.

We have said from the beginning that Namibia's involvement in the Democratic Republic of the Congo was never motivated by economic benefit, but rather by the principle of helping defend a fellow State member of the Southern African Development Community against aggression from outside. That action was in full conformity with the Charter of the United Nations and with the charter of the Organization of African Unity, and it was aimed at restoring peace and stability in the Democratic Republic of the Congo.

The Namibian Government supports the recommendations made by the Panel of Experts aimed at curbing the illegal exploitation of the natural resources of the Democratic Republic of the Congo. It is of particular importance that due compensation be paid to the people of the Democratic Republic of the Congo for the expropriation of their property and for the general looting of the country. The Namibian Government, furthermore, supports the extension of the mandate of the Panel of Experts, which will allow the Panel to conduct follow-up investigations.

Namibia's support for the implementation of the Panel's recommendations is rooted in its firm belief that all avenues should be explored and all

opportunities investigated to cultivate an environment conducive to the implementation of the Lusaka Agreement. In that regard, we call on the Security Council to ensure that the Lusaka Agreement, the Kampala and Harare disengagement plans and relevant Security Council resolutions are fully implemented. Of particular importance is the implementation of resolution 1304 (2000), which, among other things, demands the complete demilitarization of Kisangani.

The Panel disturbingly concluded that

“Exploitation of the natural resources of the Democratic Republic of the Congo by foreign armies has become systematic ... and the constitution of criminal cartels [is] becoming commonplace in occupied territories. These criminal cartels have ramifications and connections worldwide, and they represent the next serious security problem in the region.” (S/2001/357, para. 214)

That conclusion should provide enough urgency for the Council to take immediate action to put an end to those criminal activities.

Finally, my delegation welcomes the Council's decision to send a mission to the Great Lakes region this month. We hope that the outcome of the visit will generate further momentum for the peace process in the Democratic Republic of the Congo.

The President: The next speaker is the representative of Sudan. I invite him to take a seat at the Council table and to make his statement.

Mr. Erwa (Sudan) (*spoke in Arabic*): I wish at the outset, Sir, to congratulate you sincerely on your assumption of the presidency of the Security Council for the month of May. We take this opportunity to hail the rich programme of work you have laid out for the month. In the same vein, my congratulations go also to our friend Sir Jeremy Greenstock on his sterling performance as President last month, and on the outstanding results achieved under the United Kingdom presidency.

We had originally had no intention whatsoever of making a statement at today's meeting of the Security Council on the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo (S/2001/357). We are convinced of the validity of the reasons for which the Council established the Panel of Experts, and we believe that the Panel has put

a great deal of work into the preparation of this commendable report. We hope that, within the context of its mandate to maintain international peace and security, the Council will be able to find appropriate ways to put an end to the plundering of the wealth of the Democratic Republic of the Congo and to punish the perpetrators.

Yet because of the Ugandan regime — the stench of whose corruption has become suffocating — we are forced to make this statement. The President of that country and his regime — who are known to lie as easily as they breathe — have once again chosen to deflect the accusations against them by spreading falsehoods. They have therefore spread falsehoods regarding the reasons for their open invasion of the Democratic Republic of the Congo — an invasion that violates all international laws and customs — by using flimsy pretexts which include the need to contain the danger emanating from Sudan. Those pretexts include the false accusations contained in the letter from the Minister Counsellor of Uganda to the President of the Security Council (S/2001/378), which the Minister of Uganda said today contained their official position with regard to the report of the Panel of Experts.

Facts are always self-evident. Sudan's borders with the Democratic Republic of the Congo are now, as they have been for more than 10 years, under the control of the rebels of the Sudan People's Liberation Army (SPLA) in southern Sudan. Moreover, since 1996 the borders with Uganda have been under the control of the rebels acting in collusion with that country, which also undertook a similar invasion of Sudanese territory. The point nearest to the border between the Democratic Republic of the Congo and Uganda to be under the control of Sudanese Government is over 150 miles away.

How could the false pretexts so often repeated by the Ugandan leadership be accepted logically? The ongoing pretexts put forward by the Ugandan regime to claim that the invasion of the Democratic Republic of the Congo took place to end security threats from Sudan did not stand for long. For the report of the Panel of Experts has revealed a fact which has become amply clear to everyone, which we have often repeated in this Chamber, in the General Assembly and in other forums, and which has nevertheless fallen on deaf ears. We have said more than once that the Ugandan invasion of the Democratic Republic of the Congo was part of that country's very dangerous scheme to exploit

the wealth of the Democratic Republic of the Congo. That is also the conclusion reached by the Panel of Experts mandated by the Council to investigate such violations.

Paragraphs 27 and 28 of that report clearly indicate that Uganda's intervention in areas where gold and diamond mines are located took place for economic and financial aims. Political and security pretexts were merely a cover for systematic and broad-based operations to loot the wealth of the Democratic Republic of the Congo. In the final analysis, those operations were in the interest of the corrupt President of Uganda and the corrupt members of his family. Is Uganda claiming that Sudan gave the order to set up the Panel of Experts, or that Sudan was the one to carry out investigations and draft the report of the Panel? Uganda's letter and its message against Sudan is, in our opinion, an insult to the intelligence of others.

The Ugandan regime that is trying to convince the international community, by using illogical and completely nonsensical pretexts with regard to its aggression against the Democratic Republic of the Congo, is the same regime that is causing the crises and catastrophes being suffered in the Great Lakes region. It is the same regime that threatens regional peace and security. It is the very same regime that violated international principles — foremost among those being the Charters of the United Nations and of the Organization of African Unity (OAU) — in an unprecedented action that runs counter to every international principle regarding international relations.

Even if we were to assume that Uganda intervened in the Democratic Republic of the Congo for security reasons, such a pretext should still be clearly condemned by the Security Council as far as international relations are concerned because it represents a distorted logic regarding safeguarding international peace and security. It is a very dangerous justification because it would theoretically allow any State to attack Uganda on the same basis. We must also bear in mind that several countries bordering Uganda face very serious security threats coming from Ugandan territory, including that Government's direct support for terrorists, outlaws, mercenaries and child abductors.

The Ugandan regime lamenting Sudan's support of rebel groups in Uganda before the Council today is the very same regime that has embraced the rebellious

movement in southern Sudan and is providing those rebels with logistical and military facilities for their terrorist acts in southern Sudan. In fact, the Ugandan regime is also carrying out the systematic exploitation and looting of the natural resources of Sudan in areas bordering Uganda that are occupied by the rebels, just as they are doing in the Democratic Republic of the Congo. We also have information pointing to the systematic looting of Sudan's gold, timber and ivory resources. This makes it clear that the corrupt clique in Uganda was not satisfied with the wealth looted from the Democratic Republic of the Congo, wealth that transformed Uganda overnight into a gold- and diamond-exporting State. Instead they went further and proceeded to loot the southern part of Sudan.

The Ugandan regime can make all sorts of claims and allegations and advance all sorts of pretexts. But it will not succeed in convincing the international community that their intervention in the Democratic Republic of the Congo was for security purposes. The proof is clear and the report is self-evident; not to mention the fact that the leadership of Uganda has been known to be blood-thirsty and to have expansionist aims known to all.

The Ugandan President should be considered the new Hitler of Africa. He is attempting to build an illusory empire upon the skulls of the innocent peoples of the Great Lakes region.

Sudan has responded to all of the proposed initiatives and mechanisms aimed at putting an end to differences with Uganda. Unfortunately, they have not borne fruit because of the lack of political will on the part of the Ugandan side, which has attempted to impede all of the agreed-upon measures.

The Ugandan leadership must recognize that it is no longer protected by forces behind which it can stand as it implements its own agenda. The President of Uganda will no longer be the spoiled child of certain Powers. Times are changing, and interests are also changing. All of the immoral actions that have taken place have become clearly evident.

Sudan totally rejects the Ugandan accusations, which are aimed at drawing Sudan into a separate battle. This is a desperate attempt to turn attention away from the documented crimes of looting which are clearly set out in the report before the Council. Sudan calls on the Security Council to act firmly, after obtaining all of the evidence and the facts, to deter the

Ugandan leadership from its course of action, following public recognition of its invasion of the Democratic Republic of the Congo, its continued looting of that country's wealth and its continued presence therein.

The President: The next speaker on my list is the representative of Angola. I invite him to take a seat at the Council table and to make his statement.

Mr. Manguiera (Angola): First, I would like to congratulate you, Sir, on behalf of my Government and on my own behalf, on your assumption of the presidency of the Security Council for the current month. I would like also to congratulate the outgoing President on the able and wise manner in which he conducted the proceedings of this body during his mandate.

I also would like to take this opportunity to express our gratitude for the holding of this open meeting of the Council on the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo, and to acknowledge the presence of the Ministers of the Democratic Republic of the Congo, Rwanda, Uganda and Burundi.

The report under consideration is a document of important factual value that describes the various modalities of the massive pillage and illegal exploitation of natural resources that is taking place in the Democratic Republic of the Congo, and it particularly focuses on the ramifications and connections between the funding of such activities and the persistence of the conflict in that country. We compliment the group of Experts on their excellent research.

The circumstances of the presence and the mandate of Angola and its allies in the Democratic Republic of the Congo are widely known. The report actually makes a clear distinction between the role of the "invited forces" and that of the "invading forces" when it refers to Angola and Namibia as the two countries that fund their participation in this conflict with expenditure money from their ordinary budget and do not behave in a suspicious way.

In the case of Angola, that distinction shows a recognition of my Government's policy, which is based, *inter alia*, on the principle of the defence of a

country's sovereignty and borders; on respect for the sovereignty of other States; and on the pursuit of a policy of good-neighbourliness.

A solution to the Congo issue undoubtedly can be reached only with the implementation of the Lusaka accords and their additional protocols, as well as the implementation of the pertinent resolutions of this body, which would establish the necessary prerequisites for a lasting solution to the questions raised in the report, such as the pillage and illegal exploitation of natural resources and other riches - a process in which the international community can play an important role.

To conclude, it is our understanding that the recommendations of the Expert Panel are to be the object of special attention on the part of the Council, particularly with regard to the adoption of concrete measures to put an end to the illegal exploitation of natural resources and to seek compensation and reparations for damages in the Democratic Republic of the Congo.

The President: The next speaker is the representative of the United Republic of Tanzania. I invite him to take a seat at the Council table and to make his statement.

Mr. Mwakawago (Tanzania): My delegation appreciates the opportunity to address the Security Council in this open debate on the Democratic Republic of the Congo. My delegation also welcomes the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo. We see it as a notable contribution to our collective effort to create the necessary conditions for peace and prosperity for the Democratic Republic of the Congo and its people.

Tanzania is a country that shares a border with the Democratic Republic of the Congo. As a result of the war in that country, we have had to host refugees from the Democratic Republic of the Congo. We have also painfully witnessed their suffering, even as we have to bear the burden of hosting them. This phenomenon has distracted us from more pressing issues of development in our border regions. Concerning the Democratic Republic of the Congo, for my President, Mr. Benjamin Mkapa, and his Government, nothing has been of such singular importance as peace in that country. Peace for the

Democratic Republic of the Congo is therefore not only in the interests of the Democratic Republic of the Congo, but in our self-interest as well.

In this regard, we view with considerable concern the allegations made by the Panel of Experts in paragraph 145 of the report regarding the role of the seaports and airports in Dar es Salaam as a transit point for what are described as the commercial activities of the RCD-Goma, as well as that of the Bank of Tanzania as a holding point for diamonds from the Democratic Republic of the Congo before they are allegedly shipped to Belgium, the Netherlands and South Africa. We consider those to be serious allegations.

It is instructive that these allegations are made under part III of the report, entitled "Links between the exploitation of natural resources and the continuation of the conflict". The obvious and perhaps unintended implication is, of course that the port, the airport and the Bank of Tanzania are either knowingly or unknowingly being used to finance the continuation of the war in the Democratic Republic of the Congo. In the event that these claims were true, such activities would no doubt be in clear violation of the stated policy and commitments of the Government. The Government is therefore interested in the veracity of the allegations.

Regrettably, the report does not offer much help in this regard. In paragraph 145, the report alleges that a preponderance of information obtained from documents and individuals in Dar es Salaam and elsewhere

"overwhelmingly suggests that RCD-Goma and others are marketing the natural resources of the Democratic Republic of the Congo — gold, diamonds and timber — through Dar es Salaam."

That paragraph, however, proceeds to note that the RCD-Goma has fashioned a mechanism that grants an appearance of legitimacy to the documents covering the shipments, "complete with the required stamps and signatures indicating approval and issuance in Kinshasa and Lubumbashi".

Yet surprisingly, the report fails to make a determination about the real likelihood of parties in Tanzania dealing with those documents at their face value and in good faith. This is of particular importance because, as a country, we have a legitimate undertaking to facilitate the lawful shipment of goods

destined for or coming from the landlocked countries along our western borders, including the eastern Democratic Republic of the Congo, as agreed between our two Governments.

Furthermore, it is also a matter of concern that in paragraph 146, the report alleges that

"The shipments of gold, diamonds and timber are also processed in Dar es Salaam in cooperation with RCD representatives by a company believed to be a covert business entity created for the purpose of facilitating support for the financial and logistical operations of RCD-Goma."

Both the RCD representatives and the covert company remain unnamed. It is even more puzzling that those activities are said, in the same paragraph, to be "exclusive of operations handled by the Government of Rwanda, via Kigali". My Government would like to have details so that it can investigate them.

My Government is willing and ready to play a very constructive role in our efforts to end the war in the Democratic Republic of the Congo. But we can do so only in the context of irrefutable facts or a transparent process. We are too conscious that this has not been an easy task for the Panel of Experts. However, under the prevailing circumstances, it is difficult for us to respond in a constructive and meaningful way to the allegations contained in paragraphs 145, 146, 182 and 191 of the report.

For my Government, the door for dialogue with the Panel and this Council remains open. Regrettably, notwithstanding the findings in paragraphs 145, 146, 182 and 191, apparently obtained through third-party sources, "overwhelmingly" suggesting the use of entities in Tanzania as a transit point for the inappropriate marketing of the natural resources of the Democratic Republic of the Congo, the Panel chose not to visit Dar es Salaam, as evidenced in annex II of the report. Consequently, no Government official, nor any known Tanzanian, was interviewed. This neglect may have unwittingly undermined the relevance of those parts of the report to which we are addressing ourselves. This significant flaw requires a remedy.

We also continue to extend our hand of cooperation. This we do in the interests not only of peace for the Democratic Republic of the Congo, but of peace and prosperity in the region.

In conclusion, my delegation joins previous speakers in expressing our deep regret for the loss of life of the six workers of the International Committee of the Red Cross (ICRC) in the Democratic Republic of the Congo last month. We extend our sincere condolences to the ICRC and to the bereaved families. We condemn the perpetrators of the dastardly act; they should not go unpunished.

The President: The next speaker inscribed on my list is the representative of Zimbabwe. I invite him to take a seat at the Council table and to make his statement.

Mr. Jokonya (Zimbabwe): Like my colleagues who spoke before me, I would like to congratulate you, Sir, on your assumption of the presidency of the Security Council for the month of May. The timing of today's meeting, coming as it does immediately after the release of the Secretary-General's report on the Democratic Republic of the Congo, could not be more perfect, and my delegation regards it as a privilege to pronounce itself on an issue of such import before the Security Council.

My delegation welcomes the open debate on the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, and would like to take this opportunity to congratulate the Chairperson, Ms. Ba-N'Daw, and her Panel, for the sterling work they accomplished in such a short period of time. Ms. Ba-N'Daw and her team can confirm that, true to its word, Zimbabwe extended its full cooperation to the Panel when it visited Harare during the course of the investigation.

The revealing report before us provides insights into the economics underpinning contemporary armed conflicts in the Great Lakes subregion. For Zimbabwe, this report is a vindication of what we have said all along: the true cause of the conflict in the Democratic Republic of the Congo is not the loud discourse of grievance, but the silent force of greed.

Against a backdrop of past failures by the international community to account for the presence of economic agendas in conflict situations, which have at times seriously undermined international efforts to coordinate fragile peace agreements, this report, an indictment of those countries that have invaded the Congo, should impel this body to spare no effort in ensuring the withdrawal of the uninvited forces from

the Congo, in accordance with Security Council resolutions.

Let me hasten to point out that, while efforts by the enterprising aggressor States in the Congo to benefit materially from war through looting and/or other forms of violent accumulation is hardly a new phenomenon, this has been made possible by the wilful participation of an international private sector which must also be shamed for adopting a neutral stance on a conflict that has cost the lives of 3 million innocent Congolese. The international private sector, particularly the extractive and service sectors, must be engaged to establish how they view the role they have played in fuelling and sustaining the conflict in the Democratic Republic of the Congo.

In the wake of the findings of this report, my delegation finds it extremely difficult to sustain the "security concerns" thesis of the aggressor States, on the one hand, and the "grievance" argument of their surrogates.

We can argue hither and thither about the grievance of the rebel groups, but this report shows beyond any reasonable doubt that what we have in the Congo is a greed-motivated rebellion.

While it is not my delegation's intention to belabour this point, let us remember the story of the two drunks who fought because they were drunk, and when asked about the altercation, they justified their drunken behaviour with explanations of grievance, arguing "He struck me first". The true cause of conflict — drunkenness — was masked by the discourse of grievance. In a real-world conflict, such as we are witnessing in the Congo, this discourse of grievance, whether along ethnic, political or social lines, also masks underlying realities about where the origin of the conflict lies. But thanks to this report, it is now evident that the prodigious endowment of the Congo with natural resources is a curse and not a blessing. The international community has an obligation to criminalize the primary commodity trade through which the aggressor States have done well out of war.

My delegation notes with interest that the report identifies Zimbabwe as a "special case". How interesting. By the statement of its President of 2 June 2000 (S/PRST/2000/20), the Security Council requested the Secretary-General to establish an expert panel on the illegal exploitation of natural resources of the Congo with a mandate to collect information on all

activities of illegal exploitation of natural resources and other forms of wealth of the Congo, including in violation of the sovereignty of that country. Bearing that in mind, allow me to remind this esteemed body that Zimbabwe is in the Congo at the invitation of the legitimate Government of that country.

On 27 March this year, President Joseph Kabila of the Democratic Republic of the Congo addressed the Parliament of Zimbabwe. After expressing appreciation for the "African solidarity" shown by Zimbabwe, Angola and Namibia in responding to the request of the legitimate Government of the Democratic Republic of the Congo to defend its territorial integrity and sovereignty, and after inviting and encouraging mutual beneficial economic cooperation between Zimbabwe and the Democratic Republic of the Congo and referring to "our mutual projects like SENGAMINES, among others", he had this to say:

"The joint ventures between our two Governments are not to be confused with the looting of the mineral resources of the Democratic Republic of Congo, as is the case in the occupied zones of my country."

He went on to invite experts from both sides to come up with "new creative projects that will benefit our two countries", and said that "we must accelerate the implementation of the Memorandum of Understanding, which includes free-trade circulation of goods and people between our two countries". President Joseph Kabila concluded by saying that

"The relationship between the Democratic Republic of the Congo, Angola, Namibia and Zimbabwe in particular and the SADC region in general must be a good example of integration and southern African cooperation."

Who is better qualified to pronounce himself on the legality of the economic cooperation between Zimbabwe and the Democratic Republic of the Congo than the President of the Democratic Republic of the Congo himself?

The report before us insinuates that my President, Mr. Robert Gabriel Mugabe, once told unnamed interlocutors that the late President Kabila had given him a mine concession. The suggestion here is that my President derived personal gain from Zimbabwe's intervention in the Democratic Republic of the Congo. In the same breath, in paragraph 165, the Panel says

that it "does not draw any conclusions" from Zimbabwe's economic cooperation with the Democratic Republic of the Congo. Why then does it allow this insinuation to be embedded in the report? My Government dismisses this innuendo with the contempt that it deserves.

As pointed out by President Joseph Kabila, the joint ventures and other operations of Zimbabwean companies in the Democratic Republic of the Congo are above board and are carried out under agreements with the Government of the Democratic Republic of the Congo and in compliance with the laws of that country.

Allow me to observe that many foreign countries and companies, the majority from the developed countries, are operating in the Democratic Republic of the Congo, in accordance with international and domestic laws of that country in the same manner that Zimbabwe is doing, and yet they are not treated as "special cases".

President Joseph Kabila's explanation of Zimbabwe's intervention in the Congo therefore differs very much from the conclusions drawn by the report before us, and it is not difficult to see why.

Because the report treats Zimbabwe's intervention in the Congo from an ahistorical perspective, it renders the whole exercise a perfunctory one, whereby the Panel congratulates itself for doing its job by coming up with conclusions of non-cooperation, but for the wrong reasons.

To set the record straight, let us go back down memory lane to 1998. At the Southern African International Dialogue on smart partnership, held in the Namibian coastal town of Swakopmund at the end of July 1998, President Museveni of Uganda asked President Mugabe, in his capacity as Chairman of the Organ on Politics, Defence and Security of the Southern African Development Community, to convene a meeting to discuss the situation in the Democratic Republic of the Congo. Museveni told President Mugabe of Zimbabwe, President Mkapa of Tanzania and President Nujoma of Namibia that trouble was brewing in the eastern Congo, and that Mugabe and his colleagues needed to call Kabila of the Democratic Republic of the Congo and Bizimungu of Rwanda to ascertain what was happening.

Pursuant to President Museveni's request, President Mugabe called a summit meeting of the Democratic Republic of the Congo, Uganda, Rwanda, Zambia, Tanzania and Zimbabwe at Victoria Falls on 7 and 8 August 1998. The disagreement at the Victoria Falls Summit regarding the nature of conflict in the Democratic Republic of the Congo — whether it was an internal rebellion against Kabila, as claimed by Rwanda and Uganda, or a foreign invasion — resulted in the setting up of a committee comprising Namibia, Tanzania, Zambia and Zimbabwe that had a dual mandate. The mandate was as follows: to verify whether the fighting in the Democratic Republic of the Congo was the result of an internal rebellion or an aggression by neighbouring countries and to recommend a way forward, depending on the findings.

In pursuance of the above, the Foreign Ministers of Namibia, Tanzania and Zambia, headed by Zimbabwe's Foreign Minister, visited Uganda, Rwanda and the Democratic Republic of the Congo, including Goma, from 11 to 18 August. During their trip, the team held extensive discussions with Presidents Museveni, Bizimungu, Kabila and Kagame and the rebel leadership in Goma, as well as the people of the eastern Congo, regarding the war situation.

The ministerial team concluded that while there were rebels in the Democratic Republic of the Congo, there was very clear and irrefutable evidence of a foreign invasion, that propped up the rebellion. In addition to eyewitness reports of Rwandese troops passing through the war front, there was also the interesting coincidence that the rebellion started only after Kabila had dismissed Rwandese officers from the army of the Democratic Republic of the Congo.

After realizing that he could not contain the foreign invaders alone, the late President Kabila appealed for assistance from the member countries of the SADC. The request was made at a meeting of the Inter-State Defence and Security Committee that was held in Harare on 18 August to consider the situation in the Democratic Republic of the Congo. The military intervention by Angola, Namibia and Zimbabwe came as a result of this appeal by the internationally recognized Government of the Democratic Republic of the Congo, a member of SADC. Furthermore, the request of the Democratic Republic of the Congo to SADC was in line with Article 51 of the United Nations Charter regarding the right of a State to ask for military assistance when its security, sovereignty and

territorial integrity are threatened. The decision was also in line with a resolution of the Inter-State Defence and Security Committee at a meeting held in Cape Town, South Africa, in 1995, at which SADC countries agreed to take collective action in the case of attempted coups to remove Governments by military means. It was in this spirit that troops from Botswana and South Africa intervened in Lesotho to suppress an armed mutiny against the Government in 1998.

In line with the Lusaka Ceasefire Agreement, Zimbabwe has started withdrawing its forces from the Congo and my delegation would like to take this occasion to reaffirm that Zimbabwe has no hidden agenda in the Congo and seeks only to safeguard its territorial integrity and sovereignty.

I would also like to bring to memory the role Zimbabwe has played in the cause of African liberation and dignity. Zimbabwe deployed its forces in Mozambique in 1995 to fight alongside their Mozambican counterparts against RENAMO, a surrogate of apartheid South Africa. Those same troops were to remain in Mozambique for seven years and effectively contributed to ending the war in Mozambique with only one purpose: to help Mozambique regain peace, stability and development.

