

**INTERNATIONAL COURT OF JUSTICE**

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**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 V  
ANNEXES**

**6 DECEMBER 2002**

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## **UR Annex 73**





United Nations



# Security Council

Fifty-sixth year

*Provisional*

## 4437<sup>th</sup> meeting

Friday, 14 December 2001, 10.25 a.m.  
New York

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<i>President:</i>	Mr. Ouane .....	(Mali)
<i>Members:</i>	Bangladesh .....	Mr. Ahmad
	China .....	Mr. Chen Xu
	Colombia .....	Mr. Valdivieso
	France .....	Mr. Levitte
	Ireland .....	Mr. Corr
	Jamaica .....	Miss Durrant
	Mauritius .....	Mr. Koonjul
	Norway .....	Mr. Kolby
	Russian Federation .....	Mr. Granovsky
	Singapore .....	Mr. Mahbubani
	Tunisia .....	Mr. Tekaya
	Ukraine .....	Mr. Kuchinsky
	United Kingdom of Great Britain and Northern Ireland .....	Sir Jeremy Greenstock
	United States of America .....	Mr. Cunningham

### Agenda

The situation concerning the Democratic Republic of the Congo

Letter dated 10 November 2001 from the Secretary-General addressed to the President of the Security Council (S/2001/1072).

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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.

01-69694 (E)

**\*0169694\***

*The meeting was called to order at 10.25 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**The situation concerning the Democratic Republic of the Congo**

**Letter dated 10 November 2001 from the Secretary-General addressed to the President of the Security Council (S/2001/1072)**

**The President (spoke in French):** I should like to inform the members of the Council that I have received letters from the representatives of Angola, Belgium, Burundi, Canada, the Democratic Republic of the Congo, Japan, Namibia, Nigeria, Rwanda, South Africa, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe, 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 extend a warm welcome to His Excellency Mr. Léonard She Okitundu, Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo.

*At the invitation of the President, Mr. She Okitundu (Democratic Republic of the Congo) took the seat reserved for him at the side of the Council Chamber.*

**The President (spoke in French):** On behalf of the Council, I extend a warm welcome to His Excellency Mr. James Wapakhabulo, Third Deputy Prime Minister and Minister for Foreign Affairs of Uganda.

*At the invitation of the President, Mr. Wapakhabulo (Uganda) took the seat reserved for him at the side of the Council Chamber.*

**The President (spoke in French):** On behalf of the Council, I extend a warm welcome to His Excellency Mr. Stanislaus I.G. Mudenge, Minister for Foreign Affairs of Zimbabwe.

*At the invitation of the President, Mr. Mudenge (Zimbabwe) took the seat reserved for him at the side of the Council Chamber.*

**The President (spoke in French):** On behalf of the Council, I extend a warm welcome to His Excellency Mr. Abdulkadeer Shareef, Deputy Minister for Foreign Affairs and International Cooperation of the United Republic of Tanzania.

*At the invitation of the President, Mr. Shareef (United Republic of Tanzania) took the seat reserved for him at the side of the Council Chamber.*

**The President (spoke in French):** On behalf of the Council, I extend a warm welcome to His Excellency Mr. Patrick Mazimhaka, Adviser to the President of Rwanda.

*At the invitation of the President, Mr. Mazimhaka (Rwanda) took the seat reserved for him at the side of the Council Chamber.*

*At the invitation of the President, Mr. Manguera (Angola), Mr. De Ruyt (Belgium), Mr. Nteturuye (Burundi), Mr. Heinbecker (Canada), Mr. Kitagawa (Japan), Mr. Theron (Namibia), Mr. Hart (Nigeria), Mr. Kumalo (South Africa) and Mr. Musambachime (Zambia) took the seats reserved for them at the side of the Council Chamber.*

**The President (spoke in French):** 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 Mr. Mahmoud Kassem, Chairman of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo.

If there is no objection, it is so decided.

I invite Mr. Kassem to take a seat at the Council table.

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

Members of the Council have before them document S/2001/1072, containing a letter dated 10

November 2001 from the Secretary-General transmitting the addendum to the final report of the Panel.

I should like to draw the attention of the members of the Council to the following documents: S/2001/1080, S/2001/1102, S/2001/1007, S/2001/1113, S/2001/1143, S/2001/1156, S/2001/1175, S/2001/1161, S/2001/1163, S/2001/1168 and S/2001/1193.

At this meeting, the Chairman of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, Mr. Mahmoud Kassem, will introduce the report.

I wish to inform members of the Council that, after having heard the speakers on my list on this item, the Experts will be meeting at 3 p.m. to finalize the text of the presidential statement that we will be adopting following our meeting.

I give the floor to Mr. Kassem.

**Mr. Kassem:** It is a great, great pleasure for me once again to address the Council and its members. Permit me to begin by thanking Miss Mignonette Patricia Durrant, the previous President of the Council, for her assistance in arranging the informal consultations last month. I should like also to express my gratitude to the new President, Ambassador Moctar Ouane, for his assistance in preparing for today's consultations. Let me also thank all of the members of the Council for the invaluable support and assistance they have provided.

I should like once again to express our deep appreciation to Presidents Pierre Buyoya, Frederick Chiluba, Joseph Kabila, Paul Kagame, Robert Mugabe, Yoweri Museveni and Sam Nujoma for meeting with the Panel during its stay in the region. Permit me also to extend our special thanks to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the Special Representative of the Secretary-General in the Democratic Republic of the Congo, and to the offices of the representatives of the Secretary-General in the Democratic Republic of the Congo, as well as the offices of the United Nations Development Programme in the region, for their help. In addition, the Panel wishes to thank the Department of Peacekeeping Operations at the Secretariat for its continued support.

As I told the Council earlier, the exploitation of the natural resources of the Democratic Republic of the Congo, for the enrichment of a wide range of actors, continues unabated. Not surprisingly, the Congolese people do not figure among the beneficiaries of this unfettered and increasingly systematized exploitation.

The August 1998 war introduced a new group of beneficiaries, both foreign and Congolese. They come from the ranks of the military, governing and ruling party elites, the leadership of the rebel groups and their sponsors. The new beneficiaries also include a host of intermediaries and investors, some legitimate and some linked to criminal elements. At an institutional level, profits have flowed to military budgets and political parties. This web of interests has ensured that the war became and remained, even now, a self-financing and self-sustaining affair.

Although the security concerns of neighbouring States helped spur the outbreak of the war, three years later these concerns appear to have been overtaken by the desire to maximize control over expanses of territory, their vast resources and the substantial profits derived from them.

While its mandate and composition emphasize the technical nature of its work, the Panel has never lost sight of the need to integrate its work into the broader framework of the peace process and to contribute to advancing that process. The Lusaka Ceasefire Agreement sets out many necessary preconditions for reducing the exploitation of resources. However, additional measures will be needed. The implementation of the Panel's recommendations and the implementation of the Ceasefire Agreement should thus be understood as complementary and mutually reinforcing courses of action, each strengthening and completing the other.