My delegation supports the Panel's recommendations around the outlined broad themes of sanctions against countries and individuals involved in the illegal activities; preventive measures to avoid a recurrence of the current situation; reparations to the victims of the illegal exploitation of natural resources; improvement of international mechanisms and regulations governing some natural resources; and security issues.

In conclusion, let me quote David Keen, who has observed:

"Conflict can create war economies, often in the regions controlled by rebels or warlords and linked to international trading networks where members of armed gangs can benefit from looting. Under these circumstances, ending civil wars becomes difficult. Winning may not be desirable; the point of war may be precisely the legitimacy which it confers on actions that in peacetime would be punishable as crimes."

The adoption of the report's recommendations will act as a disincentive to those forces that have

unleashed violence on the Congolese people, purportedly in search of security.

The President: I now call on the Minister of State for Foreign Affairs and Regional Cooperation of Uganda.

Mr. Mbabazi (Uganda): I wish, belatedly, to pass on our condolences to the bereaved families of the six workers of the International Committee of the Red Cross who died in eastern Congo and to inform this Council that the Uganda People's Defence Forces have undertaken to help in the effort to investigate and trace those who are responsible for committing this crime.

I would also like to inform this Council that, two days ago, on 1 May, at the border of the Democratic Republic of the Congo and Uganda, at about 6 p.m. local time, a truck full of local people was coming from the market on the other side and was attacked, presumably by the Interahamwe. The local Muslim leader and his wife were killed, as were two businessmen, while three others were wounded. This is very close to the place where, in 1999 — in March, I believe — eight tourists and a Ugandan game park warden were killed by the same forces. I felt that I should give this Council that information so that it may be informed about the situation in the border area.

Finally, I would simply want to say that I will not respond to the statement made by the gentleman from Sudan, for fear that people may not be able to tell the difference between us.

The President: I thank the representative of Uganda for his statement about the effort by Uganda to cooperate in bringing to justice the killers of the workers from the International Committee of the Red Cross.

I call on the Special Envoy of the President of the Rwandese Republic.

Mr. Mazimhaka (Rwanda): I would like to make a few final remarks on the debate which, I think, has been very illuminating and very instructive for my delegation on the thinking and the direction of this very important investigation that the Council has undertaken to institute.

We have tried today to reiterate to the Council the historical reasons for our involvement in the Congo. The security problems caused by criminal forces based in the Democratic Republic of the Congo to our

countries — Rwanda, Uganda and Burundi — are not deniable. Examples are abundant. My colleague has just mentioned some of the latest. These should be addressed by the Council and ourselves through the process that we have undertaken to return normalcy to that region. This was one of our recommendations.

Unfortunately, before this meeting has even ended, we have begun to see the fallout from some of the problems that we think lie with the report. Member countries that would not cooperate with the Panel have used this occasion today to come and lambaste everybody and proclaim their innocence in the exploitation of the resources of the Congo. This was the case in the speeches made by the representatives of Namibia and Zimbabwe. They have used this occasion to bring back debates that we thought we had put to rest, debates of invited and uninvited parties to the Lusaka Agreement. This is not very helpful at all, and they take this courage from the report they thought was the point of departure in this.

Even if this was the case, I do not believe that the Government of the Democratic Republic of the Congo invited Namibia and Zimbabwe to go there to loot. So there cannot be any justification for feeling self-congratulatory, because they did not cooperate with the Panel.

My colleague did not say this, but I think it is important for us to note that the intervention of the President of the Sudan simply took up an issue that Minister Mbabazi had raised about exposing unduly the personalities in our region to abuse, and I believe the courage and the occasion to do that were given by the debate of an otherwise worthy cause, that is, the investigation of the misuse of resources in the Congo. I think we should take care that no other actions are taken based on this report until we have seen a full investigation and a fuller debate than what we have held today.

I wish to reiterate in front of the Council that the Government of Rwanda will once again cooperate with the Panel when it is exercising its extended mandate.

The President: I thank the Special Envoy for his statement and for his repeated affirmation of willingness to cooperate with the Panel in the future.

There are no further speakers inscribed on my list. I want to thank the Ministers, the Panel Chairperson, and the Panel members for their work and

their contribution to this phase of our discussion. I think the discussion, as the Special Envoy just said, has been illuminating in many respects. There are differences in perspective, of course, but there seems to be some grounds for hope that progress can be made in addressing and resolving the concerns that were raised and explored today.

I would express my own hope that in the future discussions in this Chamber on this subject and others we could avoid excessive rhetoric that does not contribute to the purposes of this Council.

The Council's own view of this phase of our discussions on the Democratic Republic of the Congo will be set out in a statement that I will make on behalf of the Council in the near future, that is, in the next five minutes.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

This meeting is adjourned, to be followed by the next session of the Council in five minutes.

The meeting rose at 5.50 p.m.

UR Annex 54

**Security Council**

Distr.: General
3 May 2001
English
Original: English and French

Statement by the President of the Security Council

At the 4318th meeting of the Security Council, held on 3 May 2001, in connection with the Council's consideration of the item entitled "The situation concerning the Democratic Republic of the Congo", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council recalls the statement of its President of 2 June 2000 (S/PRST/2000/20). It expresses its intention to give full consideration to the report of the Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo (S/2001/357). It takes note of the action plan of the Expert Panel for the extension of its mandate (S/2001/416).

"The Security Council notes that the report contains disturbing information about the illegal exploitation of Congolese resources by individuals, Governments and armed groups involved in the conflict, and the link between the exploitation of the natural resources and other forms of wealth in the Democratic Republic of the Congo and the continuation of the conflict.

"The Security Council condemns the illegal exploitation of the natural resources of the Democratic Republic of the Congo and expresses its serious concern at those economic activities that fuel the conflict. It urges the Governments named in the report in this regard to conduct their own inquiries into this information, cooperate fully with the Expert Panel while ensuring necessary security for the experts, and take immediate steps to end illegal exploitation of the natural resources by their nationals or others under their control.

"The Security Council notes with concern the terrible toll the conflict is taking on the people, economy and environment of the Democratic Republic of the Congo.

"The Security Council believes that the only viable solution to the crisis in the Democratic Republic of the Congo remains the full implementation of the Lusaka Ceasefire Agreement (S/1999/815) and the relevant Security Council resolutions.

"The Security Council emphasizes the importance of a comprehensive approach addressing all the root causes of the conflict to achieve a lasting peace settlement in the Democratic Republic of the Congo.



"The Security Council requests the Secretary-General to extend the mandate of the Expert Panel for a final period of three months, and requests also that the Expert Panel submit to the Council, through the Secretary-General, an addendum to its final report which shall include the following:

"(a) An update of relevant data and an analysis of further information, including as pointed out in the action plan submitted by the Panel to the Security Council;

"(b) Relevant information on the activities of countries and other actors for which the necessary quantity and quality of data were not made available earlier;

"(c) A response, based as far as possible on corroborated evidence, to the comments and reactions of the States and actors cited in the final report of the Expert Panel;

"(d) An evaluation of the situation at the end of the extension of the mandate of the Panel, and of its conclusions, assessing whether progress has been made on the issues which come under the responsibility of the Panel.

"The Security Council expresses its intention to examine and respond to the recommendations of the report in the light of the addendum submitted by the Panel, so as to advance the peace process in the Democratic Republic of the Congo."

UR Annex 55

United Nations

S/2001/458

**Security Council**Distr.: General
9 May 2001

Original: English

Letter dated 4 May 2001 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

On instructions of my Government, I have the honour to forward to the Security Council Uganda's response to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2001/357 of 12 April 2001) (see annexes).

As Amama Mbabazi, Minister of State for Foreign Affairs (Regional Cooperation) stated in the Security Council debate on 3 May 2001, Uganda believes that the report suffers from a number of fundamental flaws, and could be diversionary. Therefore the Government of Uganda urges the Security Council to remain determined and committed to the search for peace and stability in the Democratic Republic of the Congo by focusing and supporting the Lusaka Peace Agreement.

I should be grateful if this letter and its annexes were brought to the attention of the members of the Security Council and also circulated as a document of the Security Council.

(Signed) Semakula Kiwanuka
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Uganda to the United Nations



Annex I to the letter dated 4 May 2001 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

**R E S P O N S E
BY THE GOVERNMENT OF THE
REPUBLIC OF UGANDA**

TO

**THE REPORT OF THE UN PANEL OF EXPERTS ON THE
ILLEGAL EXPLOITATION OF NATURAL RESOURCES
AND OTHER FORMS OF WEALTH OF THE DEMOCRATIC
REPUBLIC OF THE CONGO**

**MINISTRY OF FOREIGN AFFAIRS
KAMPALA, UGANDA
3RD MAY 2001**

Contents

<i>Outline</i>	<i>Page</i>
1. Introduction	5
2. Why Uganda is in the Democratic Republic of the Congo	7
2.01. Security concerns	7
2.02. Lusaka Peace Agreement	9
2.03. Good faith and transparency — ICJ case	10
3. Response to the report	11
3.01. Panel: fundamental flaws	11
(a) Interpretation of mandate	11
(b) Conceptual definitions	11
(c) Illegality and violation of sovereignty	12
(d) Methodology	13
(e) Composition	14
(f) Incompetence	14
3.02. Allegations that Uganda illegally exploited natural resources of the Democratic Republic of the Congo	15
(a) Mass-scale looting	15
(b) Systemic and systematic exploitation	18
3.03. Allegations against individuals	28
3.04. Exploitation of natural resources and the continuation of the conflict: a fallacious linkage ...	31
4. Panel's conclusions, findings and recommendations	39
5. Conclusions and recommendations of the Government of Uganda	48
5.01. Conclusions	48
5.02. Recommendations and way forward	48

Appendices

1 INTRODUCTION

1.01 Background

On request of the President of the United Nations Security Council, on the 2nd of June 2000, the Secretary General of the United Nations established a Panel of Experts on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of Congo. The mandate of the Panel of Experts was:

- * To follow up on reports and collect information on all activities of illegal exploitation of natural resources and other forms of wealth of the DRC, including violation of the Sovereignty of that country;
- * To research and analyse the links between the exploitation of natural resources and other forms of wealth in the DRC and the continuation of the conflict;
- * To revert to the Security Council with recommendations in six months.

The Panel of Experts visited Uganda from the 6th November 2000 to the 12th November 2000. The team was well received and commenced its business on the 7th of November 2000. The Panel of Experts met H.E. the President of Uganda, Y.K. Museveni, and H.E. the Vice President, Dr. Speciosa W. Kazibwe. The Panel also held meetings with various Cabinet Ministers, the Parliamentary Committee on Foreign and Presidential Affairs, Diplomats resident in Kampala and members of the civil society. (See appendix 1)

In January 2001, the Secretary General of the UN released the Interim Report by the Panel on the Illegal exploitation of the natural resources and other forms of wealth in the DRC. The Government of The Republic of Uganda duly made her comments to the Secretary General on the Interim Report. (S/2001/84).

The Government of the Republic of Uganda has received a copy of the report of the UN Panel of Experts on the Illegal Exploitation of Natural Resources and other forms of wealth of the DRC that was released on the 16th April 2001.

The Government has noted with grave concern the contents of the Report especially the serious allegations and accusations against the Government of Uganda, H.E. the President and high ranking officers of the UPDF.

The Government extended maximum cooperation to the Panel during their visit to Uganda. However, in spite of this assistance, the Panel proceeded to make serious allegations against the President and the Government of Uganda without tangible evidence. We can thus only conclude that the Panel was moved by other special interests with a malicious agenda against the President and the Government of Uganda. The Report tries to put the name of the President into disrepute and ridicule among the right thinking members of the International Community and by this, destroy the good name of the Government of Uganda and malign all the achievements of growth and recovery that have been achieved.

Despite this development, the Government of Uganda reiterates its respect for the United Nations and its organs and re-assures the Secretary-General of our willingness to cooperate with the Panel to arrive at the truth of the allegations made.

1.02 Key Elements of the Response:

The response of the Government of the Republic of Uganda as stated in this document covers the following points:

- The reasons why Uganda sent her army to the DRC;
- The efforts that are being made to resolve the conflict;

- * The fundamental flaws of the Panel of Experts in the way they handled their mandate;
- * Response to the specific allegations made against Uganda;
- * The linkage between the exploitation of resources and continuation of the conflict;
- * The Panel of Experts' conclusions and recommendations and our recommendations on the way forward.

The areas mentioned cover the two major issues raised in the Report i.e. the alleged mass-scale looting and the systematic and systemic exploitation of the natural resources and other forms of wealth of the DRC by Uganda and linkage with the continuation of the conflict.

2. WHY UGANDA IS IN DRC

2.01 Uganda Security Concerns in the DRC

Uganda's military involvement in the DRC is the result of her security concerns along its Western border emanating from the territory of the DRC. This involvement was with the consent of the DRC Government as per the Protocol of 27th April 1998. (See Appendix 2)

The basis of this Protocol was the realisation of capacity constraints of the Kinshasa Government to have full control over its territory in the eastern part of the DRC.

The following are specific acts of aggression which have been emanating from the DRC:

- * Terrorist attacks on Uganda by:

- Allied Democratic Forces (ADF)
- Former Uganda National Army (FUNA)
- Lords Resistance Army (LRA)
- West Nile Bank Front (WNBF)
- Uganda National Rescue Front II
- Ex-FAR and Interahamwe

These rebel groups have been and are being supported and supplied by the Sudanese Government in Khartoum and the regime of the Kinshasa Government.

*** Proliferation of EX-FAR and the Interahamwe Genocidaires on DRC territory and their collaboration with Ugandan rebels.**

- Whereas Uganda went into the DRC in reaction to acts of destabilisation emanating from DRC territory, our forces were brought face to face with the naked threat of another genocide in the region. Like his predecessor, President Joseph Kabila is seen to support Interahamwe and ex-FAR on DRC territory. The latter are not only a threat to the region but also have unforgettable record of committing the most heinous crimes against humanity. The evil act of the Bwindi massacres in March 1999 by the Interahamwe serves as a reminder that their evil program is still in place. Besides, we all have an obligation to ensure the non-recurrence of genocide in the region. The Interim Report of the International Commission of inquiry on Rwanda published under Ref. s/1998/777 requested by the UN Security Council has details of vivid evidence of linkage between ex-FAR and Interahamwe with Uganda rebels and their missions to destabilise the regions and Uganda in particular. For example the grisly Kichwamba (1998) massacre where over 80 students were locked up in their dormitory and

burnt to ashes and the Bwindi attack (1999) in which 8 foreign tourists was massacred respectively.

- **Uncontrolled flow and trafficking of arms in the DRC as the result of the collapse of State authority in the Eastern Part of the country is also a threat to peace and security in the region.**

2.02 The Lusaka Peace Agreement:

Since the eruption of the conflict in the DRC, several summits and meetings at various levels have been held with the aim of finding a peaceful resolution to the conflict. The President of the Republic of Uganda H.E. Y. Museveni played a very central role in convening these meetings which ended in the Lusaka Peace Agreement signed in Lusaka on 10th July 1999.

The fact that the DRC Government signed the Agreement means that DRC in conjunction with members of the OAU and the UN recognises the security concerns of countries neighbouring the DRC.

The Agreement has therefore been regionally and internationally acknowledged as the most viable framework for the resolution of the DRC conflict, especially in as far as it has:

- addresses the security concerns of the DRC and the neighbouring countries;
- address the internal dimension of the conflict through National Dialogue involving all the Congolese parties with equal say;
- purports to restore unity and bring peace in the region.

The process of implementing the Lusaka Agreement has since been re-energised with President Joseph Kabila assuming the realm of power in Kinshasa.

As a sign of her commitment to a peaceful and permanent solution to the DRC conflict, Uganda:

- Has participated in all regional and other fora on the conflict;
- Remains committed to the Lusaka Agreement, as the most viable means to overcoming the problem;
- Has unilaterally withdrawn nine battalions from the DRC between August 2000 and March 2001.

Uganda therefore invites all parties to the Lusaka Peace Agreement to recommit themselves to its full implementation.

2.03. Good Faith and Transparency – ICJ Case

The Government of the Republic of Uganda has demonstrated utmost good faith and transparency in her DRC policy. A case in point is the suit filed at the International Court of Justice in The Hague by the Government of the DRC against Uganda.

The case accuses Uganda of, inter alia, illegal exploitation of DRC resources. By law, Uganda had the option of not subjecting herself to the jurisdiction of the ICJ in this contentious case. However, Uganda Government decided in principal to accept the jurisdiction of the ICJ and defend herself.

This is a clear illustration that Uganda is not in the DRC for any other purpose except for her security concerns. If this were not the case, Uganda could not have subjected herself to this strenuous and costly process.

3. RESPONSE TO THE REPORT:

3.01 Fundamental Flaws of the Panel (paras 9-16)

a) Interpretation and application of the mandate

The Government of the Republic of Uganda is of the opinion that the UN Panel of Experts made a grievous error in the interpretation of their mandate. Their interpretation that the Security Council mandate assumed that all parties to the conflict are motivated by the desire to control and profit from the natural resources of the DRC and that they finance their armies and military operations by exploiting those resources is erroneous. This error can be observed from the Panel's methods of work and the conclusions they arrive at. From the beginning, the Panel asserts that theirs was a fact-finding Mission and not an investigative one. Our interpretation of the mandate is that the Panel of Experts was to establish facts based on evidence.

The Report deliberately ignores all the other political developments e.g. the Lusaka Agreement and proceeds on the assumption that certain parties including Uganda are involved in the illegal exploitation of natural resources with the interest of continuing the conflict. The Panel of Experts thus gave a very narrow interpretation to their own mandate.

b) Conceptual definitions

The UN Panel of Experts embarked on the fact-finding mission without formal rules of procedure known to the parties and definitions of key words/concepts pertinent to the exercise. Formal representations were made to the Panel of Experts to provide Uganda Government with the questionnaire and definitions of contentious words like "illegality" and "violation of Sovereignty".

However, no questionnaire was made available to the Government delegations until the proceedings had started. This lack of transparency on the part of the Panel of Experts did not demonstrate good faith.

c) Illegality and violation of sovereignty.

The definition of illegality as given by the Panel is narrow and misleading. The conflict in the DRC is well known and the parties to that conflict are known to the United Nations. The civil war that is in the DRC is between the Kinshasa Government and the rebel groups in the East and Northeast.

The rebel groups who are in charge of the civil administration of the areas they control are responsible for their natural resources. These rebel groups have become recognised as parties to the conflict and are therefore subjects of international law.

It is our considered opinion that the Panel of Experts did not give proper consideration to this issue when dealing with the areas occupied by the rebels. The rebels in the DRC are citizens of the DRC and entitled to the natural resources of their country.

The submission of the Panel of Experts that, business activities carried out in violation of international law are illegal is incorrect. The civil war in the DRC is recognised by the International Community and there is a political and diplomatic process that is underway to resolve the problem. It is our opinion that the Panel of Experts misdirected itself on this issue. The Experts deliberately refused to acknowledge the presence of the rebel administration in the said parts of the DRC. The trade that is taking place between the rebel held areas and the neighbouring countries cannot be called illegitimate. The citizens of the DRC who cannot access

the services of the Kinshasa Government are entitled to trade their commodities for survival.

d) Methodology

The Government of the Republic of Uganda is greatly concerned at the methods used by the Panel of Experts (para 9 – 11). Despite the assertion in the Report that "...data were systematically analysed separately and then compared with one another..." and that "...the Report was written using empirical method combined with the economic analysis of data collected supported by elements of evidence", (para 11) Uganda holds a strong view that the Panel of Experts did not follow this methodology.

- The Panel of Experts turned down a request by the Uganda Government to present, in writing, the substance of the allegations by the DRC Government in order to enable her adequately prepare a response.
- The Panel of Experts turned down a meeting with the Ugandan experts (civil servants) for in-depth dialogue and instead preferred to interview Ministers.
- Most of the evidence/data on economic performance submitted to the Panel of Experts by the Uganda Government officials is not reflected in the Panel's Report.
- The Panel of Experts turned down a no-costs security guaranteed opportunity to visit all the areas under UPDF control in the DRC, in order to interview the civil society, the rebel leaders and UPDF officers so as to establish the facts on the ground.

- * Economic links/associations/correlation do not prove "causality". No rigorous econometric and statistical analysis was contained in the Report to prove "causality".

e) Composition of the Panel of Experts (para 2)

The Government of the Republic of Uganda is of the opinion that the membership of the Panel of Experts does not reflect a fair representation of the interests and forces involved in the DRC conflict, regarding the standards of impartiality and knowledge of the area.

f) Incompetence of the Panel

In various areas of the Report the Panel of Experts demonstrates lack of coherence and common knowledge about the history, geography and parties to the conflict in the DRC. The following are examples:

- * Acts committed by Congolese nationals are deliberately mixed with those allegedly committed by Uganda (see para 58), to malign Uganda's image without evidence.
- * In Para 64 imports to the rebel held areas are said to be coming through the Ports of Mombasa and Dar-es-Salaam. This is a fact that has existed for a long time. It has no relation to the allegation of Uganda's plans to control local commerce of the DRC.
- * Para 95 of the Report acknowledges that Uganda Government provided extensive data and information requested by the Panel of Experts. Despite this cooperation, the Panel of Experts' Report makes plenty of conclusions based on the un-named sources, unsubstantiated allegations, outright hearsay and illogical conclusions.

- * **Para 80** of the Report alleges that certain companies have their headquarters in Kampala yet there is no evidence of their existence in the company register of Uganda.

3.02. Allegations that Uganda Illegally Exploited Resources of the Democratic Republic of the Congo

a) Mass-scale Looting

i) Main Allegation:

The Panel alleges (para 5, 32) that between September, 1998 and August 1999, Uganda army drained the zones under its control of existing stockpiles of minerals, agricultural products and forest products and, livestock and money. The Panel further alleges that these stockpiles were either transferred to Uganda or exported to international markets by UPDF or Ugandan nationals.

Response:

Uganda categorically states that members of UPDF (Ugandan Army) are prohibited by Ugandan administrative regulations from engaging in business whether in Uganda or in DRC. The President's (Commander-in-Chief) own directives and instructions are a case in point. The Panel's statement is, therefore, not a true reflection of Government policy. UPDF could not have done the above looting activities; which if they were mass-scale, as alleged, would have been noticed by Ugandan customs officials and other agencies which was not the case. And there would have been a dramatic increase in imports into Uganda or re-exports from Uganda, which is not the case given the statistics, availed to the Panel in November 2000.

ii) Cases for Illustration (Para 34, 35, 36):-

The Panel alleges (para 34) that General Kazini (of the UPDF) ordered confiscation of timber stockpiles, and that together with Jean Pierre Bemba of MLC organised a large operation for the confiscation of timber in Equateur Province. As evidence, the panel says General Kazini was reportedly seen in the area twice during looting and temporarily established his headquarters there.

Response:

Concerning timber looting, between 1997 – 2000, records given to the Panel, (Appendix 1, Para 8.4) of the value of imports of timber products from the DRC in comparison to what is locally produced and consumed in Uganda was less than 1%. This is not an indication of transfers of vast "stockpiles" to Uganda after confiscation from Annex-bois and La Forestiere. Therefore, no such looting could have taken place as alleged.

On confiscation of Coffee beans (Para 35). The Panel makes an erroneous interpretation that the presence of General Kazini in the province must have been used for such activity. Worse still, that he cooperated with the Congolese leader, Jean Pierre Bemba. General Kazini was in the area as overall Commander to oversee UPDF military and security-related issues only and not for business related questions or looting. Business and other economic activities were the preserve of Jean-Pierre Bemba of the MLC which is in charge of the territory.

iii) Para 137 alleges that DRC coffee is mixed with Uganda coffee but Uganda's coffee is of very high quality and importers have continued to give a premium price.

In response to this and to para 102, Uganda's coffee exports have instead been on a decline as shown in table below. Therefore, no mass transfer of coffee from the DRC into Uganda ever happened.

YEAR	BAGS
1996/97	4,237,114
1997/98	3,032,338,
1998/99	3,647,989
1999/2000	2,917,257

On dismantled factories and machinery spare parts, (para 36) the Panel provides absolutely no evidence to link this to the UPDF and the said spare parts were transferred to Uganda. The citing of this alleged activity is therefore in bad faith.