For example, the results of the Panel's fact-finding in the field highlight the fact that the Ceasefire Agreement, signed in July 1999, did not address the issue of the economic profits derived from the occupation of the territory of the Democratic Republic of the Congo. Yet both the Panel's report and its addendum illustrate the links between the exploitation of natural resources and the continuation of the conflict. Laying the foundation for lasting peace in the Democratic Republic of the Congo will necessarily require progress in drastically curbing the increasing exploitation of resources and redirecting the use of

these resources to the purposes of peaceful development for the benefit of the Congolese people.

Through the establishment of a monitoring body, the United Nations can continue the international community's scrutiny of the exploitation activities, including the mechanisms for channelling profits that have been put in place. A lack of follow-up in this area would send a message to the traffickers and profiteers that they can continue illicitly exploiting Congolese natural resources with impunity. It would also signal to the concerned parties that they can continue stalling on taking the actions needed to move the peace process forward, thereby further entrenching the status quo.

Member States should establish a moratorium on the purchase, transit and import of high-value commodities from regions of the Democratic Republic of the Congo where foreign troops are present. By stemming the profits from the exploitation of resources, the moratorium would reduce what has become a powerful incentive to continue to fuel the conflict and thus legitimize the presence of thousands of foreign troops and the strengthening of rebel armies. It should be viewed as a means to curb existing and future exploitation that is linked to the continuation of the conflict and, in this sense, contributes to furthering the peace process.

The Panel believes that a moratorium imposed on selected and easily detectable products, such as coltan and timber, would not have a significant impact on the Congolese population, who themselves have been ruthlessly exploited by opportunistic operators. The same monitoring body mentioned earlier would report to the Council on a periodic basis regarding which areas are no longer under the control of foreign troops in order to clear products originating from them for purchase and import. Practices aimed at weakening or circumventing the moratorium would also be the subject of monitoring and reporting. The effectiveness of such a moratorium would be heightened by a strong media campaign and continued international press coverage.

It would be the responsibility of the Security Council to decide whether this moratorium should be implemented on a voluntary or a mandatory basis. By incorporating it into their national legislation, individual countries could make a voluntary moratorium binding. This would permit them to prosecute violations occurring within their jurisdiction.

Alternatively, a mandatory moratorium could be enacted by the Council through a resolution under Chapter VII of the Charter.

However, both voluntary and mandatory moratoriums are similar in their intent to target commodities. The main difference between a mandatory moratorium and a sanctions regime is that sanctions target States, forbidding exports from them. A mandatory moratorium targets commodities. It would establish a ban on the import by United Nations Member States of commodities produced in a specific area in which exploitation is known to fuel the conflict.

Institutional reforms are critical to ensuring a strong State administration with the capacity and authority to safeguard and regulate the territory of the Democratic Republic of the Congo and its riches. To this end, the Panel has recommended that the international community assist the Democratic Republic of the Congo intensively in this area. This is a process that will require a systematic and sustained effort on the part of the international community, including the United Nations. This recommendation meshes with the provisions of the Ceasefire Agreement concerning the inter-Congolese dialogue and the re-establishment of the State administration throughout the territory once the dialogue has been concluded.

However, to help break the link between the conflict and the exploitation of resources, the Panel believes that it is urgent to begin making modest, though tangible, progress in institution-building, strengthening the rule of law and re-establishing State authority. In the short term, this will be crucial to confidence-building and to increased stability. Certain actions in this direction have already been undertaken with the help of the international community. These include the drafting of a new mining code and the development of a national budget implementation plan.

The renegotiation of all commercial agreements, concessions and joint ventures enacted since 1997 should be considered an intrinsic part of any institution-building process. While it may be perceived as diverging from the framework of the Ceasefire Agreement, this action is crucial to freeing the Congolese State from the undue influence that certain parties have been able to exert over it. With the goal of eliminating unfair profits and contractual terms obtained under the extreme pressures of wartime, this measure should be viewed as complementary to the

Panel's proposed moratorium. While the Commission of National Experts of the Democratic Republic of the Congo suggested that this could be included in the agenda of the inter-Congolese dialogue, the timing and modalities must be determined in consultation with the Government of the Democratic Republic of the Congo and other sectors.

The risks to the peace process posed by the continuation of a low-intensity conflict in the eastern Democratic Republic of the Congo — in areas where many valuable resources are extracted, traded and routed for export — are considerable. Consequently, the Panel has underscored in its recommendations the importance of the disarmament, demobilization, reintegration and repatriation or resettlement process, a key element of the Ceasefire Agreement, now being undertaken by MONUC. In addition, the Panel has expressed its support for the diplomatic initiatives within the framework of the Ceasefire Agreement aimed at encouraging the parties to intensify their own confidence-building efforts.

Consistent with these initiatives and the modalities for the implementation of the Ceasefire Agreement, the Panel has called for the parties to the conflict to assume the primary responsibility for solving their respective security concerns by reaching a consensus on comprehensive measures and implementing them in a coordinated manner.

In closing, I would like to emphasize that the Panel's recommendations are intended first and foremost to protect the Congolese nation's greatest wealth — its people, its human resources. Their long-term interests and hopes for peace are being sacrificed to easy profiteering. The toll in human lives and suffering exacted by this war and the related trafficking in natural resources has been enormous and continues to mount. Such human losses are quite simply irreparable, and their impact will inevitably be felt for decades to come. However, today, in this Chamber, nothing could serve as a more eloquent reminder of the need for the Council to take decisive action — action to halt the exploitation of natural resources in the Democratic Republic of the Congo, which, increasingly, is both the means and motive for sustaining the conflict.

**The President** (*spoke in French*): I thank Mr. Kassem for his detailed briefing and for his kind words addressed to me.

The next speaker inscribed on my list is the Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo, His Excellency Mr. Léonard She Okitundu. I invite him to take a seat at the Council table and to make his statement.

**Mr. Okitundu** (Democratic Republic of the Congo) (*spoke in French*): At the outset, I should like to say how pleased my delegation and I are to see you, Sir, presiding over this public meeting of the Security Council on the situation in the Democratic Republic of the Congo. I should also like to take this opportunity to pay tribute to the excellent work done by the Permanent Representative of Jamaica during her presidency last month.

Through you, Sir, I would also like to pay a well-deserved tribute to the outgoing members of the Security Council, particularly our African brothers, Tunisia and your country, Mali. I should like to express the appreciation of my country for your tireless efforts in the quest for peace in our region in particular — in Angola, Burundi and my country, the Democratic Republic of the Congo.

At a time when the world is welcoming the notable progress in the Burundi peace process, much remains to be done for Angola and the Democratic Republic of the Congo. I would therefore like to ask our friends who are leaving the Council to continue to champion the cause of Angola and the Democratic Republic of the Congo in all forums, in the United Nations and elsewhere, so as to promote peace, not only for the countries and peoples who have suffered so greatly, but also for all the countries and peoples of the Great Lakes region, which have been in turmoil for more than 10 years.