The Panel makes a false insinuation that cars and other items were taken from DRC to Uganda and that Ugandan statistics prove this as there was a 25% (one quarter) increase on registered cars in 1999. First, cars in DRC are mainly left-hand-drive, while those of Uganda are right-hand-drive. There are very few left-hand driven cars on Uganda roads. But the 25% is supposed to have come in from DRC!! Since there are hardly any good roads in DRC, the majority of the cars are 4-Wheel drive which dominate the market. Such large 4 X 4 number of cars (and left hand) should be visible to any observant person on Uganda roads. And this is not the case. The conclusion by the Panel on growth rate of vehicles registered in Uganda is inconsistent with the data for 1995 – 2000, which was provided to the UN Panel.

iv) The Panel (Para 43 and 44) alleges that Uganda's highest Army Commanders not only encouraged, but also organised and coordinated looting of manufacturing plants, stocks and private property. No evidence of a plant, stocks or private property that was looted by Ugandans is mentioned. In this there is a fallacious, even malicious attempt to paint a negative image of the UPDF. This attempt is seen in Para 44 (naming General Kazini's facilitation of looting activities).

The Panel concludes its allegation on mass-scale looting (Para 45) by erroneously inferring that Uganda Government was aware of the looting on the ground in DRC. This is clearly not fact finding but hearsay. Secondly, the panel's 'strong indications' are not backed by hard evidence (merely talking to numerous witnesses is not evidence especially when they are unnamed).

In conclusion, Uganda finds serious sweeping accusations advanced by the Panel, but with little or no credible evidence (at least it has not provided). This allegation is inconsistent with the evidence data shown .

(b) Systemic and Systematic exploitation

i) Allegations

1. That UPDF planned and organised systematic and systemic exploitation of the natural resources of the DRC including timber, minerals, wildlife and other forms of wealth (taxes and use of cheap labour). Key alleged components of Uganda's exploitation are:

- The establishment of state structures and systems of e.g. Administrative structures, modes of transportation, and financial networks (paras 71-77).
- Personal involvement of H.E. the President Museveni as either (i) a family shareholder in some of the involved companies (para 80) (ii), an accomplice and (iii) on the verge of becoming a godfather of the illegal exploitation (paras 201-206, 211).
- The collusion by the Ministry of Water, Land and Forestry in establishing a scheme to facilitate the certification of timber from the DRC as of Ugandan origin.

Response:

- **Involvement of President Museveni: (paras 201 – 206)**
 - The Panel admits the need to refrain from making allegations about the personal involvement of the President, due to lack of evidence (para 195) and yet makes strong inferences and conclusion that President Museveni is an accomplice in the illegal exploitation of natural resources of the DRC, and that he is laying the foundation for the continuation of war in the DRC. (para 201-206,211).
 - H.E. President Museveni, in his capacity as Commander-in-Chief of UPDF sent clear instruction to the Chief-of-staff and all UPDF units on 15 December 1998 prohibiting all officers and men of UPDF in the DRC from engaging in business (see Appendix 3).
 - The Panel met H.E. the President on 11 November 2000 for over two hours at State House Kampala, and at no time did they ask him about his involvement as the Head of State.
 - By bringing into disrepute the person and family of H.E. the President of Uganda, without any credible evidence, the Panel demonstrated either serious incompetence as a fact-finding team, or an arrogant display of malicious intentions.
- The Panel fails to show any concrete evidence of the alleged state structures and control systems designed to ensure a systemic/systematic exploitation of natural resources of the DRC.

ii) Administrative Structures (para 71)

UPDF does not engage in the civil administration in the DRC. This is the role of the local rebel leadership. In accordance with the provision of the Lusaka Peace Agreement, Uganda was mandated to have security responsibilities in the areas where UPDF is involved.

iii) Modes of Transportation

- * The Panel does not provide any evidence that an increasing number of Ugandan aircrafts and their movements between Uganda and DRC were used to transfer vast quantities of agricultural products and minerals by the army for commercial purposes.
- * As per information provided to the Panel by the Uganda Civil Aviation Authority on exports from Entebbe (1994 – 2000) clearly indicates that there was no dramatic increase in Uganda air-cargo exports of mineral or agricultural products (See appendix 1 Summary Report).
- * The Panel fails to appreciate that after the complete breakdown of law and order and infrastructure in the DRC, and especially the disruption of the River Congo transport, the population in the Eastern DRC faced starvation. As a humanitarian act, Uganda encouraged commercial aircraft to take essential supplies – medicine, soap, salt, sugar, etc., to Kisangani. How can this humanitarian act be mistaken for plunder of the natural resources of the DRC

iv) Financial Network

The Panel admits that the systematic illegal financial and commercial activities in the DRC would need to utilise a financial network of banks. The

relevant section (para 77) fails to identify any financial institution or networks in Uganda linked to the alleged exploitation. Mention of Uganda in this section is a clear unsubstantiated allegation.

v) Creation of Government companies for purpose of exploitation: (paras, 79 – 80)

- * The government has not formed any companies to transact business on behalf of government in the DRC.
- * There is no evidence shown by the Panel that the two companies, Trinity and Victoria, are linked to Government in anyway. Attempts to link the President's family with these companies on the so-called undisclosed reliable source, are meant to put the name of the President into disrepute. The companies are not registered in Uganda with Registry of Companies. In para 81, the Panel states that Trinity is a fictitious company.

vi) THE DARA FOREST CASE STUDY OF SYSTEMIC/SYSTEMATIC EXPLOITATION OF TIMBER FROM THE DRC: AN EXERCISE IN DIS-INFORMATION (paras 46 – 54)

The Panel utilises the DARA-Forest Case Study to erroneously demonstrate that the Ministry of Water, Lands and Environment (Forestry Department) was in collusion with private companies to facilitate the certification of timber from the DRC for export as of Uganda origin.

Response:

- * DARA-Forest went in DRC according to the Panel in 1998. The fact is that it is not registered in Uganda. It is an international business company. It operates in DRC and Uganda has no authority over their activities in DRC. All their

timber is exported to Europe, USA and Far East Asia via Uganda and Kenya. This is clearly stated by the Panel in para 52. DARA-Forest products are transported through Uganda in sealed containers, by DRC Customs to the Port of Mombasa.

- * Sometimes their transit timber from DRC comes by road and is then transferred to the railway. Uganda got concerned that since there is an export ban on timber in the country may be DARA Forest could easily smuggle some of it. So, the Commissioner for Forestry requested DARA Forest to make its transit shipments known to Forestry Department but they wrote a harsh letter rejecting this saying that all their timber is in transit and customs laws do not allow any interference of goods in transit.
- * If the Ministry of Water, Lands and Environment were in collusion, there would have been no exchanges of such letters.
- * It is true that DARA Great Lakes Industries (DGLI) was registered in Uganda in October 1999. Note that this was after DARA Forest had begun its operations in DRC. The shareholders of the company include one Uganda lady but she is not a member of the President's family. Extract of shareholders signatures from the Memorandum and Articles of Associations as attached.
- * On 21 March 2000 DGLI applied for a concession in 4 Forest Reserves in Uganda namely: Mabira, Budongo, Kalinzu and Bugoma. However, the Panel states that the application was made on 5 July 2000 to justify its chronological sequence of misinformation in paragraphs 51 and 52.
- * It is true that on the same day the 21st March 2000 Prosy Balaba (the Ugandan shareholder) also wrote a letter to the Commissioner for Forestry requesting him

to allow an official from Smart Wood to visit the above forests. It should be pointed out that to the mind of the Commissioner he was dealing with a prospective investor regardless of whether the investor had other business ventures elsewhere. DGLI has an investment certificate issued by the Uganda Investment Authority. The concern of the Commissioner was the proposed investment in Uganda. He could not imagine that the investor had other sinister motives.

- Further the licenses to DGLI by the Commissioner in October 2000 were provisional licenses to enable DGLI to prepare their work and investment plans and to have an Environment Impact Assessment made. Not for extraction of wood. This implies that if the Ministry were in collusion it would not have to go through all these steps. The Ministry would have allowed DGLI to operate so that some timber would be extracted quickly from Uganda forests and this would be disguised with that of DRC.
- The Panel's assumption of linking DARA Forest operations in DRC to DGLI's intentions of establishing a business venture in Uganda is ill conceived. This is because the Panel itself states that DARA Group is an international company operating in Europe, USA and the Far East. Therefore DGLI can invest in Uganda with good intentions even if there was no ongoing war DRC.
- The new plant in Namanve for saw-milling hard wood as alleged in para 52 does not exist as yet. The project has only been licensed for construction.
- The Panel deliberately uses a falsified chronological sequence of information or dates of applications for the concession of Budongo Forest in Uganda in order to justify allegations of collusion by Uganda in the fraudulent certification of the DRC timber (Para 51 and 52).

The Panel further alleges that on the basis of eyewitness accounts, satellite imaging, key actors' acknowledgement and the Panel's investigation, there is sufficient evidence that timber extraction is related to Uganda's presence in Orientale Province.

- The Panel admits that DARA-Forest, a Congolese company, has the concession for the DARA-Forest. Yet the Panel reaches the illogical conclusion that Uganda as a state is responsible for the timber extraction.
- Uganda would like to see the so-called evidence in order to determine if in fact Uganda companies and individuals are heavily involved.

vii) Allegation of trading in Ivory and Endangered Animals

Para: 61: "... Impact on wildlife. Wildlife has also suffered a great deal from the conflict numerous accounts and statistics from regional conservation Organisation show that in the area controlled by the Uganda troops and Sudanese rebels, nearly 4000 out of 12000 elephants were killed in the Garamba Park in Northern Eastern Democratic Republic of the Congo between 1995 and 1999".

Uganda's Response:

Again this is an allegation based on hearsay. The UPDF does not operate in that area.

More fundamentally, Uganda as a signatory to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), is obliged not to allow trade in Ivory and other endangered species be they animals or plants. Besides, Uganda is also signatory to other key international agreements that are

among the data submitted to the UN Panel when they visited Kampala in November 2000.

However if the Panel has evidence of the members of UPDF or any other individuals who engaged in such trade, then such evidence should be made available to the Government of Uganda which will carry out a probe.

The Panel alleges in Para 62, that Col. Mugeni of the UPDF was discovered with 800 kg of ivory in his car near Garamba Park. That a report was given to Government, but no action was taken. The Panel has not given evidence of this report to Government or where it was reported.

viii) Allegations on Illegal Mining (paras, 56-59)

The Panel alleges that direct extraction was carried out in three ways; i.e. by individual soldiers for their own benefit, by locals organised by Ugandan Commanders and by foreign nationals for the army or commanders' benefit.

Response:

- The Panel relies on outright hearsay evidence from friends of soldiers alleged to have been involved in mining (para 57). The Panel admits that they were not sure whether the soldiers shared the minerals.
- That Uganda soldiers sent Congolese recruits to dig gold after training, is an assumption without evidence.
- In para 59, the Panel quotes their key informer but does not give any name.

ix) Allegations on illegal monopolies and price fixing (paras 64-68)

- Ugandan soldiers are alleged to have forced local and foreign businesses to close, so as to gain control of local trade, (para 64).
- The Panel notes with surprise, the presence of Ugandan goods in the DRC and imports coming through Mombasa and Dar-es-Salaam.
- This is a fundamental failure by the Panel to appreciate the historical and economic ties between the Eastern DRC and the East Africa region.
- In paras 65 – 66, the Panel fails to note the effect of the war on commerce/trade in the region. The Panel does not give evidence that Uganda was in charge of buying and selling coffee or other products and hence fixing prices. The economic hardships affecting the people were ordinary effects of any war.
- Allegations of exploitation of financial transactions e.g. tax and cheap labour, with a system of local banks and companies linked with Kampala.
- The Panel does not adduce any evidence of any bank or company in Uganda involved in this scheme. The Panel does not show any bank or company in Uganda involved in this transaction.

x) allegations of government complicity (para 85)

- The Panel alleges that, individuals, mainly top army commanders, are involved in illegal exploitation in the DRC with the knowledge of the political establishment in Kampala.
- The Panel avers that, they came to this conclusion, on the basis of data, accounts and documents they received and analysed. They, however, do not state which documents and what data sources they used. For the Panel to deduce without evidence that the alleged illegal activities of the individual commanders in the DRC are known by the political leadership in Kampala shows ill motive on their part.

xi) allegations about defence expenditure (paras 115-117)

The Panel alleges that according to their unnamed sources, Uganda spent about US\$126 million in 1999, an overspending of about US\$16 million. The Panel also quotes various unnamed sources that UPDF soldiers in the DRC are paid a bonus of US\$20 per month.

The Panel observes that Uganda officially spends about 2 per cent of its GDP on Defence, and the Donors monitor it. In spite of this information availed to the Panel, they proceed to make their own conclusions about the extra military expenditure in the DRC without any evidence. Uganda 's Defence budget for the year 2000/2001 is as follows:

Overall – Uganda shillings – 191 billion, Air transport charters – Shs.6 billion.

3.03 ALLEGATIONS AGAINST INDIVIDUALS AND UGANDA'S ALLEGED LACK OF COOPERATION WITH THE PANEL (paras, 87-89)

The Panel's Allegations:

Para. 11: "...Panel members attempted to speak to individuals against whom serious allegations were made. When access to those key witnesses was denied, Panel Members often relied on their closest collaborators for insight."

Para. 89: "...The third is Brigadier Kazini, former Chief of Staff of the UPDF and former Commander of Military Operations in the DRC... The Panel asked to meet with these key actors, but the request was turned down."

Response:

On the allegation that the UN Panel of Experts was denied access, it is erroneous to infer that Uganda showed a general lack of cooperation in helping the Panel to do their work.

During their visit to Uganda, the UN Panel of Experts met with President Yoweri Museveni and Vice President Dr. Speciosa Kazibwe. The Government of Uganda would like to point out that in their meeting with H.E. the President, the Chairperson of the Panel Mme Ba N'Daw, emphasised that the purpose of the team's visit was to collect data in the various countries involved in the DRC and to report back to the UN Secretary General.

During the meeting, the President welcomed the Panel's formation and stressed that Uganda had strongly supported the UN Security Council decision to set up the Panel in the first place, hence his willingness to cooperate.

Furthermore, the Government of Uganda would like to state that, in their meeting with H.E. the President of Uganda, both Brig. Kazini and Lt. Col. Mayombo were present. In spite of this, however, the Panel did not at any one time indicate that they wanted any information regarding the activities of these individuals in the DRC, which at the time was not surprising, since the Panel had indicated at the beginning of the meeting that their mission was not to investigate but to collect data.

The UN Panel was granted audience with several high-ranking government and Military officials. The Panel held separate discussions with, eight (8) Cabinet Ministers and with the Parliamentary Committee on Foreign and Presidential Affairs, as well as Diplomats Resident in Kampala and members of Civil Society. All this without any interference from the government agencies.

The Panel held a meeting with the Minister of State for Defence, Hon. Steven Kavuma. The Army Commander Maj. Gen. Jeje Odongo and the Acting Chief of Military Intelligence, Lt. Col. Mayombo, and others attended the meeting.

During this meeting, Mme Ba N'Daw raised a point of interest that Brig. Kazini and Gen. Salim Saleh had been active in taking natural resources out of the DRC. In response to this issue, Gen. Odongo expressed his willingness to be of assistance and invited the Panel to forward a list of specific questions which both Brig. Kazini and Gen. Saleh, would be required to answer, even though Gen. Saleh had retired from the Army. This invitation to the Panel however, was never honoured.

Uganda therefore wishes to express its total dissatisfaction with the allegations in Paragraphs 11 and 89 of the Report and the wrong impression and negative image they create that she was uncooperative.

Over and above verbal interviews conducted by the Panel with our highest-ranking Government officials, the Panel presented a Questionnaire that, to the best of our

understanding, broadly indicated the scope of the required data (1995-2000). It was agreed that due to the late submission of the questionnaire, the responses would be compiled and submitted to the UN Resident Coordinator in Kampala by 21st November 2000. **All questions that appeared in that questionnaire were duly answered** and dispatched to the UN Panel of Experts along with Diplomatic Note No. MOT/90/369/01 dated 21 November 2000.

On the 6th March 2001, Uganda communicated to the Chairperson of the Panel, on the follow-up to the interim Report, reconfirming our continued support of their work and inviting any questions, clarifications or additional data as well as extending another welcome to the Panel to revisit Uganda before the finalisation of the Report but to no avail.

The Government position on allegations against individuals is that, we shall set up a team to probe the allegations made and anybody found involved in illegal activities shall be tried and if convicted punished according to the law.

3.04 EXPLOITATION OF NATURAL RESOURCES AND THE CONTINUATION OF THE CONFLICT: A FALLACIOUS LINKAGE - para 95

a) Introduction:

To say that Uganda is in the DRC for purposes of exploiting the natural resources of the DRC, and that Uganda is all out to remain in the DRC for the same purpose as claimed by the Report is fallacious.

It should be noted that Uganda is committed to the Lusaka Peace Agreement and has been the first country involved in the DRC to implement the Agreement.

Uganda believes in and is committed to a peaceful and negotiated resolution of conflict in DRC. Indeed President Yoweri Museveni was one of the leaders behind most of the initiatives to find a diplomatic solution to the problems in DRC. He initiated the very first meeting, which took place in Victoria Falls, Zimbabwe on 7 and 8 August 1998. When he met his colleagues at the Southern African Development Community (SADC) Summit in Swakopmund, Namibia, President Museveni requested President Robert Mugabe to convene a meeting of heads of friends the DRC to try to find a solution to the political tensions that were evident in DRC at that time.

Unfortunately by the time the Summit took place, the political contradictions in DRC had erupted into violence. When it became obvious that the Victoria Falls Summit would not result in an immediate solution to the conflict in DRC, President Museveni appealed to President Mandela to convene a wider meeting of the SADC region and other affected countries outside SADC, such as Uganda, to try to generate a way of managing the crisis that had already erupted. It was again President Museveni who initiated Windhoek Summit of January 1999, comprising the core

countries that are militarily involved in the conflict in DRC. All these initiatives by President Museveni contributed to signing of the Lusaka Agreement.

Uganda and the DRC are in the process of normalising relations. In April 2001, Uganda sent a high powered delegation to DRC and discussions were cordial. President Joseph Kabila promised to reciprocate by sending a delegation to Kampala. This gesture indicates that there is optimism in the normalisation of relations process.

b) Vicious Circle of War and Exploitation (para 180)

The Panel alleges that the UPDF is exploiting the Hema/Lendu conflict to perpetuate the conflict in order to control minerals.

The ethnic conflict is a historical problem that is well documented in history. The major cause being land rights and not minerals. This is a false allegation meant to tarnish the name of Uganda and divert attention from the Lusaka Agreement process.

c) Economic Data Analysis vis-à-vis Exploitation of the Natural Resources of the DRC (paras 94-95)

i) Gross Domestic Product (GDP) growth. (para 142)

The Uganda economy has been buoyant for over a decade, well before the DRC war and Kisangani clashes took place.

Table:1 Uganda Real GDP Growth Rates

Financial Years	Percentages	Remarks
1994/95	10.6	Coffee boom
1995/96	7.8	
1996/97	4.5	Drought effect
1997/98	5.4	EI-NINO effect
1998/99	7.4	Good weather conditions
1999/00	5.0	Terms of Trade & drought
1987/88-1996/97 average 6.4%		
Buoyant real economy		

Although the UN Panel of Experts Report notes that Uganda's GDP has been increasing since the early 1990s (actually GDP has been increasing since 1986/87), it partly attributes growth between 1998 and 1999 to Uganda's involvement in the Congo, mainly the exploitation of Congo's resources from the mining, agriculture and forestry sectors. This is not supported by economic data.

- ii) Average GDP growth between 1987/88 and 1996/97 was 6.4%, while average growth between 1997/98 and 1999/2000 was 6.0%. Hence there has been a slow down in the rate of growth during the war period and not an increase.
- iii) As has always been the case, agriculture has been the major source of growth for the Ugandan economy, since it is the largest sector. Rates of growth for the sector do not show any significant changes during the period referred to by the report. In fact the only factor that seems to affect the normal trend is the occurrence of drought in some specific years, while the bumper crop years coincide with non-drought years. The highest growth rate experienced was in 1992/93 compared to 3.2% in 1999/2000.

- iv) The contribution of Forestry to total GDP has actually declined from 1.1% in 1991/92 to 1.0% in 1999/2000, while mining has increased slightly from 0.4 to 0.7. Hence these sector's contribution to overall growth is very minimal and are not the principal sources of Uganda's growth over the years and certainly not in recent years.

- v) In any case computation of any country's Gross Domestic Product, only captures production within the country and excludes any production from other countries. It is a methodological mistake to attribute an increase in a country's GDP to production, which takes place outside the country. GDP as a concept differs from GNP.

The major factor in Uganda's growth has been the consistent implementation of economic reform programmes, which resulted in the achievement of macroeconomic stability, economic growth and poverty reduction.

- d) **Aid and debt relief from Bilateral Donor countries and multilateral bodies e.g. the World Bank and IMF (paras, 185 – 190)**

As noted in the UN Panel of Experts' report, aid and debt relief, received by Uganda is spent on sectors that have been identified to be crucial for poverty reduction including Education and health. They form the core of expenditures in the Poverty Alleviation Fund. Donor contributions to the Fund are conditioned on the Government of Uganda not reducing its own contribution to the Fund. In fact Government's own contribution to these sectors has been increasing (See Table 2 below). It therefore cannot be true that assistance from bilateral and multilateral donors has given the government of Uganda room to spend more on defense while other sectors, such as education, health and governance have been funded by donor aid. The resources from the Poverty Alleviation Fund have been used in

UPE, Primary Health and Education, Water and Sanitation, agricultural research and extension and road maintenance and they have not been diverted to military expenditure. Indeed Defence expenditure has been contained within 2% of GDP. Government has generally remained a net saver with the banking system since 1992/93, indicating that fiscal policy has been highly disciplined for about a decade.

Table 2: **UGANDA POVERTY ALLEVIATION FUND (PAF) EXPENDITURES**

EXPENDITURE	1997/98 (Shs billions)	1998/99 (Shs billions)	1999/2000 (Shs billions)
Donor PAF Expenditure	0	33.8	90.2
Government PAF Expenditure	134.4	198.6	212.2

e) **Re-exportation Economy vis-à-vis increased tax revenues:** (paras 135 – 139)

The economic data and tax policy do not support the UN Panel of Experts' report claims that the treasury has benefitted from increased tax revenues as a result of the re-exportation economy.

Firstly, one of the economic reforms that Uganda undertook in the early 1990s was aimed at increasing revenue collections. Indeed in the 1990/91 financial year, revenue as a percent of GDP was at 8%, increasing to 12.4% in 1996/97. However it slightly declined to 11.7% in 1999/2000, which shows that the treasury could not have benefitted from the re-exportation economy as claimed by the report.

In any case, goods that are meant for re-export are not taxable in Uganda; hence it is not true that treasury could have benefitted from this source. However cross-border commercial exchanges between the peoples of Uganda and the DRC have

historically occurred, especially in the West Nile region. The report itself acknowledges this, but it must be emphasised that Uganda's economy was totally liberalised. The current account was liberalised in November 1993 followed by the capital account in July 1997, well before the DRC conflict and Kisangani clashes. The balance of payment position has deteriorated rather than strengthened. The Balance of Payment has faced a lot of pressures arising from deteriorating terms of trade. Coffee prices on the world market have slumped while international crude prices have escalated. The volumes of coffee also fell from the level of 4.237 million bags (60 Kg) in 1996/97 to 3.032 million bags (60 Kg) in 1997/98. Again the coffee volumes fell from 3.647 million bags (60 Kg) in 1998/99 to 2.917 million bags (60 Kg) in 1999/2000.

f) Uganda's balance of payments position has deteriorated rather than Strengthened: (para 138)

The trade balances and the current account balance (excluding grants) has been widening rather than narrowing. The current account (excluding grants) to GDP ratio has widened from -9.1% in 1998/99 to -10.7% in 1999/2000 and is projected to even widen further to -13.1% in 2000/20001. The overall balance position has moved from a surplus position of US\$59.1m in 1997/98 but deteriorated to deficit positions of US\$21.5m and US\$92.3m in 1998/99 and 1999/2000 respectively

The external sector has remained under substantial pressure owing to the wilt disease, which has destroyed some coffee trees and the sharp deterioration in the terms of trade. In the six months to December 2000, coffee export earnings have dropped by 53% compared with the corresponding period last year. Imports have also been somewhat weaker than envisaged, reflecting in part the effects of the depreciation of the shilling in the real effective terms in the year to December 2000, and lower real incomes arising from the decline in terms of trade.

g) Uganda's Financial System (para 135)

There is no financial institution in Uganda that was involved in the trade and indeed the UN Panel's report does not implicate Uganda in the abuse of the banking system. Since the report indicates the opposite situation obtained in Rwanda, a clarification should be made to the effect that the Ugandan situation should be clearly distinguished from the Rwandan one. The Panel's Report in its present form deliberately mixes up Ugandan and Rwandan situations. This is totally unacceptable.