Before giving my delegation's assessment of the matter before us today, I should like to tell the Council about the outcome of the informal inter-Congolese political negotiations that were held from 6 to 9 December in Abuja, the capital of the Federal Republic of Nigeria. The negotiations were mediated by Assistant Secretary-General Mr. Ibrahima Fall; Ambassador Mogwe and Professor Lebatt, who are members of the national dialogue facilitation team, were also invited as observers.

Generally speaking, the issues discussed related to the major questions still outstanding after the Addis Ababa meeting.

The first issue, which related to the question of inclusive participation, was initially considered in the presence of the United Nations mediator and members of the facilitation team, after which the matter was discussed privately among the Congolese exclusively. During that second, private, meeting, a compromise emerged on the numbers, the quotas and the nature of the participants in the inter-Congolese dialogue. It was agreed that there would be broader representativeness with fewer participants, and this would mean the following: first, the number of participants in the inter-Congolese dialogue would be reduced from 330 to 300; secondly, each of the components — the Government of the Democratic Republic of the Congo, the Rassemblement congolais pour la démocratie (RCD)-Goma, the Mouvement de libération congolais (MLC) and the political opposition — was reduced from 62 to 55 representatives; thirdly, the civil society component was strengthened and raised to 66 representatives in order to allow the participation of religious groups and the Mayi-Mayi resistance; fourthly, traditional chiefs are represented by at least two representatives in each of the three groups present in Abuja; fifthly, as for the external political opposition, the 55 delegates are distributed as follows: five for the outside opposition, 30 for the Gaborone political groups and 20 for other political movements not yet involved in the inter-Congolese dialogue. Finally, each component can bring members of the diaspora into its delegation as it sees fit.

The second point considered was the orderly withdrawal of foreign forces. The Government demonstrated that new Rwandan troops had been deployed in Congolese territory and that there was real difficulty in achieving a resolution through the inter-Congolese dialogue if the occupying forces — mainly Rwandan and Ugandan — did not withdraw from the territory of the Democratic Republic of the Congo before the conclusion of the dialogue. The occupation tends to perpetuate itself, and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) has confirmed that Rwandan troops have been deployed. This is a serious hindrance to the important partnership that the Council had so patiently worked on with the actors in the Congolese drama.

The Rwandan authorities, favouring force as a way of resolving the conflict, have now become the main obstacle to the peace process and to

democratization in the Great Lakes region. It is up to the Council to note this and to condemn it strongly, because strengthening the Rwandan military presence poses the obvious risk of a widespread resumption of warfare.

With regard to the elections, the new political order, national sovereignty and territorial integrity, it was decided by common consent to hold a meeting later, when those matters would be taken up. Significant progress was made, which will help in future inter-Congolese negotiations, including the inter-Congolese dialogue scheduled to take place in South Africa.

We are very grateful to the Government of South Africa for offering to host the forum so that we can work towards reconciliation and national harmony, and in general for the tireless efforts of that fraternal country to restore peace in the Democratic Republic of the Congo and to promote the dignity of the Congolese people. My Government welcomes the fact that the participants at the informal negotiations concluded that there was a need to abide by the commitments entered into at Gaborone, including that relating to the inclusive nature of the inter-Congolese dialogue, as called for in Security Council resolutions and as a fundamental principle of the Lusaka Agreement. This should give all Congolese socio-political groups an opportunity to be involved in the national dialogue. The main obstacles to political negotiations, apart from the financial obstacles, have now been lifted.

The Abuja meeting also showed once again that when the Congolese political actors meet among themselves without outside interference, they are always able to understand each other and find compromise solutions. A new meeting of experts is scheduled for early January to prepare for a summit between the President of the Democratic Republic of the Congo and the leaders of the two rebel movements.

At the regional level, after several informal meetings between the Ministers for Foreign Affairs of Burundi and of the Democratic Republic of the Congo, the Governments of the two countries decided to improve bilateral relations. The Minister for Foreign Affairs of Burundi was invited to Kinshasa to consider the modalities for the withdrawal of Burundi troops from Congolese territory and to discuss normalizing diplomatic relations between the two countries.

As for the matter under consideration, the Council has before it the addendum 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, activities that violate its national sovereignty. It is important to note that in order to define the aim of its work the Panel of Experts saw fit to define and interpret the concept of illegal exploitation in its report. This includes all kinds of mining, production, marketing and exporting from the Democratic Republic of the Congo without the consent of the legitimate Government — in other words, in violation of national sovereignty, mining codes, environmental provisions, international treaty law and customary law.

In calling into question the countries members of the Southern African Development Community (SADC) that came to help one of their own cope with armed aggression, it seems to me that the addendum inaccurately reflects the relevant facts and also seems to depart from the definition of illegal exploitation as set forth in paragraph 15. No army from a SADC member country would have been brought into my country without the consent of the legitimate Government had the Democratic Republic of the Congo not been attacked, suffered aggression and been invaded.

The Government considers that condemning an initiative that enabled it to defend its national sovereignty amounts to depriving a State of its basic right under Article 51 of the United Nations Charter to resort to individual or collective self-defence to preserve its sovereignty and territorial integrity.

In this connection, we would do well to recall France under General Charles de Gaulle, who spoke before, during and after the Second World War in support of respect for the sovereignty of all States, the preservation of their independence and the maintenance of international peace and security. At the time, France had enjoyed the support and assistance of the Allies.

More recently, under President George W. Bush, the American people is showing exemplary courage in trying to cope, as a nation, with an attack against the "American way of life", which the whole world admires and envies. The United States naturally enjoys support from many other countries in combating terrorism. Our Government and people reiterate their sympathy to the American Government and people and

reaffirm the commitment made by Major-General Joseph Kabila, President of the Republic, to join the struggle against terrorism in all of its manifestations.

I am pleased to note that the addendum confirms the conclusions and validates all the elements of the report that appeared earlier in document S/2001/357. The large-scale pillaging and illegal exploitation of the mineral resources of the Democratic Republic of the Congo are proceeding systematically, and this is one of the major issues in the conflict. It can be seen from the addendum that along with the war, and in its shadow, massive economic pillaging — as great as anything Africa has ever suffered from — is under way. It is now established that problems related to insecurity along the borders and instability in the Great Lakes region, invoked by those committing aggression against the Democratic Republic of the Congo, cannot justify the occupation of almost half of Congolese territory by a coalition of armies from other countries, whose front lines are more than 2,000 kilometres from those countries' borders.

The danger that hangs over the effort to establish peace in the Great Lakes region, and in establishing a new political order in the Democratic Republic of the Congo, lies in the fact that the methods of the illegal exploitation of the natural resources and other forms of wealth of the Democratic Republic of the Congo have become so sophisticated that, as the addendum notes, the illegal economic activities of the aggressors are now self-sustaining and involve almost no financial burden on the countries concerned.

The Commission of National Experts set up by the Democratic Republic of the Congo estimated exports by Rwanda, Uganda and Burundi from 1998 to 2001 at more than \$427 million in fine diamonds for jewellery, about \$800 million in coltan and more than \$24 million in cassiterite.