Source of data:

- i) Background to the budget 2000/01, Ministry of Finance, Planning and Economic Development. Kampala.

- h) **Gold Exports:** (paras, 96 – 97)

The gold export figures in Table 1 of the Panel's report are those on export permits issued by the Ministry of Energy and Mineral Development that is, these are only intentions to export gold. The figures differ from those of actual exports figures captured by the Customs Department and Bank of Uganda.

- i) **Diamond Exports** (paras 98, 99, 100)

The Panel quotes third party sources about Uganda's diamond exports. From data given, the Panel acknowledges that Uganda does not produce or export diamonds. The Panel, in para 99, recognises "loose regulations" at free zones that allow repackaging to falsify documents. It is a possibility that diamonds alleged to have come from Uganda could have gone through such a process, i.e., forged certification.

j) Cassiterite (para 102)

The Panel notes that they received information from one Uganda Customs post without indicating the nature of the source.

Table 1 of the Report indicates no exports of Cassiterite during 1998 – 2000. The figures in para 102, indicate Cassiterite imports. Uganda has no Cassiterite smelter. The figures used are irregular as one is given in Kgs and another in drums.

Besides these minerals in the Report, Uganda has oil, iron ore, Cobalt and many others, which remain unexploited. Therefore to accuse Uganda of going to DRC to exploit mineral wealth is ironical. Uganda would have loved to invest in its own mineral wealth if it had the necessary capital to do so.

4. THE PANEL'S CONCLUSIONS, FINDINGS AND RECOMMENDATIONS:

4.01 Conclusions and Findings (Para 213-218)

- Stating as the Panel does (Para 213) that "The conflict in the DRC has become mainly about access, control and trade of five key mineral resources ..." is a gross misunderstanding of the causes and dynamics of the conflict. This simplicity reduces the conflict to a "mineral conflict". The truth and facts about the conflict in Congo, as far as Uganda is concerned, is the fact that this is a clear case of the internationalisation of an ethnopolitical conflict internal to the DRC. The collapse of the Zairean and Congolese State after several decades of Mobutu's dictatorship and plunder in collaboration with foreign interests generated fertile ground for the current conflict. The proliferation of rebel groups opposed to Rwanda, Uganda, Burundi and Angola operating on DRC territory particularly after the 1994 genocide in Rwanda, has been the sustaining element of the conflict.

The conflict therefore, was, and is basically an ethnopolitical conflict with serious security ramifications for neighbouring states. It is in fact the political solution through the Internal Dialogue as envisaged in the Lusaka Peace Accords that shall bring an end to the conflict and not the "end" of the "mineral conflict" as the Panel portends. It is Politics and security not minerals.

The Panel's conclusion is thus wrong, and is only intended to justify their report. In effect, it is diversionary in effect.

- The Panel says (Para.214) that the "exploitation of the natural resources by foreign armies has become systematic and systemic". We hold that any cases of illegal exploitation that there may be (which the Panel has not convincingly proved) are neither systematic nor systemic. They may be natural result of a conflict (war) situation in a territory of little or no infrastructure and a victim of a long time exploited and oppressed people with no effective State.

It is in fact the concerted attempts so far by Congolese liberation movements to bring law and order, reestablish a semblance of administration and economy that can be described as systematic and systemic. It is clear the Panel is at great pains throughout the Report to "systematise and systemise" the illegal exploitation of natural resources. It is not the companies trading minerals "that are the engine of the conflict in the DRC" (Para 215) but the persistent lack of a democratic dispensation, good governance and effective control of the territory by the Congolese people and State.

- It is not true to advance that "bilateral and multilateral donors have sent mixed signals (Para 216) to Governments with armies in the DRC". It is the Panel that has failed to search and find (or refused to accept) that these donors are realists, and not academic researchers. They know why the conflict exists and how they can help in its resolution. Not what the Panel misconstrues as the "real interests" of the donors (Para 227). Uganda believes the bilateral and multilateral donors have well understood the problem and their role.
- The Panel insinuates (Para 217) that top military Commanders, from let us say Uganda, are there to access DRC wealth. They neither needed nor do they need this conflict to benefit from DRC resources as the Panel advances. The contrary is true: all neighbouring states, including

Uganda need a peaceful, stable and secure DRC for more fruitful regional cooperation and development. The Congolese people are our brothers and sisters and their peace and development is the region's and vice-versa.

- Whereas for the Panel, this conflict is "a win-win situation for all belligerents"(Para. 218), the reality in DRC and the region is that it is a "lose-lose situation". Congolese have lost sovereignty, peace, security and development; Uganda has lost a peaceful, trading and fraternal neighbour and people, is a victim of banditry and terrorist attacks. Uganda is sure that Rwanda, Burundi, Angola and other belligerents have all lost in this conflict as has done the whole of Africa. This is why these Parties agreed to the Lusaka Peace Accord with all its potentialities. It is really in the minds of the Panelists that they have created the "win-win situation".

To say that "business has superseded security concerns" is an insult to Uganda due to the sacrifices so far registered. Other neighbouring countries would feel the same.

4.02 Panels Recommendations:

a) Prerequisite:

The Panel concludes (Para 219) that it "believes its report and recommendations are consistent with those resolutions" (Security Council and Lusaka Agreement)

- This statement is blatantly incorrect concerning the Lusaka Agreement. Whereas Uganda and the region and indeed all the Parties to the conflict

hold this Peace Accord as the key to the solution of the conflict, the Panel systematically, for reasons best known to themselves, makes zero reference or recommendation to the Security Council on it. For instance on whether the Lusaka Agreement could not be tasked to look at the illegal exploitation and the continuation of the war, as advanced by the Panel.

- It is therefore true to their initial agenda that the Panel never interviewed officials of the JMC, the Political committees, the Facilitator and others directly created by the Lusaka Accords. No wonder the only place where Lusaka is mentioned in this entire Report is in (Para.219), even in an insignificant reference.

That the Panel acknowledge the validity of the Security Council Resolutions is obvious but adding "as well Lusaka Agreement" is a gross cover up and most inconsiderate.

b) follow-up

- That the Panel recommends for its own perpetuation (Para.220) is most unfortunate but quite understandable. Their extension would be only justifiable if they have to re-do the current Report to reflect fairness, truth and competence. Otherwise it is not uncommon that commissions and Panels and other ad-hoc committees have tendency to claim self-perpetuation.
- Secondly, this recommendation is very diversionary and injurious to the Congolese people and the region. Their current efforts are geared towards a rapid and comprehensive settlement of the DRC conflict. All UN resources and attention should be towards this primordial objective: Empower the Congolese people to assume full responsibility of their

sovereignty, independence and stability. The interests of some "stakeholders" as reflected in the entire report should not override those of the key parties.

c) Sanctions:

- The recommendation (Para 221) for an immediate embargo is shocking but not surprising given the Panel's Agenda. First, it is extreme, given the fact that the most cooperative countries in the Panel's project are the ones to be punished. Nearly 95% of the data is on those countries including Uganda. These same countries have even advanced their troop withdrawals from the DRC. Uganda has so far unilaterally withdrawn nine-battalions.

- Secondly, the recommendation would mostly harm and hurt the various Congolese Parties to provide for their populations in terms of Security, general healthcare, etc, especially where international support has been conspicuously absent. It is the trade in these very minerals that allows nearly 15 million Congolese to survive in very harsh economic and conflict conditions.

- Thirdly, the recommendation is a dangerous invitation for the anti-peace, anti-Lusaka Agreement forces within the DRC and outside to celebrate the demise of the Accord and provoke resumption of war or continuation of the conflict to the detriment of the aspirations of the Congolese people and the neighbouring States.

- Fourthly, It is uncalled for. Has the Security Council established that these alleged crimes are so serious to warrant an Embargo, and that the concerned countries have refused to accept Security Council

recommendations on the illegal exploitation of natural resources in the DRC?

- The recommendation for sanctions is clearly indicative of the initial agenda of the Panel itself.

Similarly, the Panel's recommendations of freezing of financial assets of rebel movements and their leaders (Para.222), of companies or individuals (223), Embargo on military materials (224) and the suspension of all military cooperation with "select" states with forces in DRC (225), are grossly unjustifiable and uncalled for. First, they will not help the current steps of the parties to end the conflict as it shall inflict unfair suffering to the Congolese people both in territories controlled by the Liberation movements and the Government.

Secondly, the concerned "select States" targeted by the Panel are being falsely accused and condemned as guilty using mainly flimsy circumstantial evidence and inaccurate data and hearsay. Thirdly, they do not help advance the peace initiatives but on the contrary threaten their prospects.

d) Financial and economic matters:

The recommendations for halting balance of payments support: (Para 226) and a call for IMF and World Bank to suspend budgetary support (Para 227) are advanced in the same spirit of the wish to punish "suspects" whom the Panel has "condemned". These measures would be extreme and disproportionate to the alleged crimes whose evidence has left a lot to be desired. For Uganda, as earlier explained, balance of payments support received from our development partners and IMF and World Bank budget support have no relationship to the alleged illegal exploitation of DRC natural resources. Uganda is not sure that such measures

would actually end any illegal exploitation because the government of Uganda is not carrying out such exploitation. It is trying to punish the wrong party.

- * A call for the IMF and World Bank (Para 227 to design a policy guideline on cooperation with countries involved in conflicts is a call to politicise these institutions whose mandates are clear and they could be accused of partisanship in conflicts. It also diverts them from their primary responsibility of providing financial support and assistance to developing countries that happen to be the majority of nations affected by conflict. The current positions and policies by these institutions are appropriate.

The recommendation (para 228) urging for a Commission to be set up by DRC neighbours is most welcome and positive proposal. The UN should help provide the data and/or call on members to do so. Uganda has already concretised arrangements to institute commissions to investigate its own individual citizens in relation to the Panel's Report.

e) Diamond Business:

The liberalisation of the diamond trade (Para 229) is to open up DRC's trade but not necessary to curb the flow of illicit diamonds. The Panel's concern here seems to be that the current business arrangement is excluding "some anxious" dealers and therefore must be dismantled. But the Europeans should have few (monopoly) entry points! The ultimate effect of these recommendations (Paras 229,230,231) including adoption of the regime concerning Sierra Leone, is to allow the "eventual dealers" of diamonds in the developed world to directly go into DRC and access them than to deal with Congolese (local) or regional diamond dealers. The ultimate effect is not to end their "illegal" exploitation but to reintroduce plunder in total disregard of the interests of the Congolese population. Just as was the case in Mobutu's regime.

f) Forest and Timber:

The Panel's recommendations (232, 233, 234, 235) concerning the above and especially declaring "conflict timber and non-timber forest products" does not provide an effective and efficient mechanism to prevent, monitor and supervise this trade in order to eliminate illegal exploitation. The costs to the UN and other bureaucracies of these measures may outweigh the benefits while not achieving the main objective. The UN should spend the resources towards the reconstruction in DRC and the region other than set up more bureaucracies or unwarranted work for existing ones.

g) Reparation and Compensation:

The recommendations on this subject (236, 237) should have taken into account the fact that some of these allegations and accusations are already subject of litigation between Uganda and the DRC at The Hague.

h) Framework for reconstruction:

These recommendations (238) seem to invite the UN to take over what the Panel calls "occupied regions" and sort of administer them. This is uncalled for since the Lusaka Peace Accord shall create the necessary State power and authority and, in territories where there is no conflict. The Congolese State shall adequately carry out its responsibilities to its citizens.

The UN should rather come up with a serious reconstruction package for the DRC and regional countries directly affected by DRC conflict.

i) General:

These general recommendations (239, 240, 241) should not be Security Council concerns but should be a preserve of the countries concerned to set up their own commissions (similar to the ones recommended in (Para 228), and members of the UN be called upon to assist such Commissions to render fairness and Justice. Uganda has already taken measures in this respect.

j) Security:

This recommendations (Para 242) is as interesting as it is revealing. If the Panelists did a genuine, fair and free exercise, where is the source of their anxiety for their personal security. Unless, it is the normal business of the UN to pay for such security arrangements. In which case even individuals whose names, families and relations have been wrongly accused and exposed should be provided with "security". Otherwise this recommendation has indeed a lot to reveal.

Panelists' names and addresses should be made available to the public.

The Panelists should be provided with adequate security arrangements.

5. OUR CONCLUSIONS AND RECOMMENDATIONS

5.01 Conclusion

- 1) From the foregoing, there is no doubt that the UN Panel's Report is shoddy, superficial and shallow, thereby displaying strong indications that it should not be called a Report of Experts.
- 2) The report in many instances "deliberately" confuses the sensible with the abnormal and because of poor handling of the aspects under their investigations, the Report hosts a number of lies picked from anti-Kampala political enemies and is not substantiated by credible evidence.
- 3) From the start, the Panel adopted definitions that are not only wrong but also subversive of African interests. It is a red herring. The Panel not only intentionally distorts the source of the conflict in the Great Lakes but also seeks to destroy Lusaka Peace Accord, the only viable agreement meant to comprehensively resolve the conflict in the DRC.
- 4) The Panelists excelled in malignant defamation of the person of H.E. the President of Uganda without any credible evidence by calling him an accomplice and godfather of criminal activities.

5.02 Recommendations:

- a) Despite the flawed methods and the unsubstantiated allegations and accusations of the Report, the Government of Uganda is ready and willing to support the Security Council's efforts and recommend that:
 - i) The terms of reference of this Panel are made clearer to ensure a balanced data collection and analysis covering all countries involved in the DRC..
 - ii) The membership of the Panel is expanded and made more representative in order to deal with the obvious technical incompetence and geopolitical biases.
- b) The Government of Uganda will on its own investigate these allegations and bring to book any individual found guilty. The Government of Uganda, therefore recommends that the sources of information/data used by the Panel in compiling their report is availed to her to help in their own probe.

- c) The Government further recommend that the Panel widen its area of fact finding operations to include capitals of the industrialised countries such as France and Belgium with traditional links with the DRC including individuals and companies with capacity to invest in mining operations and maintaining non-gazetted airfields from which mineral products and other natural resources are airlifted to markets outside Africa.
- d) When the Panel visited Kampala 7 – 12 November 2000, time was wasted because of lack of adequate advance preparedness by the Panel. Government, therefore, recommend that in their future work the Panel should avail 2 – 3 weeks in advance specific allegations and evidence, etc. against each country (Government, Companies, and Individuals). This method of work will not only be more efficient but also will also ensure fair play and avoid the element of surprise.
- e) The Government of Uganda recommends that the Lusaka Peace Agreement be supported and encouraged in as far as it:
 - i) addresses the security concerns of the DRC and the neighbouring countries.
 - x) addresses the internal dimension of the DRC conflict through the national dialogue to create a new political dispensation in the DRC that shall assume authority over the full territory of the DRC.
 - xi) ensures the orderly withdrawal of all foreign forces from the DRC.

Appendix 1

Summary report on the visit to Uganda by the United Nations Expert Panel on the Illegal Exploitation of Natural Resources in the Democratic Republic of the Congo, 6-12 November 2000

1. As mandated by the UN Security Council Resolution 1219 (2000), the UN Panel of Experts on the Illegal Exploitation of Natural Resources of the DRC visited Uganda from 6th – 12th November 2000. The seven-man UN team was led by Mme Ba N'Daw, from Ivory Coast.¹
2. As Mme Ba N'Daw informed the Uganda Government, the Secretary General of the UN established the Expert Panel with the following mandate:
 - To follow-up on reports and collect information on all activities of illegal exploitation of natural resources and other forms of wealth of the DRC.
 - To research and analyse the links between the exploitation of natural resources and other forms of wealth of the DRC and the continuation of the conflict.
 - To make recommendations to the UN Security Council within the next six months.
3. The Government of Uganda had, through the UN Resident Representative, requested the Chairperson of the UN Expert Panel in writing to forward advance copies of both the general questionnaire and a list of any specific allegations made against Uganda by the Government of the DRC. At the opening session, 7 November 2000, Mme Ba – N'Daw provided the Government with a general questionnaire. She also pointed out that the UN Panel was not an investigative team but a mission for fact-finding and data collection.
4. The UN Panel met H.E. President Museveni and H.E. the Vice President Dr Specioza Kazibwe. The Panel also held discussions with the following Cabinet Ministers:
 - Hon. Eriya Kategaya - 1st Deputy Prime Minister/Minister of Foreign Affairs.
 - Hon. Mrs Syda Bumba - Minister of Energy and Mineral Development.
 - Hon. John Nasasira - Minister of Works, Housing and Communications.

¹ Other Mission team members were: Mr. Henri Maire (Switzerland), Mr. Moustapha Tall (Senegal), Mr. Francois Ekoko (Cameroon), Mr. Gilbert Barthe (Switzerland), Mr. Mathew Conway (USA) and Mr. Malvm Holt.

- Hon. Kisamba-Mugerwa - Minister of Agriculture, Animal Industry and Fisheries.
 - Hon. Gabriel Opio - Minister of State for Finance.
 - Hon. Stephen Kavuma - Minister of State for Defence.
 - Hon. Kezimbira Muyingo - Minister of State for Water, Land and Environment.
 - Hon. Jovina Akiki - Minister of State for Trade, Tourism & Industry.
5. The UN Expert Panel also held meetings with the Parliamentary Committee on Foreign and Presidential Affairs, Diplomats resident in Kampala and Members of the Civil Society.
- II Summary of the Response to the Questionnaire submitted by the UN Expert Panel on 7th November 2000**
6. Mme Ba N'Daw, Chairperson of the Expert Panel submitted the questionnaire to Hon. E. Kategaya, 1st DPM/MFA at the opening session, 7th November 2000. Due to the late submission of the questionnaire and scope of the required data (1995-2000), it was agreed that responses would be compiled and submitted to the UN Resident Co-ordinator in Kampala by 21 November 2000.²
7. From the questionnaire, the areas of interest by the UN Panel can be categorised under the following broad headings:
- (a) Impact on Uganda's production, export and import data by the products of interest to the DRC.
 - (b) Uganda Government customs procedures.
 - (c) Aeronautical Income/Flights between Uganda and the DRC.
 - (d) Evaluating fiscal and customs receipts from international trade.
 - (e) Uganda legislation/regulation for international trade.
 - (f) Structure of Uganda's state budgets - 1995-2000.

² See attached questionnaire and the relevant list of documents forwarded to the UN Expert Panel vide Diplomatic Note No. MOT 90.369 01 dated 21 November 2000

8. The key products of interest to the DRC indicated in the questionnaire are minerals (gold, diamond, uranium) and agricultural/forestry products (coffee, wood, ivory). As the data for 1995 – 2000 indicates there have not been any significant increases in Uganda import or export of these products.

8.1 **Coffee (ref. UCDA Data for 1995 – 2000 in attachment 3):**

- i) Since the conflict in DRC started in August 1998 the trend in Uganda's Coffee exports have not shown any significant increase. Indeed figures show that from a high of 4m bags (\$355m) in 1996/97, Coffee exports have declined to 3.6m bags (\$282m) in 1998/99 and 2.9m bags (\$164.7m) in 1999/2000.
- ii) Monthly average volumes of Coffee exports do not indicate that there has been any significant influx of Coffee from DRC. It is known, however, that traditionally some Congolese Coffee growers export their Coffee through Uganda.
- iii) One allegation by the DRC Government at the African Commission for Human and People Rights in Banjul was that an estimated Coffee yield of \$70m was taken by Uganda from North Kivu between October - December 1998. It is interesting to note, however, that figures by Uganda Coffee Development Authority and Uganda Revenue Authority
- iv) (UCDA/URA) indicate Uganda's total Coffee exports of \$69.62m for the period covering October – December 1998.
- iv) Uganda's National Accounts are among the best in the region. Any major infusion of abnormally huge amounts of Coffee from the DRC would have been reflected in the URA/UCDA/BOU statistics.

8.2 **Gold**

- i) Uganda's Gold exports were: \$26.6m (1995); \$21.3m (1996); \$18.1m (1997); \$10.8m (1998); \$28.3 (1999).³
- ii) Quantities of export permits would be bigger than export returns because permits indicate untended while return indicate actual exports achieved.
- iii) Normal expected increase in gold export for Uganda is due to two main factors:
 - Liberalisation of export/import Trade in 1991, when the Ministry of Tourism, Trade and Industry abolished issuing of export/import licenses except for the negative list.⁴

³ Source: Uganda Revenue Authority.

⁴ Negative list includes (a) waste & scrap of ferrous metal (b) wood charcoal (c) timber from trees grown in Uganda (d) coffee husks (e) fresh unprocessed fish (f) game trophies

For example Royalty on gold was zero-rated and as a result informal trade in gold stopped and gold exports were formally declared thus improving available statistics.

- Improved investment climate bringing in new mining companies in Uganda.

8.3 Diamonds

- i) The Minister of Energy and Mineral Development is the only person empowered to issue diamond export licenses.
- ii) Records indicate that Uganda has neither imported nor re-exported diamonds into/out of Uganda during 1995-2000.

8.4 Timber/Wood

- i) Recorded percentage value of imports of timber products from the DRC, in comparison to what is locally produced and consumed in Uganda, is very small, less than 1% between 1997-2000.
- ii) Timber which comes from the DRC is mainly through the border trade. Ugandan importers are usually linked to Congolese timber dealers/exporters. Export documents are often issues by authorities in Eastern DRC.
- iii) The marked increase in the value of timber produced in Uganda in 2000 was due to a significant increase in market prices due to:
 - Statutory Instrument 6 of March 2000 effect on the 1964 Forest Act.
 - Stronger preservation policy by Government
- iv) Possibility of informal border trade in timber products exists.

8.5 Endangered Animals

- i) Uganda has been committed to conservation of the African elephant and other endangered species. Uganda is a signatory to the following key international agreements:
 - Lusaka Agreement on Co-operation Enforcement of Cross-border Trafficking in Wild Life Trade.
 - Convention on Conservation of Migratory Species of Wild Animals (CMS) of 1979.
 - African-Eurasian Migratory Water Bird Agreement (AEWA) of 1995.

- Convention on International Trade of Endangered Species of Fauna and Flora (CITES) of 1975
- ii) Uganda has strong policy and legislation affecting conservation of the elephant, and/or ivory trade:
 - The Game (Preservation and Control) Act 1964.
 - The Game Act (Preservation & Control) Act (Amendment) Decree No. 13 of 1995.
 - Uganda Wildlife Policy (1994 & 19991).
 - Uganda Wildlife Statute No. 14 of 1996 (which effectively created conditions that do not permit ownership and transaction in ivory).
 - Strict record of confiscation/seizure or recovery of ivory.
- iii) Due to the strict domestic legislation of Uganda does not permit export, import and transit transaction in ivory for the period 1994 – 2000.

9. **Customs Procedures**

- i) Uganda has no seaport. Most of the imports (over 70%) are by road.
- ii) Transit cargo – the Customs Department of Uganda Revenue Authority (URA) receives and escorts transit cargo vehicles from entry to exit points. In most cases the original seals on the containers are left intact. We have no record of transit of mineral products.
- iii) Should there be cause for suspicion, Customs Department does the physical verification of the goods after which a URA seal is put on the container.
- iv) In all cases of transit goods, a customs bond is executed at the point of entry and the sum is refunded only after the goods have exited Uganda.
- v) Total verification is done at inland container depots for goods destined for Uganda.
- vi) Records indicate that Uganda has neither imported nor re-exported diamonds into/out of Uganda.

- vii) Detailed guidelines for importers and exporters was forwarded to the UN Expert Panel in attachment No.8.

10. **Cargo Aircraft out of Uganda and Aviation Procedure**

- i) Uganda has only one (1) International Airport at Entebbe with 3 runways of 3.6 km., 2.4 km. and 1.6 km respectively.
- ii) The other airfields are either grass or murrum and only take light aircraft.
- iii) Entebbe has five (5) adjoining Air Traffic Advisory Centres in Nairobi (East), Dar-es-Salaam (South), Kigali (South-West), Kinshasa (West) and Khartoum (North)
- iv) As a signatory to the Chicago Convention on Civil Aviation, Uganda is duty bound not to allow into her airspace aircraft violating the airspace of other sovereign states.
- v) The airbase at Entebbe is open to and used by many leased aircraft and it is impossible to conduct secret flight from there without attracting attention.
- vi) Details of the charter flights between Entebbe/DRC (1994-200) are in attachment 7(b). Exports by type from Entebbe (1994-2000) contained in attachments 7(a) clearly indicate that there was no dramatic increase in Uganda's major traditional air-cargo exports: fish, flowers, papain, and fresh produce.

III **Summary Report of the Meeting with H.E. President Y K Museveni**

- 11. The meeting between H.E. the President and the UN Expert Panel was attended by Major G. Odong, Army Commander; Brig. J Mugume, Deputy Army Commander; and Brig. Jama Kazini, Army Chief of Staff.
- 12. Mme Ba N'Daw briefed H.E. the President on the work of the UN Panel as mandated by the UN Security Council. She emphasised that the purpose of the team was to collect data in the various countries involved in the DRC and to report back to the UN Secretary General. She also wanted to hear H.E. the President's views on the status of the implementation of the Lusaka Peace Agreement on the DRC.
- 13. H.E. President Museveni gave the background to the conflict in the Great Lakes Region and emphasised the following points:
 - i) Uganda supported the UN Security Council Resolution which mandated the UN Expert Group on the Exploitation of Natural Resources in the DRC.

- ii) The UN and international community need to understand the root cause of the conflict in the Great Lakes:
 - The history of genocide in Rwanda (1959, 1994), Burundi, and the presence of genocidaires/interahamwe in the DRC.
 - Alliance between the Sudanese Islamic fundamentalists with LRA/ADF⁵ and the genocide forces in the DRC to destabilize the Great Lakes Region.
- iii) If the UN is serious about intervention in the DRC it should do so under Chapter VII.
- iv) The Lusaka Agreement on the DRC remains the best hope in spite of President Kabila's continued intransigence, because it:
 - Deals with the issue of genocidaires in the DRC.
 - Addresses the security concerns of regional neighbours.
 - Establishes the internal dialogue for the democratisation of the DRC.
- v) Uganda is in the DRC to protect her national security interests and not to exploit the natural resources of the DRC.
- vi) Uganda has her own minerals (e.g. phosphate, gold, petroleum, iron ore, etc) which are unexploited due to lack of investment capital. Mining operations in the DRC would require capital investment. The accusations that Uganda is in the DRC for mineral exploitation, are therefore a 'red-herring!'

Summary Report of the Meeting with the 1st Deputy Prime Minister /Minister of Foreign Affairs

- 14. Hon. Eriya Katageya, 1st DPM/MFA chaired the opening session with the UN Panel, 7 November 2000. It was attended by various ministers and senior government officials as requested by the UN Expert Panel Chairperson. Mme Ba-N'Daw, Chairperson of the UN Panel, briefed the meeting on the mandate of the team. She clarified that the Mission purpose was not to investigate, but rather to fact-find and collect data. A copy of the questionnaire was handed over to Hon. Katageya.
- 15. In his opening statement Hon. Katageya made the following point:

⁵ *Lords Resistance Army Allied Democratic Force Rebels.*

- i) H.E. President Yoweri Museveni, in his address to the UN Security Council, January 2000, strongly welcomed the establishment of an independent body of experts to investigate the question of illegal exploitation of natural resources in the DRC.
- ii) Uganda has never been involved in the looting of Congolese resources or appropriation of Congolese property as alleged by the DRC Government.
- iii) The conflict in the DRC arose out internal political instability aggravated by lack of effective administration. Uganda was drawn into DRC due to the national security threat caused by the presence of Sudan-backed rebels operating against Uganda from the Congolese territory and the interahamwe militias.
- iv) Uganda remains ready to withdrawal all its military personnel from the DRC in accordance with the UN Security Council-endorsed Lusaka Cease-fire Agreement, July 1999.
- v) The major question for the UN should be how to stabilise the DRC. The UN Mission on the illegal exploitation of natural resources is therefore diversionary.

Summary Report of the Meeting with Hon Syda Bumba, Minister of Energy and Mineral Development

16. Mme Ba N'Daw expressed interest in Uganda's Mining laws/policies regarding export/import of minerals and exploration of minerals along the Uganda/DRC border.
17. Hon. Syda Bumba briefed the UN Panel on the efforts for petroleum exploration in Lake Albert area, in Uganda; prospects for hydro-power generation and export; procedures for export and transit of minerals. Responding to the question on whether gold production in Uganda has increased due to the conflict in the DRC, Hon Bumba explained that the little growth in gold production has been largely due to the government liberalisation policy.

Summary Report of the Meeting with Hon. Kisamba-Mugerwa, Minister of Agriculture, Animal Industry and Fisheries

18. Mme Ba N'Daw expressed interest in the trade in agricultural products. Minister Mugerwa explained that due to good climate/soil/fresh water bodies Uganda has always sold agriculture products to the neighbouring countries including Kenya, Tanzania, Rwanda, Congo and Sudan.
19. Mme Ba N'Daw expressed specific interest in increase in coffee production in Uganda in the last few years, and trade in fish with the DRC. In reply, Minister

Mugerwa briefed the UN Panel on Uganda's efforts to revitalise fish, tea and coffee production including:

- The liberalisation of products and marketing of fish, tea and coffee .
- R & D into new breed of coffee such as clonal coffee which is resistant to coffee wilt, and can grow in non-traditional areas.
- The existence of a big programme of re-planting and rehabilitation of old coffee plantations.
- Fishing on the Uganda side of Lake Albert. Lake Albert is regulated by the Fishing Authorities to ensure proper and sustainable fishing methods.
- While tea is marketed in Auction Markets in Mombasa coffee is purchased by buyers in Uganda. Tea is sold by name of the Estate/factory for quality protection.

Summary Report of the Meeting with Hon. Kezimbira Muvingo Minister of State for Land, Water and Environment

20. The discussion with the UN Expert Panel concentrated on production/import/export/re-export of timber/wood products in Uganda. Minister Kezimbira Muvingo informed the Panel that:

- i) Uganda does not import or export timber but it produces adequate timber for domestic use. Any export certificate of timber from Uganda would be a forgery or exported illegally.
- ii) Besides the major forest areas, Uganda also grows certain types of trees in open grass lands including the iroko-mvule planted 50 years ago, especially in Eastern Uganda.
- iii) There are no international companies involved in the extraction of medicines from barks of trees or species of shrubs. Traditional healers have, however, often use many species of shrubs.

Summary Report of the Meeting with Hon. J Nasasira, Minister of Works, Housing and Communications

21. Mme Ba-N'Daw's main areas of interest included Uganda's Road Development Strategy, revenues from road and air-traffic; and government policy on telecommunications. In reply Hon. Nasasira, made the following points:

- i) Uganda has a 10 year Road Sector Development Programme (1997-2001).
- ii) There are no road tolls, but a \$8 fee is charged on heavy vehicles per axle.
- iii) The Uganda Civil Aviation (CAA) is responsible for the collection of fees at Entebbe Airport. CAA has provided data on Airport revenues in Attachment No. 7 (a) to the questionnaire.
- iv) The Telecommunications Sector has been liberalised and two major operators – UTL, MTN - and three cellular companies licensed.

Summary Report on the Meeting with Hon. Stephen Kavuma, Minister of State for Defence

22. The meeting was attended by Major Gen. Jeje Odong, the Army Commander and the Acting Chief of Military Intelligence Lt. Col. Mayombo. Mme Ba-N'Daw expressed interest in:

- Reports that the Uganda military has been active in taking out resources of the DRC. Brig. Kazini and Gen. Salim Saleh are alleged to have been involved.
- Newspaper reports that military men/officers returning from the DRC do not pay taxes on their goods.
- Level of military expenditure in the DRC operations

23. In response, Minister Kavuma made the following points:

- i) UPDF is active in the DRC in order to address security concerns emanating from rebel groups backed by Sudan who attack and commit atrocities against civilian population in Northern and Western Uganda. There are also genocidiaries in the DRC armed and trained by the Kabila to destabilise the region.
- ii) UPDF do not pay taxes because they do not engage in business and return with uniforms and equipment used in the DRC.
- iii) Uganda has kept defence expenditure under 2% of the budget because expenditure on welfare, building of barracks, etc. have been kept low in order to ensure security concerns of Uganda.
- iv) Uganda does not finance MLC and RCD(K) activities in the DRC. Uganda assists the MLC and RCD(K) only in command and control and training. The rebel movements have captured weapons (from Kabila) and pay for their own feeding, etc as guerrilla activities.

24. Major Gen. Odong briefed the UN Panel on Uganda, disposition in the DRC and added that:
- i) Uganda had initially sent 6000 troops into DRC. Five battalions pulled out in July/August 2000.
 - ii) He was willing to forward a list of specific questions to be answered by both Brig. Kazini and Ge. Saleh.
25. On the control of air crafts by CAA, Lt. Col. Mayombo explained that only military air crafts go to the DRC, and CAA only helps in air-traffic control.

Summary Report on Meeting with Hon. G Opio, Minister of State for Finance

26. The meeting was attended by Mr Tumusime Mutebile, Secretary to the Treasury. Mme Ba-N'Daw requested to discuss generally the state of the Uganda economy, foreign exchange markets and the cost of military involvement in the DRC.
27. Minister Opio and Treasury Secretary Tumusiime- Mutebile made the following points:
- i) Uganda operates a flexible exchange rate with both the capital and current accounts liberalised.
 - ii) The Uganda shilling had recently been negatively affected by raise international oil prices, declining coffee prices, coffee wilt disease, the Bwindi incident which affected tourism and possibly, speculative attacks due to regional instability.
 - iii) Uganda has registered a 6-7% growth rate in the last 10 years and targeted at 7% in 2000/01.
 - iv) Although the Uganda shilling has always been used in the DRC, the impact on monetary policy in Uganda is very insignificant.

Summary Report on the Meeting with Hon. J Akaki, Minister of Trade, Tourism and Industry

28. Mme Ba-N'Daw expressed interest in discussing general regional trade issues, and the impact of the conflict in the DRC on trade and tourism in Uganda. Hon. Akaki made the following points:
- i) The Ugandan economy is fully liberalised, both Ugandans and non-Ugandans are free to engage in any business.

- ii) The Ministry of Trade, Tourism and Industry deals with broader policy issues and does not control trade, save for a short negative list. Issuing of licences has been divested to the Uganda Revenue Authority.
- iii) Any increase in gold trade figures is due to the liberalization policy which has induced dealers to avail data to the authorities.
- iv) The biggest negative impact of the conflict in the DRC on Uganda was caused by the highly publicised Bwindi incident, March 1990, when Western tourists were massacred by the genocidaires from the DRC.
- v) UPDF Uganda has not had any influx in the trade of ivory into/or transit through Uganda from the DRC.

Summary Report on the Meeting with Dr Zake, Commissioner of Customs, Uganda Revenue Authority (URA)

29. Mme Ba N'Daw raised a number of technical issues with the Commissioner of Customs:

- i) Reports of members of UPDF returning from DRC who do not pay taxes.
- ii) Allegations that timber is being brought in by air from DRC.
- iii) Regional co-operation structures of the National Revenue Authorities.
- iv) Relationship between URA and the Civil Aviation Authority.
- v) Procedures for transit goods in Uganda.
- vi) Impact of the war in the DRC on revenue collection in Uganda.

30. In response, Dr Zake made the following points:

- i) All Uganda returning from abroad have an allowance of \$300 non-taxable goods. UPDF returning from the DRC carry their apparel which are non-taxable.
- ii) URA monitors traders from DRC who air-lift their goods to Entebbe and transport them by road to DRC. Such goods are put in convoys and escorted to the border points. The documents are put on manifest and checked at the relevant points to ensure that goods have left Uganda.
- iii) The Afromozia hardwood timber which was brought in by air from the DRC was in transit to the USA. URA ensured that the timber was under Customs control until the owners shipped it out.

- iv) The various Revenue Authorities in Uganda, Kenya, Tanzania and Rwanda meet regularly on common issues including cross-border smuggling. There is no co-ordination mechanism between URA and the Revenue Authorities in the DRC and Sudan.
- v) URA utilises a computerised system to monitor goods in transit as indicated by the transporter on nature of goods and destination. The Uganda Revenue Police monitors goods entering the DRC and the Sudan to ensure that goods are not released back into Uganda in small quantities.
- vi) URA and CAA work closely to ensure that when goods arrive at the airport, URA does its paper work, and CAA carries out checks before clearance of goods.
- vii) Uganda revenue collection has been increasing largely due to:
 - The liberalised internal markets in Uganda:
 - Entry into the market of big trading companies as centres for upcountry traders and are more willing to pay taxes.
 - Increases in VAT on mobile telephones.
 - Increased foreign investors in the various sectors in the economy.

Summary Report on the Meeting with Members of the Parliamentary Committee on Foreign and Presidential Affairs

31. The meeting of the Parliamentary Committee on Foreign Affairs was chaired by the Ag. Chairman, Hon. Toskin Bartile. Mme. Ba-N'Daw and members of the UN Expert Panel asked the following main questions:
- i) Did Parliament discuss the question of the exploitation of resources in the DRC during the debate on the Kisangani incident, June 2000?
 - ii) Is there revenue being brought into the country from the DRC for the benefit of Uganda?
 - iii) Was there any Parliamentary debate following the plane crash which resulted in the death of an Army Colonel in 1999?
32. In response, the Acting Chairman and members of the Parliamentary Committee made the following comments:

- i) During the debate on the DRC, the Government had assured Parliament that there was no exploitation of natural resources, and that the UPDF in DRC were under specific orders not to engage in business.
 - ii) Congolese women who had voluntarily moved into Uganda were following their husbands with whom they had properly been married and for whom dowries to the respective parents paid.
 - iii) Contrary to the perception of benefiting from the UPDF presence in Congo, the war in the DRC is costing Uganda dearly and has adversely affected the country's economic performance.
 - iv) There has been historical trade between Uganda and the DRC, and traditionally Eastern DRC has depended on Uganda for daily provision. Eastern Congo uses the Uganda shilling and US dollar as the medium of exchange.
 - v) The plane that crashed with an Army Colonel on board was a privately-chartered plane which crashed inside Uganda.
33. Hon. Paul Etiang, Member of Parliament for Tororo, Tororo District who has since 1964 been involved in African issues as a diplomat, Cabinet Minister and Assistant Secretary General of OAU gave a historical perspective of the DRC and made the following points:
- i) Many parts of the DRC have never seen any civilized administration for more than 30 years.
 - ii) The worst exploitation ever witnessed by DRC was during the civil war in 1965 when thousands of Belgians fled the Congo through Uganda with pockets literally overflowing with gold and diamonds.
 - iii) The work of the UN Expert Panel should have started in Europe as there are still European-owned mines with non-gazetted airstrips utilised to fly out their products outside the control of Kinshasa.
 - iv) The UN had in the past grappled with the Panel's subject of investigation without success. It is a diversion for Uganda to become a subject of investigation for going into the DRC to defend her national security interests.

Conclusion

34. Mme Ba N'Daw and her team were well received and given maximum co-operation Uganda. The message to the UN Panel was clear: Uganda is in the DRC for the protection of national security interests and is ready to withdraw the UPDF troops in accordance with the Lusaka Agreement on the DRC of July 1999 and the Kampala Disengagement Plan of April 2000. Ugandan military personnel and officials are strictly prohibited from doing business in the DRC. And, as the economic data for 1995 – 1995 clearly indicates, Uganda has not financially benefited from the presence of the UPDF in the DRC.
35. An objective report of the UN Panel should be able to reflect this position and reality of Uganda's involvement in the DRC. It is also hoped that an advance draft copy of the report of the UN Panel will be given to the Government of Uganda for comment before the official publication of the final report.

Compiled by the Ministry of Foreign Affairs

Kampala, Uganda

December 2000

MOT/90/369/01

The Ministry of Foreign Affairs of the Republic of Uganda presents its compliments to the Office of the UN Resident Co-ordinator and has the honour to forward copies of responses by the Government of Uganda to the Questionnaire which was given by the UN Panel of Experts on the Exploitation of Natural Resources and other Forms of Wealth of the Democratic Republic of Congo on 7 November, 2000.

The relevant data attachments are clearly indicated under each item of the Questionnaire sheet.

The Ministry of Foreign Affairs would be grateful if the responses could be forwarded to Mme. Ba-N'Daw, Chairperson of the UN Expert Panel in Nairobi.

The Ministry of Foreign Affairs of the Republic of Uganda avails itself of this occasion to renew to the Office of the UN Resident Co-ordinator the assurances of its highest consideration.

Kampala: 21 November 2000

Office of the UN Resident Co-ordinator
UNDP
Kampala

UNITED NATIONS

Panel of Experts on the Exploitation of
Natural Resources and Other Forms of Wealth
of the Democratic Republic of the Congo

NATIONS UNIES

Panel d'Experts sur l'Exploitation des
Ressources Naturelles et Autres Richesses
de la République Démocratique du Congo

QUESTIONNAIRE

- I) Products for which statistics (amounts in pounds or volume) are requested for the years 1995,1996,1997,1998,1999,2000:
- 1) Mineral products:
Gold diamonds coppers, cobalt, zinc, cassiterite, manganese, uranium, and coltan;
 - (a) **Attachment No.1: by the Ministry of Energy and Minerals Development dated 15 November 2000.**
 - 2) Agricultural and forestry products:
coffee, tea,round wood,sawn wood,veneer wood,industrial wood, prunus africana, rubber/hevea, palm and other oils, and ivory;
 - (a) **Attachment No. 2: paper on "Trade in Ivory in Uganda" by Ministry of Tourism, Wildlife & Antiquities.**
 - (b) **Attachment No. 3: by the Uganda Coffee Development Authority, UCDA, 15 November, 2000**
 - (c) **Attachment No. 4: by the Department of Forestry, 17 November, 2000**
- II) Of the aforementioned products, which are the primary ones that are exported? For those, we would like to have figures for the quantity or volume, volume value, country of destination, address of transporters, addresses of those importing/receiving these products abroad, mode (ground, air, rail, river, lake) and means (trucks. planes, boats. trains) of transport for the years, 1995,1996,1997,1998,1999,2000.
- (a) **Attachment No. 5: Data by Uganda Revenue Authority (ref. UC/DCT/MIN dated 17 November, 2000)**
 - (b) **Attachment No. 1: by the Ministry of Energy and Mineral Development dated 15 November, 2000**
 - (c) **URA (Uganda Revenue Authority diskette: Export Arj.)**

- III) Of the aforementioned products, which are the primary ones that are imported? For those, we would like to have figures for the quantity or volume value, country of origin and provenance, names and addresses of foreign expeditors, names and addresses of those importing/receiving these products domestically, mode and means of transport, with identification numbers for airplanes, for the years, 1995,1996,1997,1998,1999,2000.
- (a) **Attachment No. 5: Data by Uganda Revenue Authority**
(ref. UC/DCT/MIN dated 17 November, 2000)
- (b) **Attachment No. 1: by Ministry of Energy and Mineral Development**
Dated 15 January, 2000.
- (c) **URA Diskette: Import. dbf.**
- IV) Of the aforementioned products, those in transit from one country to be sent on to another, we would like to have figures for the quantity or volume value, country of origin and provenance, names and addresses of expeditors and recipients for the years 1995,1996,1997,1998,1999,2000.
- (a) **Attachment No. 5: Data by Uganda Revenue Authority**
(ref. UC/DCT/MIN dated 17 November, 2000).
- (b) **Attachment No. 6: 2000 Statistical Abstract by The Uganda Bureau of Statistics (UBOS).**
- V) Number of vehicles registered in Uganda for the years 1995, 1996, 1997, 1998, 1999, 2000.
- (a) **Attachment No. 5: Data by URA** (ref. UC/DCT/MIN dated 17 November, 2000).
- (b) **Attachment No. 6: 2000 Statistical Abstract by The Uganda Bureau of Statistics (UBOS).**

Evolution of fiscal and customs receipts for the years 1995,1996,1997,1998,1999,2000,particularly for international trade, revenues, and for goods and services.

- (a) **Attachment No. 5: Data by URA** (ref. UC/DCT/MIN dated 17 November, 2000)
- (b) **Attachment No. 6: 2000 Statistical Abstract**
- (c) **Attachment No.15b: Uganda's Tax Revenue for FY 1999/2000**

VI) Evolution of airport receipts for the years 1995,1996, 1997, 1998, 1999, 2000.

(a) Attachment No.7(a): by the Civil Aviation Authority.

VII) Evolution of receipts for telephone and electricity usage for the years 1995, 1996,1997,1998,1999, 2000.

(a) Attachment No. 6: 2000 Statistical Abstract (pages 97-98)

VIII) Fraudulent/illicit trade: fraudulent products, their origin, and their routes of transportation, people/companies involved, and means of transport.

(a) Attachment No. 5: Data by URA (ref. UC/DCT/MIN dated 17 November, 2000)

IX) Movement of planes arriving in and departing from Uganda, with their registration numbers, for the Democratic Republic of the Congo, Rwanda, and Burundi, for the principal airport of Uganda, for the years 1995, 1996, 1997, 1998, 1999, 2000.

(a) Attachment No. 7(b): by the Civil Aviation Authority dated.....

(b) Attachment No. 5: 2000 Statistical Abstract

X) Ugandan legislation and regulations for international trade.

(a) Attachment No. 8: Exporters and Importers' Guide by Ministry of Trade & Industry dated December, 1991.

(b) Attachment No. 9: The External Trade Act (1991)

(c) Attachment No.10: The Uganda Wildlife Statute (1996)

(d) Attachment No.11: The Game Act (Amendment) Decree, 1975

(e) Attachment No.15a:The External Trade (Export Restricted Goods) Order 1987

- XI) Trade balance and balance of payments for the years 1995, 1996, 1997, 1998, 1999, 2000.
(a) Attachment No. 4: by the Department of Forestry dated 17 November, 2000.
- XII) In addition to inspection by customs agents, are imported and exported goods subject to inspection by private companies? If so, how many and what are their names?
(a) Attachment No. 5: Data by ÚRA (ref. UC/DCT/MIN dated 17 November, 2000.
- XIII) List and location of sawmills.
(a) Attachment No.12: by the Department of Forestry dated 17 November, 2000.
(b) Attachment No.13: Map indicating location of Sawmills.

UNITED NATIONS

Panel of Experts on the Exploitation of
Natural Resources and Other Forms of
Wealth of the Democratic Republic of
the Congo

NATIONS UNIES

Panel d'Experts sur l'Exploitation des
Ressources Naturelles et Autres Richesses
de la République Démocratique du Congo

Ministry of Finance

Complementary Information Requested - 9 November 2000:

- A copy of the State Budget for past five years (including current year)
 - (a) **Attachment No.6: 2000 Statistical Abstract by UBOS.**
 - (b) **Attachment No.... Background to the Budget series.**

- Who have been Uganda's five main trading partners for exports and imports for the past five years (including current year)?
 - (a) **Attachment No. 6: 2000 Statistical Abstract by UBOS.**

- A list of all trading companies registered over the past five years (including current year)
 - (a) **Attachment No. 14: by the Ministry of Justice (Number of Companies Registered in Uganda between 1999/2000)**
 - (b) What has been the spending above the State Budget for the past five years?
 - (a) **Attachment No. 6: 2000 Statistical Abstract by UBOS**

- What has been internal debt of Uganda over the past five years?
 - (a) **Attachment No. 6: 2000 Statistical abstract by UBOS**

- A copy of legislation pertaining to the East African free currency arrangement (enacted approximately three years ago).
 - (a) **Attachment No. 16: "Guide to East African Currency Notes"**

Appendix 2

[Original: English and French]

**PROTOCOL BETWEEN THE DEMOCRATIC REPUBLIC
OF CONGO AND REPUBLIC OF UGANDA ON
SECURITY ALONG THE COMMON BORDER**

Upon the invitation of His Excellency the State Minister and Minister of Interior visited Kinshasa from 24th till 27th of April within the framework of a bilateral meeting between the DRC and the Republic of Uganda.

This meeting is a logical follow up the first two which took place in Kinshasa from the 11th till the 13th of August 1997 and in Kampala from the 6th till the 7th of April 1998.

The two delegations pursued their discussions on the preoccupying security situation that prevails along the common border.

- In order to put an end to the existence of the rebels groups operating on either side of the common border, namely in the Ruwenzori,
- Whereas the two delegations would like to see their people live in peace in accordance with the will expressed by the two Heads of State to guarantee and strengthen peace, security and stability in the Great Lakes Regions; which are important factors for the social and economic development;
- Given that an in-depth-analysis of the military, security and immigration aspects has been done.