I note, moreover, that a number of independent inquiries — foremost among which was that of the British Parliament, which I welcome and for which I am grateful — have arrived at the same conclusion reached by the Panel of Experts in last April's report. The British parliamentary report notes that exports, particularly gold and coffee from Uganda, are comparable to those from North and South Kivu, although everyone knows that Uganda produces barely any gold or coffee. The report also singles out Rwanda, which officially acknowledges having produced 63



tons of coltan, whereas it actually exported 603 tons in 2000.

One must therefore ask: Who profits from this crime? My Government would point first to the military-political groups in power in Rwanda and Uganda; businessmen in the two countries; and criminal networks involved in money-laundering through the traffic in drugs, diamonds, coltan and weapons. All of these mafia-like networks promote criminal activity in the Congolese economy and in that of the Great Lakes region as a whole, which has become one of the prime meeting places in Africa for counterfeiters, arms dealers and launderers of drug money.

I am also glad to see that, in paragraph 16, the Panel of Experts rightly stresses another aspect of that exploitation: human resources. The people's resistance to the demands, pillaging and exploitation to which they are subject leads to periodic massacres of local populations by the invaders. It is no coincidence that such massacres always take place in mining areas, such as Kasika in South Kivu and Djugu, Mongbalu and Watsa in Oriental Province. Indeed, all the information provided by national and international human rights organizations — the MISNA Catholic agency, Amnesty International, Human Rights Watch, the International Crisis Group, South Kivu youth organizations and associations, and the Congolese Foundation for Human Rights and Peace — confirms that the war in the Democratic Republic of the Congo is a humanitarian disaster.

Thus, the pillaging and illegal exploitation of the Democratic Republic of the Congo goes hand in hand with massacres, massive population displacements and the abuse of children and of Rwandese prisoners in mining and timber operations. Those organizations have established that over 3 million people have died directly or indirectly because of the war. The International Crisis Group has estimated the number of displaced persons within the country at 2 million and of those outside at 300,000. In a report to the Security Council of 28 November 2000, Ms. McAskie, Deputy Emergency Relief Coordinator, said that 16 million people were threatened by famine because of the war, representing over one third of the Congolese population. A recent report of the World Health Organization indicates that the incidence of HIV/AIDS has increased significantly in recent years in the Democratic Republic of the Congo. The reasons for

that increase include the fact that the aggressor forces come from countries where the HIV/AIDS rate is among the highest in sub-Saharan Africa.

Along with exploiting the natural resources and other wealth of the Democratic Republic of the Congo, Uganda military officers have stirred up ethnic conflicts, particularly in Ituri in Orientale Province, where the Lendus and Hemas killed each other in great numbers between June 1999 and October 2000, causing thousands of deaths and displacements.

Similarly, the Congolese will never forget the frenzied, mercenary rush for profits that brought Rwanda and Uganda to bloody confrontation in Kisangani, in Orientale Province. These clashes were denounced by the Government of the Democratic Republic of the Congo, the Congolese people as a whole and the international community. That was a case without precedent in the history of international relations. Never before had the world witnessed two foreign armies cross their respective borders to clash on the territory of a neighbouring country and to claim spheres of influence in which they could exploit resources that did not belong to them.

With respect above all to the environment and ecology, almost all of the inquiries undertaken by the most respected agencies have shown that all our national parks, designated by the United Nations Educational, Scientific and Cultural Organization as the collective heritage of mankind, have been systematically devastated. They are subject to poaching as a custom of war and to organized illegal trafficking. The species that live there, which are unique in the world, are often slaughtered with automatic weapons. A report of a Congolese institute for nature conservation notes, for instance that, of the 11,000 hippopotamuses that lived in the waters of Virunga National Park, only 1,000 remain.

I wish to take this opportunity today to make a solemn and urgent appeal to the international community to support my Government's efforts to preserve and protect our many animal species, such as elephants, bonobos, gorillas in the eastern plains, mountain gorillas, chimpanzees, baboons, white rhinoceroses, okapis and Congo peacocks, all of which are being exterminated.

I thank the Panel of Experts for having recognized the tireless efforts made by Major General Joseph Kabila, President of our Republic, as well as his

resolve to undertake reforms, to implement sound macroeconomic policies, to manage public affairs in a wise and open manner and, above all, to respect the law so that everything can be done to ensure the country's economic recovery and reconstruction.

The efforts of the President of the Republic are based on the following exigencies. The national sovereignty and territorial integrity of our territory must be defended. Lasting peace must be restored through a negotiated solution to the war of aggression, which has cost the Congo millions of lives over the past three years. This is needed to end once and for all the horrible suffering and immeasurable misery and death that our people have been subjected to under the aggression. Ways and means must be sought to allow the Congolese people effectively to enjoy fundamental freedoms and basic human rights. More efficient management of public services must be established through reform policies so as to ensure good governance, full respect for human rights and popular participation in the functioning of democratic institutions once peace has been restored. National human and material resources must be developed in order to enable the country once again to become a major political and economic player in Africa. Lastly, dignity and pride, which are cherished by peoples throughout the world, must be restored to the Congolese people.

Today, with the assistance of the Bretton Woods institutions, the Government of the Democratic Republic of the Congo is preparing a new policy to develop the private sector, promote national and foreign investment, reform socio-economic sectors, ensure transparency in management, fight corruption, restructure our armed forces, demobilize child soldiers and reform our judicial system. Along those lines, the Government recently drafted a new mining code. Consultations and negotiations will continue with our national and foreign social and economic partners.

With respect to transparency in public administration, the Government has begun auditing all public enterprises. The audits have been made public and those in positions of responsibility who have fallen short have been punished. Furthermore, I am pleased to inform the Council that the President of the Republic recently ordered the establishment of an anti-corruption commission in order to strengthen the rule of law. The commission of national experts, which is assisting us at this meeting, is mandated not only with investigating

the illegal exploitation of the natural resources and other wealth of the Democratic Republic of the Congo, but also with monitoring the review of all agreements concluded by the Government.

My Government has already indicated its agreement with the recommendations made by the Panel of Experts in its report and notes with great interest the comments offered in the addendum. My Government therefore believes that it is up to the Security Council to draw conclusions from the relevant recommendations of the Panel's reports so as to break the linkage that regrettably exists between the pillaging of resources and the continuation of the war in the Democratic Republic of the Congo.

My Government also believes that if the Council wishes to renew the mandate of the Panel of Experts, it will be absolutely essential to strengthen significantly its expertise to enable it to better define, mainly at a purely technical level, the responsibilities related to the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo.

Looking at the overall picture of restoring peace, we must also establish a link between the cessation of hostilities and the economic recovery of our country, while providing a structural framework that will help the Democratic Republic of the Congo emerge from the current crisis.

My Government believes that at the appropriate time the Council should follow up on the request made to it on 3 May 2001 to take prudent preliminary steps to place an embargo on looted products that transit through Kigali, Bujumbura and Kampala.

Primarily, my Government would also be very grateful to the Council if it would agree to the implementation of all the recommendations contained in the report of the Panel of Experts, particularly the following: speed up the deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), because only the total and definitive withdrawal of the aggressors can ensure a halt to the plunder of the wealth of the Democratic Republic of the Congo; demilitarize Kisangani, make reparations for material damage in that city and indemnify its people, pursuant to resolution 1304 (2000); impose all possible measures, in keeping with the duties and obligations entrusted to the Security Council by the Charter, against any party that rejects the demilitarization of Kisangani and the

countries that support it; freeze assets of the rebel movements and their leaders, and of companies and individuals involved in the illegal plundering and exploitation of Congolese resources; request Members of the United Nations to stop providing financial assistance to countries that are behind the plundering and illegal exploitation of resources of the Democratic Republic of the Congo; request the International Monetary Fund and the World Bank to suspend their cooperation with aggressor countries if pillaging and warfare continue; request the neighbouring countries of the Democratic Republic of the Congo and transit countries to stop encouraging any kind of economic and financial activities carried out in their territories that are linked with the war in the Democratic Republic of the Congo; support the Democratic Republic of the Congo, because of its financial and moral losses and its economic decline, in its legitimate right to demand financial compensation from the countries and individuals guilty of plundering, whether directly or indirectly; and order legal action to be taken against the authors and co-authors of this plundering and their accomplices.

I cannot conclude without paying a heartfelt tribute to Mr. Amos Namanga Ngongi, Special Representative of the Secretary-General, and all United Nations and associated personnel for their ongoing contribution to restoring peace to my country through their full dedication and total self-sacrifice. I also welcome the atmosphere of trust, mutual respect and real cooperation between the United Nations and the Democratic Republic of the Congo, which certainly facilitates United Nations and humanitarian operations throughout our territory.

**The President (spoke in French):** I thank the Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo for the very useful information he has given about the tripartite meeting held at Abuja from 6 to 8 December 2001, as well as for his kind words addressed to me.

The next speaker inscribed on my list is Mr. James Wapakhabulo, Third Deputy Prime Minister and Minister for Foreign Affairs of Uganda. I invite him to take a seat at the Council table and to make his statement.

**Mr. Wapakhabulo (Uganda):** It is both a pleasure and an honour for me to address the Security Council on the addendum to the report of the United

Nations Panel on the Democratic Republic of the Congo. I am particularly happy to see you, Mr. President, from the sister African Republic of Mali, presiding over the Security Council in its search for peace and stability in the Great Lakes region. I can assure you of Uganda's continued commitment to full cooperation so as to enable you and the Council to attain these very noble goals.

Allow me also to congratulate your predecessor, Ambassador Patricia Durrant, Permanent Representative of Jamaica, and to thank her for the excellent manner in which she guided the work of the Council in November. Uganda was touched by the fact that The Right Honourable P. J. Patterson, Prime Minister of Jamaica, personally presided over the Security Council meeting with the Political Committee of the Lusaka Ceasefire Agreement on the Democratic Republic of the Congo on 9 November 2001. That was a clear testimony that Jamaica truly has a special affinity for the plight of Africa and the search for durable peace in the Great Lakes region.

I particularly welcome the presence also of the Assistant Secretary-General at this very important meeting on the Great Lakes region. His presence confirms the importance the Secretary-General and the Security Council attach to addressing the political crisis and the illegal exploitation of the natural resources of the Democratic Republic of the Congo, as well as to bringing stability to the Great Lakes region.

My Government welcomes the release of the addendum to the report of the United Nations Panel of Experts on the Illegal Exploitation of Natural Resource and Other Forms of Wealth of the Democratic Republic of the Congo. My delegation is particularly gratified that the Security Council has afforded us the opportunity to respond to the addendum report of the Panel, which was chaired by Ambassador Kassem of Egypt.

It is my wish to formally present to the Council the Government of Uganda's response to the addendum to the report of the United Nations Panel on the Illegal Exploitation of the Natural Resources of the Democratic Republic of the Congo. That response has already been circulated. The response covers Uganda's observations on the addendum to the report, responds to the allegations regarding the involvement of Ugandan individuals and private companies and outlines Uganda's views on the way forward and the

need to focus on the implementation of the Lusaka Ceasefire Agreement. I wish, therefore, to utilize the short time available to highlight the key elements of this response.

The Council will recall that in early 2000, Uganda, and President Yoweri Museveni personally, supported the proposal to establish a panel of experts to investigate allegations of illegal exploitation of the natural resources of the Democratic Republic of the Congo. Since then, Uganda has extended maximum cooperation to the two investigative United Nations Panels of Experts that visited Kampala in November 2000 and August 2001.

In compliance with the request made by the Security Council, Uganda established, under legal notice S/2001, dated 25 May 2001, an independent judicial Commission of Inquiry into the allegations against Uganda of illegal exploitation of the natural resources of the Democratic Republic of the Congo, under the chairmanship of Justice Porter, a distinguished Judge from the United Kingdom. I should point out that under the Commission of Inquiry Act of 1914 — which was put in place in 1914, not by us but by our bosses then — the Porter Commission has the powers of the High Court of Uganda, including the power to summon witnesses, compel production of documents and cause police, as servants of the Commission, to search premises. The Commission also has powers to mete out punishment for contempt and perjury. Indeed, the witnesses that have appeared before the Porter Commission include President Museveni, top Ugandan People's Defence Force (UPDF) officers, senior Government officers and various executives of private companies. A number of rebel leaders in the Democratic Republic of the Congo and other Congolese have also given sworn evidence to the Porter Commission on a voluntary basis. The Porter Commission published its interim report in document S/2001/1080. Its mandate has been extended to February 2002 to allow for any new corroborative evidence that Ambassador Kassem's team may be able to share with Justice Porter.

Consistent with our position on the principle of investigation of the illegal exploitation of the natural resources of the Democratic Republic of the Congo, the Government of Uganda is committed to the implementation of the recommendations of the Porter Commission. We are convinced that, in the interest of resolving the crisis in the Democratic Republic of the

Congo and promoting peace in the region, all the activities of the parties involved in that country should be above board.

I would like to make a few comments on the addendum report. I will start with the positive improvements in that report, as Uganda sees it.

Uganda has carefully studied the addendum to the report. We believe that the Kassem report reflects a more balanced approach to, and an improved analysis of, the political crisis and the illegal exploitation of the natural resources of the Democratic Republic of the Congo. The addendum covers all parties involved in the Democratic Republic of the Congo, as well as the transit and destination countries for the natural resources of the Democratic Republic of the Congo. We think that this is very positive.

We note that the addendum acknowledges the fundamental reasons for Uganda's involvement in the Democratic Republic of the Congo. It recognizes Uganda's legitimate security interests relating to the threat from terrorist groups in the Democratic Republic of the Congo, which include the Allied Democratic Forces (ADF), West Nile Bank Front, the Uganda National Rescue Front II and the more recently created People's Redemption Army. The addendum also recognizes the fact that the intervention by Uganda in pursuit of the perpetrators of terrorist activities followed the signing of a bilateral protocol on security between Uganda and the Democratic Republic of the Congo in Kinshasa in April 1998.