The following two parties agreed as follows:

Concerning the Military

The two parties recognised the existence of enemy groups which operate on either side of the common border. Consequently, the two armies agreed to co-operate in order to insure security and peace along the common border.

As security services

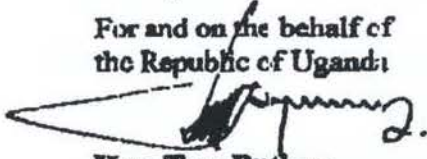
The two security services concurred on the strengthening of their co-operation.

In so far as immigration is concerned

The two parties agreed to convene a meeting of the relevant authorities in order to set up an adequate mechanism to allow for free movement of people and goods.

Done in Kinshasa,

For and on the behalf of
the Republic of Uganda:



Hon. Tom Bahime

Minister of Internal Affairs

For and on the behalf of the
Democratic Republic of Congo



H.E. Gaston Kakudji



State Minister in charge of the
Interior

JOINT COMMUNIQUE

Upon the invitation of the Government of the Democratic Republic of the Congo, a Ugandan delegation led by His Excellency Mr. Tom Butime, Minister of the Interior, visited Kinshasa from the 24th till the 26th of April 1998 within the framework of the bilateral meetings between the Democratic Republic of the Congo and the Republic of Uganda.

The delegation of the Democratic Republic of the Congo was led by His Excellency Mr. Gaëtan KAKUDJI, State Minister in Charge of the Interior.

The lists of the two delegations members are attached to the present joint statement.

During the meeting, the two parties discussion issues related to :

1. security along the common border
2. police training
3. refugees

As to the first item, after an in-depth analysis of the preoccupying situation that prevails along the common border, the two delegations agreed on the ways and means to eradicate insecurity and thus allow the people of the two countries to live in peace in accordance with the will expressed by the Heads of State, Excellencies Mzee Laurent Desire Kabila and Yoweri Museveni.

Regarding police and public order, a co-operation agreement on training was signed by the two parties.

In so far as the problem of refugees is concerned, the two delegations with the United Nations High Commission for Refugees agreed on voluntary repatriation of the two countries refugees.

The proceedings took place in an atmosphere of perfect understanding and brotherhood.

The Ugandan delegation expressed their gratefulness to the Congolese people for the warm welcome and hospitality accorded them during their stay in Kinshasa.

Done in Kinshasa, the 26th of April 1998.

For and on behalf of the
Democratic Republic of
the Congo



Gaston KAKIIDI
State Minister in charge
of the Interior

For and on behalf of the
Republic of Uganda



Tom R. Butine
Minister of the
Interior

THE REPUBLIC OF UGANDA

AGREEMENT PROTOCOL

Between

The Government of the Republic of Uganda

and

**The Government of the Democratic Republic of
The Congo**

**On Police Training and Public Order in the
Democratic Republic of The Congo**

Between the parties :

The Republic of Uganda on the one hand,

and the Democratic Republic of the Congo on the other hand

It has been agreed that :

Article 1 : The Republic of Uganda supplies to the Democratic Republic of the Congo 20 qualified instructors for the training of policemen in the Democratic Republic of the Congo.

Article 2 : The Democratic Republic of the Congo :

- takes in charge the return ticket of the instructors and exempts them for the airport tax,
- puts at the instructors disposal adequate facilities
- Provides security, health care, foods, accommodation and transport

Article 3 : Administration, Security, discipline and command during the training are on the jurisdiction of commander of the centre (Congolese). As to the discipline among the trainers, it will be under the jurisdiction of their commander in liaison with the commander of the centre.

Article 4 : The training will take effect after the signature of the present agreement protocol and can not go beyond a civil year.

However, the parties may decide otherwise if the objectives have not been reached after the trainer have submitted the result.

Article 5 : The Republic of Uganda will supply within the required time and in agreement with the Democratic Republic of the Congo the program for a sufficient adequate training.

Article 6 : The Republic of Uganda may proceed to the replacement of one or three instructors provided. The Democratic Republic of the Congo is informed beforehand. In that case the return ticket of the new instructors will be provided by the Republic of Uganda.

Article 7 : It is the right of the Democratic Republic of the Congo to fire any instructor whose conduct is incompatible with the mission of the Republic of Uganda according to this agreement or violates the laws of the Democratic Republic of the Congo.

Article 8 : The Democratic Republic of the Congo is committed to provide \$25 bonus per day to each instructor as of the beginning of the training.

Article 9 : Without prejudicing the provision of Articles 5 and 7, the present protocol can be terminated at the end of the period mentioned in Article 4 . However, the obligations generated would be paid within 40 days as of the date of expiry.

Article 10 : The present agreement protocol is implemented in the following languages:

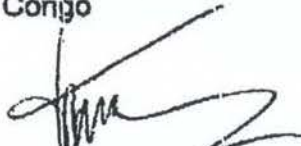
- English
- French
- Swahili

Article 11 : Any litigation resulting from the application or interpretation of this agreement protocol will be settled in a friendly manner by the two parties committed to implement it in good faith.

Article 12 : The parties will carry out their communication in writing.


Done in Kinshasa, the 26th of April 1998.

For and on behalf of the
Democratic Republic of
the Congo



Gaëtan KAKUBJI
State Minister in charge
of the Interior

For and on behalf of the
Republic of Uganda



Tom. R. Butime
Minister of the
Interior

Appendix 3

"TRUE COPY"

H.E. PRESIDENT YOWERI MUSEVENI COMD-IN-CHIEF (H/EX) RADIO MESSAGE TO CHIEF OF STAFF AND ALL UNITS BANNING TRADE IN DRC BY OFFICERS/MEN UPDF.

DTG 1500010 C DEC 1998

i.e. 15th December 1998 at 0010 Hrs.

FROM : H.E. FM H.EX FR AG.COS.

TO : AG. COS

INFO : MSD
AC
ALL UNITS

- (1) ENSURE THAT THERE IS NO OFFICER/MAN OF OUR FORCES IN CONGO WHO ENGAGES IN BUSINESS.
- (2) ALSO REPORT TO ME ANY OTHER PUBLIC SERVANT WHETHER CURRENTLY BASED IN BUSINESS IN CONGO OR NOT WHO TRIES TO ENGAGE IN BUSINESS IN THE CONGO.
- (3) HOWEVER, OTHER UGANDAN BUSINESSMEN (WHO ARE NOT SOLDIERS OR PUBLIC SERVANTS INCLUDING ALL POLITICIANS OR THEIR FAMILIES) SHOULD, GIVEN THE FLUID SECURITY SITUATION IN CONGO, BE ASSISTED IF NECESSARY TO DO BUSINESS THERE IN ORDER TO ALLEVIATE THE ACUTE NEEDS OF THE POPULATION AND ALSO TO ESTABLISH LINKS FOR THE FUTURE. THE PURPOSE OF THIS DIRECTIVE IS TO ERASE THE FEELING THAT I ORDERED OUR FORCES TO LOOT MINERALS FROM CONGO AND NOT TO DEFEND OUR SECURITY INTERESTS.

Dated 15 December 1998

Annex II to the letters dated 4 May 2001 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

H.E. Yoweri K. Museveni's response to the United Nations report on the Democratic Republic of the Congo

Recently, a panel of so-called independent "experts" produced a very shoddy report for the UN Security Council on the illegal exploitation of resources in Congo. I was one of the people that supported the UN decision to set up such a committee. When that panel was formed headed by a lady from Ivory Coast, we had lengthy talks with the team. I was, therefore, surprised when I saw their report claiming that some Ugandan officials refused to meet them. How come they did not tell me when I met them? Why did they not write to our Ambassador at the UN, or the Ministry of Foreign Affairs? This is a lie by those individuals.

This report is supposed to be debated upon by the UN Security Council. Uganda will, therefore, have plenty of opportunity to expose the shallowness of this report. It is, in fact, not worthy of being called a report of experts. Experts cannot be so superficial in their investigations. Since, however, the report is being put out in the name of the UN, we have no alternative but to go to great pains to answer every point (falsehood or misinterpretation) raised by them.

The report has got three fundamental faults: the scope of the investigations they carried out (confusing the sensible with the abnormal); the poor handling of the aspects they should have investigated; and the telling of lies that they picked from our political enemies in Kampala without bothering to gather evidence to substantiate or reject the lies.

The Scope:

The panel described as "illegal exploitation of resources" any economic activity on the territory of Congo that is not authorised by the "legitimate" Government of Congo. This definition was not only wrong but subversive of the development efforts of Africa in the last 15 years. There has been a form of re-awakening in the last 15 years by Policy makers, expunging the old confused approach of the 1960s of over-involving the State in all and every economic activity.

That is why Africa failed to grow in the 1960s, 70s and early 80s. Now that this mistake has been realised, some African economies, Uganda included, are beginning to grow. In the new understanding of economic management, it is the private citizens that engage in production and distribution of goods; not governments. The correct understanding of economic management should, then, enable us to distinguish between activities that are indispensable for the sustenance of families and individuals and which, therefore, can never be suspended even in time of civil war (as far as circumstances allow) and those economic activities that are controlled by the State which ought to be suspended until there is normalcy and an accountable Government in the Country.

The growing of coffee, cotton, tobacco, tea or the keeping of goats and cattle are, in the majority of cases, not State functions. It is the families or private companies that do this. The Government, where it exists, simply regulates these activities by licensing the sale of the produce from those activities and, in some cases, collecting taxes, not to forget extension services to the farmers (advice about techniques, seeds, etc). When there is a civil war in the country, as has happened in Uganda twice in the last 21 years, sometimes the rulers in the centre (*never mind how legitimate that rule was in the first place*) lose control of large chunks of territory. The regime's authority disappears. What are the poor coffee farmers or cattle-keepers supposed to do? Starve in their houses or be exterminated by disease in loyalty to the regime that disappeared? If you claim to be a patriot, or a humanist or simply a nationalist, you cannot advise the poor farmers to take that course. If you do, you should be categorised as a genocidaire because, without selling their commodities, peasants will perish. In 1979 and 1985, when Uganda was cut into two parts by civil wars, all the cattle in the South West of the country would have perished had we not been getting acaricides (anti-ticks) and other drugs from Kenya, Tanzania, Rwanda, Burundi and Congo. In turn we were selling our coffee, timber, beans, maize, cement, etc. to, or through, those neighbouring countries. The neighbouring countries saved our people from dying by getting us what we could not get from the regime and buying what we were producing. How, then, can a rational man or woman, let alone an expert, call this "looting"? Unless you say that somebody robbed the coffee of peasants or companies, or Mr. Museveni's cattle, without paying for what he bought, calling such activities illegal is a serious mistake of perception. This is trade. The only difference is that the rulers in the centre have fled; but normally there are other incipient rulers that are commonly called rebels who now fill the vacuum. I was such a character in both 1979 and 1985. I became the authority in the South West replacing Amin (1979) and Okello (1985) whose "legitimate" (*read illegitimate rule*) had, finally and fortunately, come to an end, at least, in that part of the Country. It was the dawn for a better future. What the families in that part of the country did was to survive so that when the dawn finally becomes daylight, they are still around as well as their herds of cattle. Surely, the UN panelists could not have wished otherwise. Therefore, commodities like coffee, cattle or tobacco should not have been part of this enquiry.

Even if there was no civil war or breakdown of law and order, as is the case in Congo, today, and provided the macro-economic policies are not right, the peasants will still smuggle the coffee to neighbouring countries where they can get better terms and the UN panelists cannot do anything about this except if they offer themselves as experts (*this time real experts*) in the respective Ministries of Finance of the Countries concerned in order to evolve appropriate macro-economic stimuli.

In the case of Eastern Congo, there is an additional factor. All the bulky merchandise of Eastern Congo has always gone through the ports of Dar-es-Salaam (in Tanzania) and

Mombasa (Kenya). Kinshasa is too far to be economic. Surely, the UN Panelist could not make it their mission to negatively investigate Africa's geography and history. Therefore, it was nonsensical for the panelist to present these legitimate economic activities of the people of Eastern Congo and East Africa as illegal merely because the undemocratic regimes in Kinshasa had finally imploded. This is not the place to go into the roles of those that manufactured those regimes in the first place.

Before I leave this point, I would like to point out that before Colonialism there was always trade between Uganda and Congo. The people of Congo would take salt, iron-products, etc., while the Ugandans would receive copper products (*e.g. emiringa* - bracelets) and ivory products (*engoro* - again bracelets).

Nevertheless, at the beginning of our Congo operation, I forbade all army officers, Government officials and their family members engaging even in this legitimate trade. Only private Ugandans or non-Ugandans based in Uganda could engage in this type of business.

Therefore, in my opinion, the UN panelists should have concentrated on minerals, possibly natural forest timber and ivory. These are definitely not items that are necessary for the basic subsistence of families. They are clearly for commercial gain. Moreover, especially minerals, they are exhaustible; they are finite. Therefore, morally, they should, ideally, be used by accountable Governments in the centre to create alternative durable and sustainable capacity through educating the children of the Country, building power stations, etc., so that by the time they are exhausted, the people of that country have alternative sustainable capacity. What is not renewable, provided it is well utilised, can bequeath us an eternal capability. England had coal. The coal is now exhausted. However, the English, on account of the human resource development that has transformed England since the industrial revolution, are now earning greater monies from selling computers, machines and machine parts, etc. etc. Therefore, minerals should be used for the strategic purpose of transforming society, different from renewable coffee that can be both strategic and also for the immediate survival of families and commercial units.

Minerals, however, fall into two categories: reef minerals (*where you hit the seams of mineral bearing rocks*) and alluvial minerals mainly panned in rivers. Alluvial minerals are normally washed down from minerals in rocks somewhere upstream; or may be remnants of ancient rocks that were dispersed over the years by weathering and erosion. It is easy for Government or any well-intentioned person to monitor what goes on at mineral reef sites. The Government can easily know that copper and cobalt are being mined at Kilembe (Western Uganda) or not. Normally this type of mining requires a lot of machinery. The recently opened cobalt factory at Kasese cost more than US\$100 million. Nobody can miss such an overt activity. I can, therefore, tell Ugandans and the World, based on the

information I have, that there is no mining going at such sites in the area of our control, i.e., Kilo-Moto near Bunia and Durba near Watsa. These gold mines have been closed since the time our forces have been in Congo according to my information. In fact I encouraged the UN panel to visit those sites. Apparently, however, they declined to go there. Let a more serious team, then, go to these sites and verify the truth.

I have also been informed about diamonds operations beyond Banalia. I told our Army never to go there. They are always at the ferry-crossing to guard our route from Kisangani to Buta. About 40 Kms away from Banalia crossing, where our Army is, there is apparently some panning (alluvial) for diamonds by peasants and petty prospectors. It is not easy or advisable for any Government or Army to try and interfere with such petty operators. It is politically explosive and not feasible to sustain if you make it your business to interfere with such small operators.

As I have said, while it is easy to monitor reef mining, it is another *kettle of fish* when it comes to alluvial panning. There is no way a Government, even when law and order is fully established, can control, or even monitor, artisanal mining using fascist administrative methods. The only medicine for artisan mining is to use macro-economic stimuli such as deregulation, having a fully convertible currency and allowing anybody that wishes, and is able, to open dollar accounts by allowing them 100% retention of their forex earnings. That is how Uganda has managed to reverse capital flight from this activity. That is why the panelists were erring by saying that Uganda's gold earnings have gone up in recent years because Uganda was looting Congo's gold. Since many years ago, there has been a lot of artisanal mining for gold, wolfram, coltan, etc. going on in the following areas of Uganda: Buhweju, Ibanda (Rukiri), Kanungu, Kassanda, Karamoja and Busia. In the case of Busia, we are about to operationalise reef mining. However, the earnings from all this gold were being taken out of the country because of wrong economic policies of our Governments. If the Governments are foolish, the businessmen are not foolish. If you have wrong economic stimuli, the people will conceal their earnings from you. If you do not interfere with them, their earnings will surface. That is what has happened in respect of our artisanal mining. The sub-terranean panning that has been going on for decades has now surfaced because we do not interfere with the operators. In fact our gold exports climbed to nearly 4 tones by 1995 - long before the first Congo war. This climb was in response to our liberalisation policies. We now export about 10 tones of gold. It is also possible that, on account of our relaxed and correct economic stimuli, some quantities of gold panned in Tanzania, Congo and Sudan are going through Uganda on top of our own panning sites. This is positive. Nobody loses. The greater foreign exchange that comes in now is used by Ugandans, Congolese, Tanzanians and Sudanese. The non-Ugandan partners in this case buy roofing materials (iron sheets), cement, etc. from Uganda and construct new houses in their countries. You can clearly see this when you fly over the Kasindi areas of Congo. A lot of

new houses have been built with shining corrugated iron roofs. The boom for housing in Uganda is, therefore, shared with Congolese brothers and sisters - in spite of the overall bad situation in Congo. Why should any well-meaning person be unhappy with this mitigation of problems for our Congolese colleagues?

Finally, the panelists excelled in malignment and defamation. They falsely alleged that members of my family such as Saleh, Jovia and Muhoozi are engaged in "looting" Congo. I have asked all the three for the hundredth time and they have denied. These individuals, as well as other Ugandans mentioned, are ready to be investigated by our Government. The Government has asked members of the Parliamentary Standing Committee to launch fresh investigations on top of the casual inquiries we had made before. They are also available for interrogation by any International tribunal. If they are found innocent, we shall demand a full apology by the UN panel.

Then, in one of the paragraphs, they say that I must also be an accomplice because I refused to arrest Mbusa Nyamwisi and Tibasiima (Congolese Opposition leaders) because of stealing money!! This is absurd and shows how removed this panel is from reality. You wanted me to be a Colonial Governor over Congolese!! Who am I to arrest Congolese leaders for anything? I went to Congo for security interests of Uganda. The only Congolese I can conflict with is the one who threatens the security interests of Uganda or the Congolese population in the areas currently under our control. To go beyond that is to assume a colonial role. That is a role we shall never assume. Those problems must be handled by our Congolese brothers and sisters, themselves. The problems of administration, economic management and justice must be handled by our Congolese colleagues. Our interest is security nothing less, nothing more.

The investigations should continue with a more serious panel to expose those stealing the natural resources of Congo if any: e.g., minerals, timber, and ivory. The UN Panel even, most insensitively, claims that the whole purpose of the conflict is to get Congolese resources. Surely!! This UN team has never heard of the massacre of one million Rwandese or the extermination of eight hundred thousand Ugandans by Amin and Obote!! They have never heard of the burning alive of 50 Kichwamba students by terrorists operating out of Congo!! This is not acceptable. Obviously, we are of different ideological origins. The freedom fighters are not compatible with those who support colonialism. In 1968 I was in Mozambique expressing solidarity with FRELIMO. What business interest did I have there? We supported RPF of Rwanda and ANC of south Africa. What business are we doing in Rwanda or South Africa today? It is multi-nationals that are directly taking advantage of all those new opportunities. May be indirectly we are benefitting in that South African companies are now investing here, e.g. MTN. Therefore, be informed that there is something the panelists may never have heard of: patriotism. We take positions out of conviction but

not out of mercenary considerations. Tanzania helped us to get rid of Amin. What commercial interests does Tanzania have in Uganda today? It is those who were working with Amin that are minting money out of Uganda. In the case of Congo, our interest has been security. We have, fortunately, been able to wipe out ADF (terrorists backed by Sudan and Congo). We were also hoping for an accountable government in Congo as a long term stabilisation factor for Congo and the region.

The report treated us to the stereotype fallacy that Congo is so rich that few can resist its lures. In Congo we do not see wealth; we see deprivation of the type we have not seen in Uganda for many decades. The wealth of a Country is its people; not stones in the ground. Unless we are back to the bullionist theory, mineral production, even where it is taking place, is not comparable to the products of intellectual labour (industrial products, services, etc) and agriculture. Congo, which is the same size as India, if the mines were fully operational, would earn approximately US\$1.6 billion per annum. South Korea, half the land area of Uganda, earns today US\$180 billion per annum. As of now, however, there are no serious minerals in our area of control. Even if the minerals were being fully exploited, the earnings would be minuscule compared to the earnings of Countries that have, through education and health, developed their human resources.

The UN Panelists, do not only distort the source of the conflict in the Great Lakes and malign us, but they also seek to destroy the Lusaka Agreement which was the only document that dealt with the three major aspects of the problem: the terrorists against Uganda operating out of Congo, the genocidaires from Rwanda and Burundi and the internal question of empowering the Congolese people through democracy. It seems the worry of the panelists is not the people of Congo, the people of Rwanda or the people of Uganda. Their interest is minerals. Our interest is the reverse. Why don't those who claim to care about Congo, talk about empowering the Congolese people? Why, then, do they undermine the Lusaka Agreement? It is Lusaka that had all the elements of the solution. There was also the UN Report on the negative forces in the region (Interahamwe, ADF, Kony, etc). What happened to it? Why was it not implemented? There is a lot of diversion from the core issues and double standards. Our Government, is anyway, preparing a paragraph by paragraph answer to the recent report on natural resources. The report is, in the main, shoddy, malicious and a red-herring in this situation. Genocide, terrorism and disenfranchising the Congolese people are the causes to this problem; not minerals.

Ugandans and other Africans may, then, wonder why anybody, speaking in the name of the UN, can stand up and tell such a lie against an African Country or leader. This is not strange at all. The interests that have been influencing the destiny of Africa for the last 500 years have been evil forces that do not care about Africa; they only care about looting it. Why do we wonder? In 1959 about 200,000 people of Rwanda were exterminated and

another one million were sent in the Diaspora for thirty years. In 1972 about 200,000 Barundi were massacred by Micombero. These same interests who are seeking to blacklist Uganda never said a word about those tragedies. The exterminated and the uprooted were not gold. They were not worth talking about. Between 1971 and 1986, about 800,000 Uganda were exterminated by the regimes of Amin and Obote. We preserved 70,000 skulls of these victims in the Luwero Triangle. Not many people in the World said anything about us. It was only our Tanzanian brothers that twice stood with us until we defeated these evil forces. Col. Gaddafi of Libya, Kenya and Mozambique also gave us some support in the Second War. In 1994, in Rwanda, more than a one million people were exterminated when the UN was watching; and another one million Rwandese were stampeded into exile by the genocidaires across the border in Goma. The UN did absolutely nothing on the wicked grouping that was gathering in Goma. With the support of Mobutu these demonic forces were planning to come back to Rwanda to exterminate the remaining Tutsis. There were even talking of extending the extermination to Uganda and Burundi. You know the rest of the story. Nevertheless, you now witness this group of panelists writing a report on the problem of the Great Lakes without saying a word about the human catastrophes that have been visited on this area. There is not a word about the horrendous atrocities committed by Kony against the people of Northern Uganda; not a word about the ADF atrocities in Kasese, Kabarole and Bundibugyo (Districts in Western Uganda). These are the forces that Africa has been coping with for the last 500 years. Some of the old Colonial forces have somewhat redefined their aims in the positive direction. Others, however, are unrepentant and always weaving fresh conspiracies against Africa. The resurgent Uganda is seen as a threat by these forces. Our economy has been growing at an average GDP rate of 6.5 per cent per annum for the last fourteen years; inflation has been about five percent per annum for the last ten years; the enrolment in the Primary schools has soared from 2.5 million to 7 million; and, co-operating with a few other African Countries, we have stood up against the colonialist schemes of Tourabi and his allies in the Sudan, defeated the traitor Mobutu as well as stalemating other negative forces in our region. Since the regional agents of these evil forces can no longer defeat our forward march and that of the region towards liberation, it is now high time for the evil forces to manipulate the UN to come in and stop the disintegration of their perceived "interests". These "interests" are not legitimate; they are evil as has been shown above. Otherwise, there is no good reason why a free Africa should be a threat to anybody's legitimate interests.

The main problem, however, as in the past, are not these outsiders. It is, primarily, the Africans that are responsible for this eternal emasculation of Africa. We can defeat this foreign meddling if only we were not ideologically confused. We are the ones, through ideological inadequacy, that open the gates for the enemy from outside. Why hasn't Lusaka, for instance, been implemented? How is the Lusaka Agreement anti-Congo? The outsiders have not been involved in frustrating Lusaka. In fact those outside forces were on retreat.

By the time of swearing-in of the late President Kabila in May, 1997, Africa was on the threshold of a new dawn. However, ideological inadequacy could not allow that advantage to be sustained.

This is the real enemy of Africa - ideological inadequacy. Ideological inadequacy leads to misdefinition of interests and, therefore, of friends and enemies. This is the enemy from within. Why can't the problem of the Sudan be resolved? Doesn't the whole of Africa know that Nilotics were put under the parasitic control of the Arab speaking Northerners? Why must the people of Southern Sudan be exterminated by war for the last 35 years? Where are the patriots of Africa? Where is the UN? Where is the international morality? Where is the new World Order? Children are kidnapped from Uganda and raped in Sudan and ruined with AIDS. When will the UN help us with this problem?

Threats of sanctions, on the flimsiest of grounds, are only effective against Africans. The Panelists say that the relatives of Museveni are looting Congo. Why, then, not call for the arrest of those relatives? Why call for sanctions against the 23 million people of Uganda? If the panelists recommended that those relatives of Museveni should be handed to an international tribunal for trial and Uganda government refused, then you could think of sanctions against the government members; not the Country. This exposes the real interest of these forces - to disrupt the forward march of a resurgent Uganda. We have enough allies in the World to expose this conspiracy. By the end of this saga those who have "systematically and systemically" been looting Congo will be known. They will not include Uganda because we are conscientious long time fighters for Uganda's and Africa's freedom.

Owing to the indifference to African suffering in the World; owing to ideological confusion and fragmentation in Africa where you cannot tell who is an enemy and who is a friend; and owing to my long experience in dealing with these labyrinthine illegitimate interests in the World, I have now decided to recommend to the High Command, the Army Council, the Government and the Parliament that Uganda forces withdraw completely from Congo and also from the Lusaka Process since our immediate interest of defeating the ADF has been achieved. I may recommend that the UPDF remains on the Western slopes of the Rwenzori Mountains to mop up the remnants of ADF pending the deployment of the UN forces. We shall, then, await the developments in the region with freed hands. If the World community does not take care of our security interests, then we reserve the right to defend ourselves.

Finally, I have to mention, that we could not help wondering about the nature of these "experts". Experts in what? The experts you need in this region are people with enough experience in combating genocide; in fighting for democracy in primitive conditions; experts in Liberation wars - not merely accountants from New York. In the past, when it was

necessary to find a mediator for the Burundi Peace process we, first, insisted on Mwalimu Nyerere and when he died, we insisted on President Mandela because of their knowledge of the anti-Colonial struggle and struggle for democracy in the conditions of the region. A *jamboree* of "mediators" from different backgrounds would not have helped us in this situation. The Peace Process in Burundi moved this far because of this careful and correct decision. Understanding the problem of Congo and the region needs these types of experts - not just technocrats accustomed to working in air-conditioned rooms.

signed by:

Yoweri Kaguta Museveni

26 April, 2001

UR Annex 56

THE SECRETARY-GENERAL

4 May 2001

Excellency,

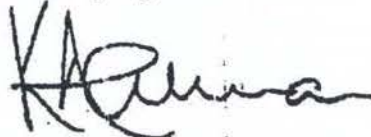
Your special envoy, The Honourable Amama Mbabazi, has explained to me the circumstances under which Uganda announced its withdrawal from the Lusaka Peace Process.

At this particularly sensitive and delicate stage in the DRC Peace Process, I believe it is crucial that Uganda and all the other signatories to the Lusaka Agreement stay fully engaged with the international community and the United Nations in particular, as together we seek to consolidate the recent positive trends in the DRC.

I am confident of your commitment to the search for peace in the DRC. In this regard, I wish to encourage you to continue with the withdrawal of Ugandan troops in the context of the disengagement process.

I am sure you will agree with me that the present momentum towards peace in DRC must be sustained and exploited to the full; in this regard I know I can count on your continued assistance and good will.

Please accept, Excellency, the assurances of my highest consideration.



Kofi A. Annan

His Excellency
Mr. Yoweri Kaguta Museveni
President of the Republic of Uganda and
Minister for Defence
Kampala

THE SECRETARY-GENERAL

4 May 2001

Excellency,

I would like to extend to you my heartfelt congratulations and best wishes on your re-election as President of the Republic of Uganda.

Under your leadership and guidance, Uganda has made remarkable strides in economic and social development and has enjoyed political stability in a region beset by tension and conflict. You have continued to make a vital contribution to the search for a negotiated settlement of the conflict in Burundi and the prospects for peace in that country have improved in recent months. I also take this opportunity to praise your commitment to the implementation of the Lusaka peace agreement.

I would like to reassure you of the continued cooperation and assistance of the United Nations to the ongoing search for a comprehensive and lasting peace in the Great Lakes region.

Please accept, Excellency, the assurances of my highest consideration.



Kofi A. Annan

His Excellency
Mr. Yoweri Kaguta Museveni
President of the Republic of Uganda and
Minister for Defence
Kampala

UR Annex 57



Security Council

Distr.: General
9 May 2001

Original: English

**Letter dated 8 May 2001 from the Chargé d'affaires a.i. of the
Permanent Mission of Uganda to the United Nations addressed
to the President of the Security Council**

I have the honour to forward to the Council a statement dated 7 May 2001 by the First Deputy Prime Minister/Minister for Foreign Affairs concerning Uganda's withdrawal of its forces from the Democratic Republic of the Congo.

I should be grateful if you could bring this statement to the attention of the members and have it circulated as a document of the Security Council.

(Signed) Fred **Beyendeza**
Minister Counsellor/
Chargé d'affaires a.i.



**Annex to the letter dated 8 May 2001 from the Chargé d'affaires
a.i. of the Permanent Mission of Uganda to the United Nations
addressed to the President of the Security Council**

**Statement dated 7 May 2001 by the First Deputy Prime
Minister/Minister for Foreign Affairs on Uganda's troop
withdrawal from the Democratic Republic of the Congo**

The Cabinet met on 7 May 2001 to review recent developments in the conflict in the Democratic Republic of the Congo. The Cabinet was briefed in detail by H.E. President Yoweri Kaguta Museveni on these recent developments.

After careful consideration of the matter, as well as recommendations received from the relevant organs of Government and having noted the contents of the letter addressed to H.E. the President from the Secretary-General of the United Nations, the Cabinet has decided as follows:

1. Uganda will completely withdraw its forces back home from the following positions in the Democratic Republic of the Congo:

- (i) Nasankusu;
- (ii) Dongo;
- (iii) Gemena;
- (iv) Gbadolite;
- (v) Lisala;
- (vi) Bafasende;
- (vii) Isiro;
- (viii) Butembo;
- (ix) Beni;
- (x) Kanyabayonga.

2. The Government will continue to examine the wisdom of maintaining a presence in Buta and Bunia.

3. Uganda will maintain deployment on the western slopes of the Rwenzori mountains until Uganda's security interests have been addressed in accordance with the Lusaka Peace Agreement.

4. The Government has decided that Uganda remains a party to the Lusaka Peace Agreement and arrangements under it, the full implementation of which remains the only viable solution to the crisis in the Democratic Republic of the Congo.

5. The Government of Uganda will propose that all members of the East African Community and the Southern African Development Community become active players in the implementation of the Lusaka Peace Agreement.

6. The Government of Uganda calls upon all concerned parties to implement the Lusaka Peace Agreement without any further delay. However, the Government of Uganda reserves the right to withdraw unilaterally from the Democratic Republic of the Congo and the Lusaka Peace Agreement if it continues to be dissatisfied with the apparent lack of political will to bring peace to the Democratic Republic of the Congo and the region by implementing the Lusaka Peace Agreement faithfully and promptly as originally envisaged.

(Signed) Eriya Kategaya
First Deputy Prime Minister/
Minister for Foreign Affairs

UR Annex 58

Excerpted testimony of
Hon. Bernadette K. Bigirwa
before the Porter Commission

19 July 2001

Part A

Justice D. Porter:

The commission has a very long name and we have, for convenience on our letterheads, shortened it to the Judicial Commission of Inquiry Into Allegations of Illegal Exploitation in the DRC; which is still rather extended. No doubt in due course you will hear us refer to it as the Congo Commission.

This commission was established by the Ministry of Foreign Affairs by Legal Notice of the 23rd of May, 2001. The Commissioners were sworn in on the 4th of June, 2001, and it was not until the beginning of last week that we were able to get into our offices; and we have been preparing those offices, recruiting the secretariat, reading source materials such as the UN Panel Report, familiarizing ourselves with the ground to be covered and summoning the necessary witnesses.

The commission arises from a UN Panel Report submitted to the Secretary General of the United Nations at the request of the UN Security Council. The report alleges that there has been illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of Congo and that the government of Uganda, amongst others, was involved. The United Nations Security Council has urged governments mentioned in the report to conduct their own enquiries, and this Uganda was already about to do, hence this commission. The Commissioners appointed are:

On my right, Justice Joseph P. Berko, a very experienced Ghanaian judge since 1976 and now Justice of the Court of Appeal in Uganda.

And on my left, Mr. John G. Rwambuya, a Ugandan who is now retired UN Senior Official. He was seconded to the UN in 1966 working mostly in New York.

I myself have been a High Court Judge in Kenya from 1982 and then in Uganda, although now I have retired as a judge and conduct legal consultancies and arbitrations.

Mr. Shonubi of the firm of Shonubi, Musoke and Company Advocates, is our Lead Counsel to be ably assisted by Dr. Henry Onoria, who will particularly assist us on International Law, and Mr. Vincent Wagona, a Senior State Attorney from the Office of the Director of Public Prosecutions.

Our Secretary is Mr. Bisereko Kyomuhendo, a Principal State Attorney from the Ministry of Justice and Constitutional Affairs.

Our terms of reference, briefly put, are to inquire into the allegations of illegal exploitation from the DRC and, if we find they exist, whether the Government of Uganda was involved, whether His Excellency the President and his family were involved and whether top-ranking UPDF officers and other Ugandan individuals were involved.

The hearings of the Commission will be public; evidence will be given on oath. We shall adhere as much as possible to the Evidence Act although we are empowered to make our own rules. Parties who wish may be represented by advocates before us at their own expense.

We have asked the Ministry of Foreign Affairs to communicate with, and request assistance from, the UN Panel of Experts who wrote the report particularly with regard to documents in their possession and details of the witnesses upon whose evidence the Panel relied.

We look on our task as one of inquiry and investigation rather than that of prosecution or defence of anyone who comes before us. We hope that the rather senior and very busy politicians and officers of the UPDF will nevertheless find time to cooperate with this commission.

We have less than three months to complete this very wide investigation and we do not wish to waste any time in carrying out the task which we have been set – in adjournments. Therefore, Lead Counsel, if you could now call the first witness please.

Lead Counsel:

Thank you very much Mr. Chairman. Our first witness is Mrs. Bernadette Bigirwa who will be sworn in.

Bernadette K. Bigirwa:

I, Bernadette Bigirwa, swear that the evidence I shall give before this commission shall be the truth, the whole truth and nothing but the truth. So help me God.

Justice D. Porter:

We are going to refer to this witness as PW1/1. Is that right?

Lead Counsel:

Yes, My Lord. I thought we would put C1/1 instead of P. This representing the Commission.

Justice D. Porter:

Oh yes. CW.

Lead Counsel:

Yes, My Lord.

Justice D. Porter:

You are quite right. So easy to do that. All right, carry on.

Lead Counsel:

Permission, My Lord, for the witness to give her testimony sitting down please.

Lead Counsel:

Mrs. Bigirwa, can you give the Commission your full names please?

Bernadette K. Bigirwa:

My Lord, my names are Bernadette Kyomugisha Bigirwa. (Spells her name for the Commission).

Lead Counsel:

And can you tell the Commission your age?

Bernadette K. Bigirwa:

My Lord, I am forty-three (43) years old.

Lead Counsel:

Your marital status?

Bernadette K. Bigirwa:

I am married

Lead Counsel:

Where do you reside, Mrs. Bigirwa?

Bernadette K. Bigirwa:

Currently I reside in Bugolobi.

Lead Counsel:

Can you be more specific, where exactly – on which road and which plot number?

Bernadette K. Bigirwa:

I live in the flats, Bugolobi flats.

Lead Counsel:

And what is your present occupation?

Bernadette K. Bigirwa:

My Lord, currently I am a Member of Parliament representing Bushenyi District. I am a woman representative.

Lead Counsel:

Now, Mrs. Bigirwa, the reason why we summoned you here pertains, as you have heard, to the terms of reference of the Commission; so we would like you to focus your mind on the period around 1990. Can you tell us what you were doing in the year 1990, what was your occupation at that time?

Bernadette K. Bigirwa:

1990, I was a District Administrator in Rukungiri District.

Lead Counsel:

And for how long did you hold that job in Rukungiri District?

Bernadette K. Bigirwa:

For approximately four (4) years.

Lead Counsel:

Can you tell this Court the general nature of your duties during that time?

Bernadette K. Bigirwa:

As a District Administrator my job had no boundaries, but most of the things that I was doing.... Actually the major occupation was mobilization – mobilization of the masses for political awareness, for development and, of course, being a District Administrator, I was representing the President in that district, I was also charged with security – I was actually the Chairperson of the Security Committee in the district.

Lead Counsel:

Excerpted testimony of
Hon. Bernadette K. Bigirwa
before the Porter Commission

19 July 2001

Part B

They had alleged that the five people were NRA soldiers now turned UPDF, but these people were just robbers, thugs, as I had mentioned – that is the biggest problem we used to have, and they had been arrested and they were due to appear in Court. But I cannot recall really what happened after that definitely. But they were arrested; they were supposed to appear before the Court.

Lead Counsel:

You stated here that none was an active member of NRA. Had any of them ever been in the NRA? Was there a reason for using those words, “*active member*”?

Bernadette K. Bigirwa:

I do not know the person who took down the notes why he did put it like that, but I did mention that they were not NRA soldiers. They were just simply thugs.

Lead Counsel:

Now you also requested for more information on these allegations. Was any information forthcoming after this meeting?

Bernadette K. Bigirwa:

Yes. They did give us information on the areas where they thought Uganda was harbouring the PLC rebels, and I invited the Consular General for us to go and visit those areas. So, actually, we went and we did not find the camps they were talking about.

Lead Counsel:

Also, on the same document, you asked about the presence of two Ugandans who had been arrested allegedly because they were PLC rebels. Was there any information forthcoming about them either at that meeting or after that meeting?

Bernadette K. Bigirwa:

I cannot recall.

Lead Counsel:

I will take you to page 7 which is marked as 45 of the same report. Now what we would like to know, apparently there seemed to have been some trade between the two districts. What was the nature of that trade? You mentioned here six hundred and fifty (650) entry points.

Bernadette K. Bigirwa:

Actually this was in Bundibugyo.

Lead Counsel:

It was in Bundibugyo.

Bernadette K. Bigirwa:

For us we had ..., the main entry point in Kasese was and is still Kasindi. But of course there were '*panya*' routes in the mountains, but those mainly were not used for big trade. But you see in Kasese on the borderline, you find some families at this side, they have relatives on the other side. So, there are many '*panya*' routes along the way, along the border.

Lead Counsel:

Now again, since you were in Kasese, what was the nature of the trade? What goods were being traded back and forth across that border?

Bernadette K. Bigirwa:

Mainly from Uganda, there was this soap from Mukwano, salt, cassava flour, fish – fish was actually one of the biggest commodities, mainly foodstuffs.

Lead Counsel:

And, from the Congo side, what goods were being traded?

Bernadette K. Bigirwa:

From the?

Lead Counsel:

From Zaire side at the time.

Bernadette K. Bigirwa:

From the Congo side, general merchandise like '*Bitenge*', clothes – both for men, children and women; that is mainly what I used to see.

Lead Counsel:

Was there, to your knowledge, any trade in timber?

Bernadette K. Bigirwa:

I used to see some trucks of timber this ..., but mainly I would see Customs officials. Maybe they could be able to explain that one better because I, definitely I would not interfere to go and find out whether there were papers or that kind of thing. But I used to see some lorries with timber, yeah.

Lead Counsel:

Was there, to your knowledge, any trade in minerals such as gold or diamonds?

Bernadette K. Bigirwa:

I do not know, really. I cannot tell because I think with minerals they do not carry them obviously so that you can see them; but with timber, at least, I used to see the trucks. But with diamonds or gold I cannot say that I used to see any of such trade if it existed at all.

Lead Counsel:

So, among the trade disputes that were raised in these meetings, nobody ever mentioned those minerals?

Bernadette K. Bigirwa:

No. Actually the biggest problem that used to come to our offices was mainly non-payment of goods and mainly by the Zairean (at that time) soldiers. And as a result of that, what we decided to do, we decided to shift the market from their side of the border to our side – to Kasindi. Initially there was no market on Kasindi side but during my term of office when I was District Administrator Kasese, with the help of the traders, we decided not to take any goods to Zaire for about one month. I asked them to cooperate so that we can be able to find a lasting solution to the problem of non-payment and looting of the goods of the Ugandan traders by the Zairean soldiers – the DRC soldiers.

So when two weeks passed without any good crossing to the other side of the border they requested for a meeting; and we held a meeting and we decided to hold alternate markets – one on Uganda side, I do not recall the days. So now we carried out alternate markets, one on the Kasindi side and one on their side. So eventually what happened (I do not know whether it is still going on up to now), our traders would only carry few goods on their side when it is time for their market and they would only have the bulk of the goods when it is on the Ugandan side. And that way it stopped the problem of looting their goods and maybe looting their money on the way back to the Uganda side.

UR Annex 59

Excerpted testimony of
Hon. Stephen Kavuma
before the Porter Commission
20 July 2001
Part A

20/7/01 (3)

Lead Counsel:

We have today our second witness, who I think in the reference should be witness CW01/02. He is Mr. Stephen Kavuma, former Minister of Defence. It's Commission witness 01 /02, and he is a former Minister of State for Defence, Stephen Kavuma.

Justice J.P. Berko:

CW01 /02.

Lead Counsel:

CW01/02, My Lord.

Mr. Kavuma:

I, Stephen B. K. Kavuma, solemnly swear that the evidence I shall give about the matters before this Commission shall be the truth, the whole truth, and nothing but the truth. So help me God.

Justice D. Porter:

Thank you. Please, sit down while giving your evidence.

What was the second name, I didn't get it?

Mr. Kavuma:

Stephen Kavuma

Lead Counsel:

Your middle name.

Mr. Kavuma:

B.K. These were initials. B.K.

Justice D. Porter:

B.K.

Yes.

Lead Counsel:

Yes, Mr. Kavuma, can you give the Commission, your full names please?

Mr. Kavuma:

My Lords, my full names are Stephen B. K. Kavuma.

Lead Counsel:

And what is your age?

Mr. Kavuma:

I am a protestant.

Lead Counsel:

Okay, I think I referred to your age at the moment.

Justice D. Porter:

I thought you asked the religion too. That's what I heard.

Lead Counsel:

I think there is something wrong with the microphone. I think I am at your age at the moment.

Lead Counsel:

Can you tell the Commission your age please?

Mr. Kavuma:

53, My Lords.

Justice D. Porter:

Yes.

Lead Counsel:

And where do you reside?

Mr. Kavuma:

I reside at a village called Kakoola, in Mutungo parish, Makindye Sabagabo, in Wakiso District.

Justice D. Porter:

Wakiso.

Mr. Kavuma:

Wakiso District.

Justice D. Porter:

That's near Mpigi?

Mr. Kavuma:

Yah. It was formerly part of Mpigi, now it's Wakiso.

Lead Counsel:

And can you tell the Commission your present occupation?

20/7/01 (3)

Mr. Kavuma:

I'm an advocate. I am also interested in politics.

Justice D. Porter:

Interested in politics, he said.

Mr. Kavuma:

I am a politician, My Lords.

Lead Counsel:

Now Mr. Kavuma, the Commission is interested during, about the period when you were a Minister for State, My Lords, I am leading him to the... okay.

Can you kindly tell us if you have ever held, any position?

Justice J.P. Berko:

You just say you are a former Minister of State for Defence, is that all?

Lead Counsel:

You are a former Minister of State for Defence or you are not?

Mr. Kavuma:

That's right, My Lords.

Lead Counsel:

And when did you take up this position?

Mr. Kavuma:

It was towards the end of 1998, about November, My Lords.

Lead Counsel:

And when did you cease to hold this position?

Mr. Kavuma:

Few days back.

Justice J.P. Berko:

You said towards the end of?

Mr. Kavuma:

November, My Lords 1998, until a few days back when there was a Cabinet reshuffle.

Lead Counsel:

Can you tell this Commission what your duties were, when you were appointed?

Justice J.P. Berko:

That one, your security concern, that is for the purpose of these, your study and then your border. That one we agree. But you were also saying that Mobutu was losing control and therefore you were interested in having a stable government there.

Mr. Kavuma:

And therefore we had moral support to whoever was engaged in re-establishing the

Justice D. Porter:

Can we turn this the other way round? When the UPDF went into the Congo, to deal with this security problem, they must have had some limits. You don't go further than so and so. I can't believe that Uganda would send armed troops into another country without some sort of limit. So, what was the limit?

Mr. Kavuma:

My Lords, when the troops went to the Congo, they were primarily interested in controlling the areas from where trouble was emanating to come to Uganda. And these were close to our borders. But then the situation kept on developing, where information was coming in, as to the possibility of other sources of trouble, further from the border could cause problems to this country. My Lords, communication is a matter of great difficulty in this part of the DRC, but there are many airfields scattered all over the place, and information kept coming, that forces that were troubling Uganda were intending to use these airfields, to prosecute their intentions against this country, so troops kept moving further and further from their original positions, near the borders with Uganda.

Justice D. Porter:

So, there was no limit?

Mr. Kavuma:

My Lords, I think the limit was now being determined by the areas where assessment had been made that.....

Justice D. Porter:

By the troops on the ground? By the senior commanders on the ground?

Mr. Kavuma:

By the security system, My Lords, that more areas further from the border positions from where the troops originally were, had become potential threats to this country, and in some cases actual threats to this country.

Justice D. Porter:

Meanwhile, what reports had been made to the United Nations and the Security Council, as to the actions of Uganda?

Mr. Kavuma:

Reports made to the Security Council?

Justice D. Porter:

Yes. You can't just stay wandering in somebody's country, you know why it is a problem, and somebody has to deal with it, and you can't do that under the articles of which Uganda's cemetery reporters require to the United Nations of the situation.

Mr. Kavuma:

Yes, My Lords, speaking for the Ministry of Defence, I would say we would make available information, about our presence in the Congo,

Justice D. Porter:

Make available to a specific report is required.

Mr. Kavuma:

Yes, My Lords.

Justice J.P. Berko:

There is Article 51 of UN charter.....

Justice D. Porter:

It is 58?

Justice J.P. Berko:

You enter and then you report your presence there to the Security Council. Did you do that immediately after your arrival?

Mr. Kavuma:

I would need to refresh my memory, My Lords, from the records at the Ministry of Defence, which I said earlier I now have limited access to. But what I was saying My

Excerpted testimony of
Hon. Stephen Kavuma
before the Porter Commission
20 July 2001
Part B

Justice D. Porter:

Were they as difficult as we have been or did they just take your answers?

Mr. Kavuma:

They did ask questions, My Lord, and I answered them.

Justice J. P. Berko:

Did they ask any question relating to the conduct of your officers in DRC?

Mr. Kavuma:

Yes. They did ask questions about the conduct. Yes, My, Lord.

Justice J. P. Berko:

Like what? Can you tell us the conduct they were concerned with?

Mr. Kavuma:

They were asking to see whether it was true that our soldiers of the UPDF engaged in expropriation, rather in using natural resources from the Congo.

Justice J. P. Berko:

And what did you tell them?

Mr. Kavuma:

I did inform them, My Lords, that ...

Justice J. P. Berko:

That

Mr. Kavuma:

That our soldiers, our army, was under very strict instructions not to engage in business or exploitation of resources from the DRC. The Commander-in-Chief had given these instructions, very firm instructions, right at the outset of the UPDF's going to Congo and those instructions were being adhered to; and the government and the army were ready, willing and able to take very, very stern action against anybody who would be found infringing those instructions.

Justice J. P. Berko:

Did they mention, specifically, certain names to you? Officers? Did they mention specific names to you that we have information that Mr. So-and-so, or Brigadier So-and-so, or Colonel So-and-so is doing this? Did they mention such names to you?

Mr. Kavuma:

To the best of what I can remember, they asked us whether some officers would be appearing before them. They asked about Brigadier Kazini and I think they also asked about Maj. Gen. Salim Saleh, and I and the Army Commander assured them that if they wanted these officers they could ask them to come and they interview them. I do not remember the others.