The Government of Uganda notes with satisfaction and appreciation that since 5 December 2001 the ADF and the Lord's Resistance Army (LRA) have been placed on the list of terrorist organizations by a number of countries, including the United States of America and the United Kingdom. Indeed, this is a confirmation of what the Uganda Government has been saying all along. We sincerely hope that countries which have been praising the ADF and LRA as freedom fighters will now reconsider their support for these terrorist organizations and join the efforts to build peace and stability in the Great Lakes Region.

The addendum confirms that neither the Uganda Government nor any of its companies are involved in the illegal exploitation of the natural resources of the Democratic Republic of the Congo. The addendum clearly shows, for example, that the Dara Forest case study, which was central to the old United Nations

Panel's allegation of Uganda's systematic and systemic illegal exploitation of the natural resources of the Democratic Republic of the Congo was based on false evidence. The reconstituted Panel was able to establish that Dara Forest is not a Ugandan-Thai company but a Kinshasa registered Congolese-Thai logging company; that President Museveni and his family members are not shareholders in the company; and that the Department of Forestry in Kampala was never involved in the falsification of timber certificates to export timber said to be of Ugandan origin when, in fact, it is from the Democratic Republic of the Congo.

Another positive part of the addendum is that it recognizes Uganda's compliance with, and commitment to, the implementation of the Lusaka Ceasefire Agreement and the relevant Security Council resolutions and decisions. It specifically reflects the fact that Uganda has withdrawn 12 of the 14 UPDF battalions it had sent to the Democratic Republic of the Congo. It also appreciates that Uganda is the only country which has complied with the request of the Security Council by establishing an independent judicial Commission of Inquiry on the allegations of illegal exploitation of the natural resources of the Democratic Republic of the Congo.

I wish to reiterate my call to the Security Council of 9 November 2001 for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to deploy adequate forces in Buta and Bunia to enable the immediate withdrawal of the two remaining UPDF battalions from the Democratic Republic of the Congo. The UPDF would remain only on the western slopes on the Rwenzori Mountains on the border. In this context, I wish to inform the Council that MONUC officials recently visited Uganda — they met with me personally — and that the MONUC office in Kampala is currently working with Uganda's Ministry of Defence to finalize compilation of the required technical information for implementation of paragraph 12 (i) of Security Council resolution 1376 (2001).

The reconstituted Panel makes two very significant and pertinent points. First, the fundamental reason for the continuing exploitation by various States, business mafias and individuals is the vacuum created by the effective collapse of all State institutions and structures of the Democratic Republic of the Congo. Secondly, the implementation of the Lusaka Ceasefire Agreement and the start of rebuilding State

institutions under a new political dispensation is the only viable way to guard against the illegal exploitation of the natural resources of the Democratic Republic of the Congo.

It is also significant to note that this collapse of State structures explains why the Democratic Republic of the Congo territory has served as a base for the various terrorist groups against Uganda and other regional neighbours. In our view, this is the main cause of the conflict in the Democratic Republic of the Congo.

We have some areas of concern with regard to the addendum. We are concerned about a number of very serious allegations, errors, omissions and weaknesses in the analysis contained in the addendum to the Panels' report.

There are, for example, persistent allegations without corroborative evidence. The Panel alleges that, in spite of the significant withdrawal of Uganda troops from the Democratic Republic of the Congo, some senior officers continue to have networks for illegal exploitation of natural resources in that country. The Government of Uganda views this as a serious allegation. We hope that the Panel will be able to share corroborated evidence and key materials with Justice Porter so as to prove the existence of such networks by senior UPDF officers. I have spoken to Ambassador Kassem and expressed this concern in person. I wish to reiterate the commitment of the Government of Uganda to implementing the recommendations of the Porter Commission.

It is important to point out that evidence was given to the United Nations Panel to demonstrate that UPDF is a disciplined force, both in its track record and the administrative codes. The UPDF is governed by a code of conduct and is subject to the law and other relevant conventions. The statute under which it operates and the attached regulations and standing orders constitute the military code of the UPDF under which it is disciplined.

Our army is subject to parliamentary oversight of its functions. Indeed, President Museveni sent out a strict radio message in December 1998 instructing the UPDF in the Democratic Republic of the Congo not to engage in business. The President also instructed the UPDF, however, to facilitate ordinary, private businesspeople to do business there in order to alleviate the supply of acute needs, such as medicine

and essential commodities. But, importantly, our officers are subject to commissions of inquiry and are tried under the law if they commit offences. For example, a number of UPDF officers who deviated while in the Democratic Republic of the Congo have since been tried and punished.

Uganda is thus concerned that the Panel makes an oblique allegation that UPDF military culture condones illegal activities. This is a very serious allegation without corroborative evidence. Uganda, therefore, hopes that corroborative evidence will be given to substantiate or remove this allegation so that Justice Porter can also get to the root of the matter.

There are some errors in the addendum. In paragraph 48, the Panel alleges that, contrary to evidence, the Uganda Government has denied transit of timber from the Democratic Republic of the Congo through Uganda since 1998. This is not true. I think that this allegation was either made as a technical error or was based on false information. Uganda has always stated that the transit of cargo to and from the Democratic Republic of the Congo has taken place since time immemorial. Detailed data on transit goods from the Democratic Republic of the Congo from 1993 to 2001 and copies of the Democratic Republic of the Congo customs documentation were provided in response to the United Nations Panel's questionnaire by the Uganda Revenue Authority in August and September 2001.

I also wish to point out that there is an agreement establishing what is called the Transit Transport Authority for the Northern Corridor, which was signed in 1985 by Uganda, Rwanda, Burundi, the Democratic Republic of the Congo and Kenya. The mandate for this Transit Transport Authority is to ensure efficient flow of traffic between Bujumbura, Kigali, the Democratic Republic of the Congo, Kampala, Nairobi and the port of Mombasa—in other words, a hinterland Mombasa port. A number of infrastructure projects under this Authority are supported by the World Bank, the European Union and other donor agencies. At the fourteenth ministerial meeting of this Northern Corridor, in Kampala on 23 November 2001, Uganda reiterated its commitment to ensuring smooth traffic flows through Uganda to strengthen regional initiatives for infrastructure development and to harmonize customs documentation and procedures along that Corridor.

In paragraphs 28 and 44, the addendum refers to the continued mining operations by UPDF of gold in the Kilo-moto area and diamonds in the North Kisangani area. The withdrawals of UPDF from North Kisangani and Kilomoto which took place in May/June 2001 have been verified by MONUC. It is, therefore, gross prejudice to allege that UPDF is still involved in gold and diamond mining in areas it vacated six months ago.

Mr. President, there is also what we consider a serious omission. You will recall that in May 2001, Uganda strongly objected to the old Panel's unwarranted attack on the person of President Museveni. As corroborated evidence contradicting the DARA case study demonstrates, allegations by the old Panel against President Museveni's family and the Department of Forestry's involvement in illegal exploitation were based on false information. That is why we feel that it was a serious omission for the addendum to ignore the need to acknowledge the fact that a serious mistake had been made and that it was unjustifiably damaging to the integrity of President Museveni and the Forestry Department.