Lead Counsel:

If you could look at that paragraph 28, could you ...?

Mr. Kavuma:

Twenty-eight (28)?

Lead Counsel:

Twenty-eight (28). If you could read just the first sentence please?

Justice D. Porter:

Para. what?

Lead Counsel:

Paragraph 28, My Lord.

Justice D. Porter:

Of the Agreement?

Lead Counsel:

Of the UN Experts Report.

Mr. Kavuma:

"Concern has also been ..."?

Lead Counsel:

"There are strong indications ...", I believe.

Justice D. Porter:

Oh, of the report.

Lead Counsel:

Of the report.

Mr. Kavuma:

Is this the paragraph starting, "Concern ..."?

Lead Counsel:

No.

Mr. Kavuma:

Maybe I have a different

Lead Counsel:

I think you have a different one. Let us show you.

Justice D. Porter:

Twenty-eight (28)?

"There are strong indications ...".

Lead Counsel:

Just the first sentence, please, if you could read it aloud?

Mr. Kavuma:

The last sentence?

Lead Counsel:

The first sentence.

Mr. Kavuma:

The first?

"There are strong indications that if security and political reasons were the professed routes of the political leaders' motivation to move into the Eastern Democratic Republic of Congo, some top army officials clearly had a hidden agenda: economic and financial objectives".

Lead Counsel:

Right. So you have already told us the reason for going in, but you can see here what is being alleged is that there were other motives especially by the top army officials. With the benefit of hindsight, would you say that statement is correct?

Mr. Kavuma:

I cannot say it is correct because it is I think it is making the, especially in the last part of the sentence, it is making what impression the Committee might have formed. But for certain I know, as political leaders, our mission was about our security concerns, nothing more nothing less.

Lead Counsel:

Okay.

Mr. Kavuma:

That is why strict instructions were given, as I said, to avoid anybody diverting from that mission which we had – to ensure the security of our country.

Justice D. Porter:

But the danger of it happening was known?

Mr. Kavuma:

Sorry?

Justice D. Porter:

The danger of this sort of thing happening was known, and that is why the instruction was given? The danger of people getting involved in business in the Congo – army people.

Mr. Kavuma:

I think yes, My Lord. You could foresee that somebody could get tempted and hence the need to guide the army in very, very strict terms.

Lead Counsel:

So the instructions were that the UPDF soldiers should not be engaged, should not engage in business. Is that correct?

Mr. Kavuma:

Yes. UPDF and even other civilian officers – government officials, should not get involved in business in the DRC, in the Congo.

Lead Counsel:

Was this ever put in writing?

Mr. Kavuma:

Yes. It was reduced into writing; it was a written instruction.

Lead Counsel:

From who?

Mr. Kavuma:

From His Excellency the President and Commander-in-Chief of the UPDF.

Lead Counsel:

Do you recall the date of that?

Mr. Kavuma:

I would not be precise on that, but I know it was at the beginning of the Congo operations inside the DRC.

Lead Counsel:

Can you have a look at this document and see whether it is the document you have in mind?

Mr. Kavuma:

Yes?

Lead Counsel:

My Lords, for clarification, the witness is looking at a document dated the 10th of December, 1998: *"Radio Message from His Excellency the President"*.

Justice J. P. Berko:

10th?

Lead Counsel:

Excerpted testimony of
Hon. Stephen Kavuma
before the Porter Commission
20 July 2001
Part C

This is not authoritative but it is here to help us and perhaps, looking at it, you can be reminded of what was going on.

Mr. Kavuma:

Thank you very much, My Lord. Yes, My Lord, I can see Bumba is here,

Justice D. Porter:

And it is shown as a town which MLC Bemba and Uganda were occupying.

Mr. Kavuma:

Yes, My Lord.

Justice D. Porter:

Because it is in that green colour.

Mr. Kavuma:

Yes, I have seen those, My Lord. So yes, My Lords, we were in Bumba, Isala, Gemena, Buta, Isiro, Bondo, Gbadolite, at one time we were in Kisangani but I think at the time of making this we had left Kisangani.

Justice D. Porter:

Yes, that is right. I think we worked out that Gbadolite was actually 1500 km from the Uganda border; and we were surprised that the UPDF would be there!

Mr. Kavuma:

No, I am not surprised, My Lord, because we continued, as I said earlier, we continued receiving reports of possible attacks from airports and airfields from all these other places. Gbadolite has a very, very big airfield with a long runway, it can be used by very sophisticated and big fighter planes. We could not take chances so we had to occupy it to preempt that likely development. And of course, My Lords, flying 1000 km is not (is no longer) a very difficult thing these days. So in terms of proximity, Buta, in terms of modern warfare, rather Gbadolite, in terms of modern warfare, could be as close as anything near to our border.

Justice D. Porter:

Right. Yes, Mr. Shonubi, you were going to turn to another subject?

Lead Counsel:

that trader got an opportunity to come back on a plane where there was room for him to put his gunny bags so that he can come and collect more beans,

Justice D. Porter:

Yeah, I am not talking about gunny bags, you know I am not!

Mr. Kavuma:

I am sorry, My Lord. I was thinking, because we were talking about

Justice D. Porter:

I am talking about timber, I am taking about gold, I am talking about coltan, I am talking about columbite, I am taking about cassiterite, I am talking about all sorts of stuff.

Mr. Kavuma:

No, My Lord. Certainly not, not that. Not that. I was interested in consumer

Justice D. Porter:

Okay. So if we discover that people were using the military airport for import of things like that, that would be illegal?

Mr. Kavuma:

It would be contrary to my instructions.

Justice D. Porter:

It would be illegal, it would be totally wrong. Right? And it could not happen without the assistance of the military?

Mr. Kavuma:

My lord, it would be contrary to what I was talking about here

Justice D. Porter:

Absolutely.

Mr. Kavuma:

And I am sure those responsible

Justice D. Porter:

And it could not happen without the assistance of military officers of the UPDF. It could not happen because it is a military mission, and because the planes would have been rented by Ministry of Defence?

Mr. Kavuma:

Yes, My Lord. It is possible that an individual soldier could go out of instructions, and I am saying that kind of person should be held responsible for whatever irregularities or crimes he committed.

Justice D. Porter:

Right. Yes.

Mr. Kavuma:

But Defence, as an institution, did not authorize the carrying of gold, carrying of coltan, carrying of diamonds, *sijuyi nini*, to We were concerned with the carrying of supplies of consumer goods.

Justice D. Porter:

Yes, I understand. I understand Ministry of Defence's position but I just wanted to go a little bit farther and establish that unless the military had said yes, nobody could use these planes for importing goods from the Congo to the military airbase?

Mr. Kavuma:

My Lord, I entirely agree with you that if this happened, then somebody individually must be to blame and he should answer for it.

Justice D. Porter:

Yes. Right. That follows, yes. Yeah. Right. Yes?

Lead Counsel:

Now your statement, or the statement attributed to you there, shows that you were actually allowing Congolese businessmen to fly on flights which probably had military hardware (or logistics as you call it) to the Congo. Now I am assuming that wherever that plane landed there would have been UPDF troops there to off-load the logistics. Am I correct on that?

Mr. Kavuma:

Yes. UPDF would be represented, yes.

Lead Counsel:

Now that would mean you therefore, have businessmen interacting with soldiers (because they are appearing at the same airport and they are moving together)?

Do you not think that this would encourage the soldiers to try and engage in business, or the businessmen to take advantage of the soldiers and do business – or in furthering their businesses?

Mr. Kavuma:

Yeah. I think this has to be looked at ..., really the situation obtaining in the Congo. Here is a population, a huge population, lacking consumer goods. You are faced with saying: no consumer goods on our aircrafts which are on military missions. The risk you are posing to the population, I think, outweighs the risk you are talking about. I would be more interested in seeing that if I get somebody who is infringing the regulations I would deal with them in accordance with the law; but I would not put at risk the lives of men, women and children in tens of thousands.

Lead Counsel:

Now

Mr. Kavuma:

In millions, actually.

Lead Counsel:

Now these businessmen would obviously need to come back having delivered the goods you are talking about. Is that not correct? Were they using the same – the planes – to be able to come back?

Mr. Kavuma:

I would not know the minute details of how these businessmen were moving

Lead Counsel:

Well, you already put in a statement that you were allowing them to use your planes to fly out!

Mr. Kavuma:

Yeah. But that does

Lead Counsel:

So how did they return? Were they allowed to return?

Mr. Kavuma:

With all due respect, that does not mean that I know who goes on which and who comes back. Supposing he goes and he wants six months to sell his goods, I am really not going to poke my nose in all these minute details.

Lead Counsel:

No. All we are asking is that these planes were in your charge, and when I say in your charge I mean the Ministry of Defence, and you have confirmed the statement where you allowed the businessmen to go to take goods. Okay? So the outward journey we have catered for. Now the inward journey back to Entebbe, surely you know what, who you had on the plane?

Mr. Kavuma:

I am sure those dealing with the daily routine of operations would have these details. They are regulated by

Justice D. Porter:

Well, let us put this another way. The UN Panel Report says that their information was that businessmen of various nationalities (but Congolese for the moment) were traveling back on aeroplanes landing at the military airbase. That is what it says.

Mr. Kavuma:

That is possible, My Lord.

Justice D. Porter:

That is, I think, all Mr. Shonubi is asking. Yeah.

Mr. Kavuma:

I thought you wanted me to say which businessman was going where and what.

Lead Counsel:

No.

Justice D. Porter:

Well, if you listen to his question and answer it you will find it is easier than going round the corner.

Yes, Mr. Shonubi?

Lead Counsel:

So all I am asking, now that these businessmen were going back and forth on your planes, what measures did you put in place to see that they did not come back with goods like timber, coltan, diamonds, gold? Some of these goods are very large, I mean, they are easy to detect, but when I talk about other smaller goods like diamonds, what measures were in place to see that this was not abused?

Mr. Kavuma:

Yes. First, the instructions which we gave. Secondly, at each point there are officials charged with the responsibility of making sure that whatever is being done is done in accordance with the law and instructions, and those were in place except in circumstances where we found because of

Justice J. P. Berko:

You see, Mr. Kavuma, our worry is that military aircraft are supposed to carry military wares. Now if you have opened up yourself whereby military aircraft will carry posho, beans, maize; what stops military aircraft from carrying gold or cobalt or timber, what stops it?

Mr. Kavuma:

My Lord, it is a difficult situation where transport means are very, very scarce and difficult to come by, where you have millions of people who need consumer goods for livelihood, and then you have to take a decision as to whether to allow them to access those goods running a risk of operating not in the usually-normal way. Or you say, look these are the instructions: this and this should happen, this and this should not happen, and that was done by government; then you put in place people to administer the scheme, who are supposed to follow the law and the instructions. And I think, in those circumstances, one would have done what one would have been expected to do in those very difficult circumstances. This is all I am saying, My Lord. But there was no

Justice D. Porter:

In regard to military airbase, these would be your people? Ministry of Defence people would be in charge of sorting this problem out and making the scheme work?

Mr. Kavuma:

At the airbase?

Justice D. Porter:

Yes.

Mr. Kavuma:

Yeah. There would be Ministry of Defence and UPDF people there, but they were never allowed to trade in gold, to trade in ... and carry them by these means.

Justice J. P. Berko:

No, because by your statement you have sanctioned, or you have made it possible, you see. By that way you have made it possible for unauthorized goods to pass through the military base!

Mr. Kavuma:

My Lord,

Justice D. Porter:

For no cost to the trader, in transport, at all! None.

Mr. Kavuma:

My Lord, I do not know about the details of whether they were charging this or not but if I were faced with a situation where a Congolese soul is to die because of hunger for fear that one sack of coffee could find its way at the airbase, I would save the life and soul of the Congolese person and leave the rest to be handled in accordance with the law about who trades illegally. I would not put the life of an African over and above coffee, beans, tobacco; I think it would be inhumane on my part!

Justice D. Porter:

Yes, indeed. And the President supports you in his response and so does the Ministry of Foreign Affairs. This is a very important point that they make.

Excerpted testimony of
Hon. Stephen Kavuma
before the Porter Commission
20 July 2001
Part D

Mr. Kavuma:

My Lord, I talked of the inquiries which were conducted

Justice D. Porter:

Yes?

Mr. Kavuma:

Which are yet to be concluded.

Justice D. Porter:

Yes?

Mr. Kavuma:

Even in their form there was not an iota of evidence that this was the cause, as far as I am concerned. We have minerals here we have not exploited, why should we have fought a war to go and trespass in other people's ...?

Justice D. Porter:

Yeah. Indeed, the President says exactly that. Yes. But can I just ask you this, (what was I going to say) the...?

Mr. Kavuma:

I admire the highest sense of imagination by the Panel in making their own conclusions.

Justice D. Porter:

I will remember it in a minute. You carry on.

Lead Counsel:

I will take you now away from that, and what will be of interest to this Commission is how was this war being financed? You moved into the Congo. How were we financing our operations in the Congo?

Mr. Kavuma:

We have been (and we are) operating within our defence budget. As you know, we have not had a war budget, but I must say that our soldiers have made a lot of sacrifice in this war. This explains how we have been able to get involved in it, get engaged in it up to now without having a war budget like some other parties have done. Our soldiers have

had to forfeit what one would have thought are automatic benefits to a soldier on a mission abroad; it is a lot of hardship. A lot of cost is in the sacrifice of our army; and, I think, this is sometimes why it becomes difficult for people to appreciate that it can happen that these operations could go on without bursting the National Budget, and then they start getting in all forms of conjecture to find explanations.

Lead Counsel:

So are these soldiers not being ...?

Justice D. Porter:

Sorry. I have just remembered what I was going to ask before. Could I just take you back to Kisangani and Jovia?

Mr. Kavuma:

Yes, My Lord.

Justice D. Porter:

You said the inquiries have not shown an iota of evidence of that. The original inquiry, the one that was completed but was not comprehensive, who was it made by? Officers of the army, wasn't it?

Mr. Kavuma:

Ye. Officers of the army, both from RPA and UPDF.

Justice D. Porter:

Yes. And Jovia is the wife of Salim Saleh. Is that right?

Mr. Kavuma:

I see Jovia Akandwanaho here.

Justice D. Porter:

Yes?

Mr. Kavuma:

I suppose it is. This is the wife of

Justice D. Porter:

Yes. And in what position was Salim Saleh during all this period?

Lead Counsel:

So can you kindly be slightly more specific? Which particular rebels were these?

Mr. Kavuma:

All these groups which were (they have been changing names here and there over time), which were on the territory of the DRC in the Eastern part of that country, who were destabilizing Uganda. These are the enemies I am talking about which have been engaged by our soldiers. So here, the question of moral support is not applicable.

Lead Counsel:

Okay. Now

Justice J. P. Berko:

Now that Sorry. We are still on the budget. Can you please refer to paragraph 68?

Justice D. Porter:

Of the Report.

Justice J. P. Berko:

Of the Report – the UN Expert's Report. And then can we have your comment on that?

Mr. Kavuma:

Well, My Lords, I must say I find this grossly untrue as far as I am aware, but I am not privy to the sources of

Justice J. P. Berko:

Particularly I want you to comment on the last bit

".... In the case of the former RCD/ML and MLC, not only was part of the taxes sent to Kampala but also individual colonels would claim direct payment RCD."

Mr. Kavuma:

Yes, My Lord.

Justice J. P. Berko:

They are saying that the taxes from there were being put in the treasury?

Mr. Kavuma:

I have no information to that. Totally untrue. Taxes were a matter for the Congolese administration. If there are individual colonels they are talking about, I am sure the Panel will be in a position to identify them and then they answer for their sins. We did not become colonial governors, Sir, to go and collect taxes from the poor Congolese for our own use.

Justice D. Porter:

Yes?

Lead Counsel:

Okay. We will probably want your comments on some of the paragraphs apart from those we have pointed out – on some of the paragraphs of the Report. So if I could ask you to look at paragraph 195 of the Panel's Report.

Excerpted testimony of
Hon. Stephen Kavuma
before the Porter Commission
20 July 2001
Part E

Lead Counsel:

Are you able to look at it?

Mr. Kavuma:

I am.

Lead Counsel:

Okay.

Well, you can see the Panel itself is saying this is speculation, it has no evidence; I do not know of what value this paragraph is.

Lead Counsel:

Okay.

Mr. Kavuma:

I would dismiss it as one of those areas where they are engaged in their own speculations and want the world to believe them, unfortunately.

Lead Counsel:

That is the last part. We are more interested in the first part:

"This section aims to show how presidents and other decision-makers tolerate, organize or put in place the framework and conditions to maintain the status quo of exploitation and war."

So what they are alleging is that the decision-makers in the countries that are talked about, one of which would be Uganda, have organized and want to put in place frameworks to enable the status quo, that is, the status quo of the exploitation and of the war to continue. That is what we are seeking your comment on.

Mr. Kavuma:

Yes. As I said, we would have wanted to be out of the Congo yesterday. It is grossly incorrect for this kind of allegation to be made. I think it is an abuse to Uganda as a country, our army, and it should be viewed with the contempt it deserves.

I am glad they are admitting there is no evidence, they are speculating; I hope they become more serious when they investigate such serious matters. There is no way we

could risk the lives of so many of our soldiers for the sake of going to collect an ounce or so of alluvial gold, since there is no mining activity going on in the area anyway. Our aim was to protect our people.

You know the Kichwamba incident, people walking from the Congo, coming to burn fifty, eighty innocent children, locking them up in a dormitory and burning them! When we address this as a problem, the attacks on Mpondwe, the attacks on Bwera, attacks in Bwindi forests, somebody would want to look at it as if our interest is exploitation of resources.

I reject that. The whole of this document is very contemptuous!

Lead Counsel:

Can you look ...?

Mr. Kavuma:

From the little I have looked at it.

Lead Counsel:

Can you look at paragraph 45, please?

Justice J. P. Berko:

Forty-five (45)?

Lead Counsel:

Forty-five (45).

Justice D. Porter:

Did you actually want to expand on 195 and look at 201, 2, 3, and 4, 5, 6, just before we go to that other paragraph? 201 to 6.

Mr. Kavuma:

201?

Lead Counsel:

I thought, My Lord, that a slightly higher authority would react to those.

Justice D. Porter:

Okay. Fair enough. Yes. What was the para. you wanted?

Lead Counsel:

Forty-five (45), My Lord.

Justice D. Porter:

Forty-five (45).

Yes?

Mr. Kavuma:

Yes?

Lead Counsel:

Now that paragraph alleges that,

"... the government of Uganda and that of Rwanda were aware of the situation on the ground, including the looting of stocks from a number of factories. In some cases level of production of mineral resources would have alerted any government, such as those of gold for Uganda and coltan for Rwanda, of this."

Mr. Kavuma:

Again these are sources to the Panel. I can only say that at no time the government of Uganda ever participated or even supported the looting of what is being talked about here. I was not aware of any massive looting of stocks as being alleged here.

The level of production, I want to say what I said a little earlier: I think the policies of liberalization and allowing people to operate accounts – dollar accounts – with maximum retention of whatever they get (100% retention) helped in unearthing trade that had been going on in this commodity, but under cover for fear of government discovering them. Of course people have been trading in this gold, both from within the borders of Uganda and, for centuries, there has been cross-border trade by small, small peasants who go and get alluvial gold and the rest of it.

Now, these figures, I think a lot of it has (and I am confident it is the case), has to be explained by the economic policies which were able to stimulate trade and give confidence to the traders that they can openly transact their business without any fear from government. So I do not find anything strange about this.

I would have been concerned if there was evidence of mining, gold mines, diamond – which requires a lot of heavy equipment, which requires a lot of capital – and none of our

soldiers has that money. We ourselves have not even operationalised our minerals here, which we could mine. But these small things being harvested by peasants in terms of alluvial gold, if somebody got an ounce and found a way of getting rid of it; I do not think that is anything strange. After all, their ancestors have been doing this for centuries.

Lead Counsel:

Okay. Now

Justice D. Porter:

Sorry. Just I understand what you are saying; the problem with it is (yeah, here is the graph, it is page 37 on my copy) is the comparison between mineral exports using gold as an example.

Mr. Kavuma:

Thirty-seven (37)?

Justice D. Porter:

Thirty-seven (37) in there might come to a different page.

Mr. Kavuma:

I do not see

Justice D. Porter:

There is a table.

Mr. Kavuma:

Oh. There is no table on my 37.

Justice D. Porter:

Oh, it is that. He has got the one that has got two columns in it.

Lead Counsel:

Is it page 19?

Justice J. P. Berko:

In some other copies can they see that page?

Lead Counsel:

Excerpted testimony of
Hon. Stephen Kavuma
before the Porter Commission
23 July 2001
Part F

23/7/01

Justice D. Porter:

Yes, Good Morning everybody.

Mr. John Rwambuya:

Good Morning, My Lord.

Justice J.P. Berko:

Everybody, Good Morning.

Lead Counsel:

My Lords, we were supposed to have Major General Jeje Odongo, who is the Army Commander, I do not see him here. But summons were served.

Justice D. Porter:

Right, we will look at that in due course, and see what action we will take.

Is there anything we can do in the meantime?

Lead Counsel:

Yes, Mr. Kavuma has come again and he feels there are a couple of statements he can clarify on which he promised ...

Justice D. Porter:

Yes, thank you Mr. Kavuma.

Sorry, Mr. Kavuma, can I remind you that you are on the same oath you took the other day.

Mr. Kavuma:

Yes, My Lord.

Justice D. Porter:

And thank you for coming back.

Lead Counsel:

But Mr. Kavuma, when we last were here there were a number of small issues, which you had undertaken to clarify to the Commission. I will probably take you back to the main one. We did ask you, or you did state in your evidence that the UN did request Uganda, at some point, to remain within the Democratic Republic of the Congo, and you said you would bring some clarification on that.

About what sort of date are you talking about, Mr. Kavuma?

Mr. Kavuma:

My Lord, I wouldn't be precise on the date, but it was soon after we had announced that, actually, we would pull out all our forces from the DRC.

Justice D. Porter:

You are talking about the year 2000 or before?

Mr. Kavuma:

Sorry.

Justice D. Porter:

Which year are you talking about, is it 2000?

Mr. Kavuma:

Year 2000, My Lord.

Justice D. Porter:

It is 2000

Mr. Kavuma:

Yes, My Lord.

Justice D. Porter:

Thank you, Mr. Kavuma.

Mr. Kavuma:

It is 2001, My Lords.

Justice D. Porter: -

2001?

Mr. Kavuma:

2001, it was shortly after this report from the UN experts, had come out, I think.

Justice D. Porter:

Yes.

Lead Counsel:

That you also wanted to produce some information regarding the involvement of the UPDF in the overthrow of the Mobutu regime?

Mr. Kavuma:

Yes, My Lords, I want to be very clear on this I talked about, Uganda being interested in a stable Zaire at that time. What I want to make absolutely clear is that our support was moral, was moral at that stage. It was not involving troops going to actively participate in the changes that removed Mobutu? But we morally would support forces which wanted to see positive change taking place, specially if they would result into the stable Zaire that would cease to be a source of problems to Zaire itself and the region including Zaire's neighbours.

Justice D. Porter:

And you said that before, didn't you?

Mr. Kavuma:

Thank you very much.

Lead Counsel:

But, another question, which I asked you before which you were not able to answer, was the number of battalions that the UPDF had in the Congo at the height of the conflict and the number of battalions that are there today, that remained there today?

Mr. Kavuma:

My Lords, I will abandon my conscience as I was asked to do. I would say the kind of situation that was obtaining troops, which were moving in and moving out. But one can say that at the height of operations we had something around ten battalions, in the DRC.

Justice D. Porter:

Now, the information we have from the press, refers to some more battalions. What is in a battalion? How many people?

Mr. Kavuma:

My Lord, this would be about seven hundred and thirty six soldiers.

Justice J.P. Berko:

Seven thirty six.

Mr. Kavuma:

Seven hundred and thirty six, yes, My Lord.

Justice D. Porter:

CERTIFICATION

The undersigned Agent of the Republic of Uganda hereby certifies that the texts of the documents reproduced in this Volume, as attachments to the Rejoinder submitted by Uganda in the proceedings relating to *Democratic Republic of the Congo v. Uganda*, are accurate copies of the texts of the documents they purport to reproduce.

6 December 2002

Honourable Francis J. Ayume
Attorney General
Republic of Uganda
(signed)

Agent of the Republic of Uganda