Uganda, therefore, supports the extension of the mandate of the United Nations Panel to address outstanding issues relating to corroboration of evidence, gross omissions and obvious technical errors. In this connection, Uganda would like to request the Security Council to seriously consider setting up a mechanism that would encourage and enable the United Nations Panel to share information with the Porter Commission of Inquiry.

I will conclude with discussing the way forward. There is the question of an international conference on the Great Lakes. Uganda has welcomed the Panel's proposal to convene an international conference on peace and development in the Great Lakes region. We believe, however, that such an international conference should be held after the implementation of both the Lusaka Ceasefire Agreement on the Democratic Republic of the Congo and the Arusha Peace and Reconciliation Agreement on Burundi. Convening an international conference on the Great Lakes region before the conclusion of the inter-Congolese dialogue would definitely divert attention from the Lusaka Ceasefire Agreement. We are convinced that it should be the responsibility of the transitional government of the Democratic Republic of the Congo to undertake the formulation of a plan of action to rebuild State

institutions and to participate in international conferences focused on the reconstruction and development of the Great Lakes region.

Mention was made of a moratorium on a number of key commodities. The panel recommends in paragraph 156 that a moratorium should be declared banning the purchase and importing of certain products, including gold, coltan, diamonds, coffee and timber originating in the Democratic Republic of the Congo. While the desire to undertake such definitive action to address the issue of illegal exploitation of the natural resources of the Democratic Republic of the Congo could be understandable, the Security Council needs to move very cautiously on the issue of a moratorium. A moratorium would definitely have the effect of sanctions against the small farmers and artisan miners in the Democratic Republic of the Congo who earn their living and access to medicines and other essential commodities through traditional cross-border trade. It would also cripple the capacity of missionary groups and other non-governmental organizations, which are the only organized institutions to deliver humanitarian services in the Democratic Republic of the Congo.

Let me make a small correction here on the statement made by Minister Okitundu that Uganda produces hardly any coffee. The biggest crime we have in Uganda is that we produce too much coffee. Uganda is the leading coffee producer on the African continent. We compete only with Côte d'Ivoire. Sometimes we beat them, sometimes they beat us. But I can assure you that we are within the range of four or five million bags a year, and we do so every year from our own very fertile soil.

Secondly, I know that Uganda has been hit by HIV/AIDS, but we are definitely one country that has, through concerted action, reduced our rate of replication from 30 per cent to 6 per cent, and, as we speak it is still falling. Hence, we should not be condemned for something over which we had no control, but at least we have tried to assert control.

On the question of renegotiation of concessions that is recommended by the Panel, in our view, these should be negotiated under the auspices of the Security Council. However, in our view this would be putting the cart before the horse. We feel that the transitional government that will be established as a result of the inter-Congolese dialogue should have the sovereign

responsibility to handle all matters relating to the review of contractual obligations, regulation of revenues from the country's resources and the formulation of a plan of action for rebuilding the country's institutions and structures.

We think that there should be a focus on the implementation of the Lusaka Ceasefire Agreement. We strongly agree with the Kassem Panel that it is the urgent implementation of the Lusaka Ceasefire Agreement and the creation of institutions of a viable State under the new political dispensation that can guarantee against the illegal exploitation of the natural resources of the Democratic Republic of the Congo. The successful implementation of the Lusaka Ceasefire Agreement will, first, put in place a transitional government to ensure the rebuilding of the collapsed State and its institutions and fill the vacuum created by the absence of authority to regulate the exploitation of the country's wealth. Secondly, it will address the security concerns generated by the presence of armed terrorist groups in the Democratic Republic of the Congo to destabilize her neighbours.

In our view the Security Council should stay focused on playing a leadership role in ensuring accelerated disarmament, demobilization, repatriation, resettlement or reintegration of the negative forces based in the Democratic Republic of the Congo and the successful outcome of the inter-Congolese dialogue scheduled to start in South Africa in January next year. In this context, Uganda feels that a summit meeting between the Security Council and the Political Committee should be convened early next year to ensure sustained momentum for the inter-Congolese dialogue and to agree on an enforceable timetable for the establishment of a transitional government in the Democratic Republic of the Congo. Indeed, any specific measures by the Security Council should, in our view, be focused on creating incentives for all parties to implement the Lusaka Ceasefire Agreement.

*The President (spoke in French):* I thank the Third Deputy Prime Minister and Minister for Foreign Affairs of Uganda for his kind words addressed to me.

The next speaker on my list is the Deputy Minister for Foreign Affairs and International Cooperation of the United Republic of Tanzania, His Excellency Mr. Abdulkadeer Shareef. I invite him to take a seat at the Council table and make his statement.

**Mr. Shareef (United Republic of Tanzania):** Allow me to begin by congratulating you, Sir, on your assumption of the presidency of the Security Council for this month. We wish you every success in these troubled times.

I welcome the efforts that the Security Council has been exerting to bring peace and stability to the Great Lakes region in general, and, in particular, to the Democratic Republic of the Congo.

In that regard, the United Republic of Tanzania wishes to reiterate its support for the work of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. It is for this reason that the Government of the United Republic of Tanzania and its institutions extended its full support to the Panel when it paid a visit to my country in pursuit of its mandate.

The Panel visited the United Republic of Tanzania on 17 and 18 September 2001. Notwithstanding the short notice, during the visit it met with senior Government officials from the ministries of Foreign Affairs and International Cooperation, Defence, Energy and Minerals, Industry and Trade, Finance, Transport and Communications, and Home Affairs, as well as the Tanzania Railways Authority. The Panel also met with the Governor of the Bank of Tanzania and the Acting Director General of the Tanzania Harbour Authority. The discussions were conducted in a cordial and frank atmosphere.

Regrettably, the addendum to the report of the Panel has made unsubstantiated allegations against my country. To start with, in paragraph 7, the Panel alleges that information was not forthcoming from, among others, the United Republic of Tanzania and this factor "as well as the constraints of its short mandate, limited the Panel's ability to present a more complete addendum". In the second paragraph of annex I of the addendum, the Panel also "expresses its disappointment at the lack of adequate cooperation from the Governments of ... the United Republic of Tanzania".

It is further regrettable that my Government is accused of demonstrating hostility towards the Panel during its visit to Dar es Salaam. On the contrary, the Panel was accorded every possible assistance to facilitate its work while in Dar es Salaam.

Further reading the report shows that the United Republic of Tanzania is accused of facilitating the transportation of diamonds, timber and coltan through the port of Dar es Salaam. Allow me to take this opportunity to comment on each item referred to in the report.

During its visit to the Bank of Tanzania, the Panel was assured that the Central Bank, which is modelled on the British system, the Bank of England, deals with fiscal and macroeconomic management. It is thus neither a marketing board nor a clearing house for exports and transit goods. Our Central Bank, therefore, does not deal in diamonds. Moreover, diamonds in the United Republic of Tanzania are exported legally by licensed dealers, as acknowledged by the supplementary report of the Monitoring Mechanism on Sanctions against UNITA, document S/2001/966, in paragraphs 188 to 200. We are therefore dismayed that the Panel is repeating the same accusation contained in the report in document S/2001/357 of 12 April 2001 to the Council without making available any evidence which would have helped the Government of the United Republic of Tanzania to conduct further investigations.

As regards timber exports, available records show that the Tanzania Harbour Authority did not handle timber for export during the period under review. However, as the Panel was informed by the Government, the United Republic of Tanzania has been handling cinchona bark from the Democratic Republic of the Congo, and not timber. The Panel claims that it has obtained documents indicating that at least two shipments of timber originating in the Democratic Republic of the Congo were transported through the United Republic of Tanzania. We are surprised, however, that the Panel did not share this so-called evidence with the Government of the United Republic of Tanzania.

Another example is that of coltan, or columbotantalite. It is not true that the Government and the Tanzania Harbours Authority "vehemently denied" (S/2001/1072, para. 24) that coltan originating in the Democratic Republic of the Congo had ever been exported from the port of Dar es Salaam. However, the reference in the report to the vessel *Karina S* as having shipped coltan and as having left the port of Dar es Salaam on 13 July 2001 is totally inaccurate information. No ship by that name docked and left with the reported cargo at that date or in that period of time.



My Government would appreciate being furnished with evidence that the said ship visited the port of Dar es Salaam as reported.

The United Republic of Tanzania, as a transit country, has international obligations to serve its landlocked neighbours in the import and export trade. Those countries use our ports, railways, roads and airports. As such, unless there are United Nations sanctions imposed by the Security Council against a country or reasons to suspect a particular shipment, the shipping authorities of Tanzania respect the documents of the pre-shipment inspection companies and of the exporting countries. The Government of the United Republic of Tanzania expected the Panel to provide it with its evidence that could prove the authenticity of those claims.

During its visit, the Panel was told that the United Republic of Tanzania does not support or administer on its territory rebel camps of the groups mentioned in the report. We strongly deny the allegation that some Mayi-Mayi groups are based or have established a vaguely structured presence in the United Republic of Tanzania. We regret that those allegations are contained in one sweeping statement without a tinge of evidence, explanation or detail. Such allegations not only damage the credibility of the Panel but also could adversely affect my country's relations with its neighbours, for my country is on record as having played a neutral role with respect to the Democratic Republic of the Congo, right from the beginning of the conflict, and it continues to play such a role.

In the same vein, the United Republic of Tanzania does not serve as a transit point for arms belonging to rebel groups involved in the conflict in the Democratic Republic of the Congo. It is therefore surprising and highly regrettable that the Panel saw fit to accuse the United Republic of Tanzania of acting as a conduit for weapons to the armed groups. I believe the Council is aware that the United Republic of Tanzania has been playing a leading role in the search for peace and security in the Democratic Republic of the Congo and in the Great Lakes region as a whole. In that regard, the United Republic of Tanzania is one of the architects of the Lusaka Accord, whose full implementation would lead to lasting peace in the Democratic Republic of the Congo. We are gratified that the Council has been actively seized of the peace process in the Democratic Republic of the Congo.

The United Republic of Tanzania will continue to cooperate with the Council on this question, and it is our hope that the final report of the Panel will address the shortcomings I have outlined. It is also our expectation and our sincere hope that the Panel will make available to my Government the so-called credible evidence it claims to have obtained on the matters raised in its report. The cooperation of the Panel in that regard would be in the interest of furthering the peace process in the Democratic Republic of the Congo in particular and of ensuring peace and stability in the Great Lakes region as a whole. We look forward to the day in the not too distant future when the situation in the Democratic Republic of the Congo will be so stable as to allow the refugees — of whom the new caseload currently in my country numbers more than 170,000 — to return home.

Another important observation: the report would have been more comprehensive had it included also the end users of the natural resources plundered from the Democratic Republic of the Congo.

I am here not only because the credibility of my country has been called into question by the accusations in the report, but also because those accusations undermine the United Republic of Tanzania's efforts in the pursuit of lasting peace in the Great Lakes region. We respect the sovereignty and territorial integrity of the Democratic Republic of the Congo and its rights over its natural resources for the benefit of all its people. We expect the other neighbours of the Democratic Republic of the Congo, and indeed the international community at large, to do the same. I hope that the Council will understand our concerns. Nevertheless, I would like once again to reiterate that the Council can count on our continued support and cooperation. We have nothing to hide.

**The President** (*spoke in French*): I thank the Deputy Minister for Foreign Affairs and International Cooperation of the United Republic of Tanzania for the kind words he addressed to me.

The next speaker is His Excellency Mr. Patrick Mazimhaka, Adviser to the President of the Rwandese Republic. I invite him to take a seat at the Council table and to make his statement.

**Mr. Mazimhaka** (Rwanda): Allow me first of all, on behalf of my Government and of my delegation, to congratulate you, Sir, on your assumption of the presidency of the Security Council for the month of

December, and on a job well done thus far, half way through the month. We also recognize the distinguished work of the previous President, Ambassador Durrant of Jamaica.

The Government of Rwanda is grateful to the Security Council for having found time on its busy schedule to debate the issue of the exploitation of resources of the Democratic Republic of the Congo, an issue which, in our view, has given rise to a great deal of grief and recrimination on all sides. 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 the timely completion of its eagerly awaited reports.

The reaction of my Government is set out in Security Council document S/2001/1161. I shall therefore be brief as concerns the details of our reaction.

On the allegations concerning the exploitation of the wealth of the Democratic Republic of the Congo, the Government of Rwanda has noted that, in the present addendum (S/2001/1072) to its report, as before, the Panel, in the case of Rwanda and its Government, did not indicate the names of organizations involved in the exploitation of resources. But we do not have all the details of its investigation; we shall await the Panel's further work on this issue.

Commercial activities allegedly carried out by the Rwandan Government or its army should be carried out, as elsewhere, through recognizable organizations or companies, which has not been the case either time we have had this report.

However, we have noted that, in the case of the allies of the Government of the Democratic Republic of the Congo, a direct link between exploitation and the continuation of the war was established. Our reaction to the previous report was that we had wanted this to be looked at, so it is gratifying, therefore, that work has been done in that direction.

A system of payment through concessions, contracts and joint ventures, which previously had been publicly acknowledged by the parties themselves, is now on record in the work of the Panel.

Some of the resources go to finance the arming and training of ALIR forces — which, again, is something we have been bringing to the attention of the Council over the past year as we try to implement

Lusaka and as we continue to encounter difficulties in carrying out the process of disarmament.

Secondly, the Panel did not fully establish links between the exploitation of resources and the operations of the Rwandan Patriotic Army. Once again, if there is any evidence, we did not see it in the report of the Panel and therefore cannot make any further comments on it.

However, in the response that it gave, the Government of Rwanda recognizes that the Panel made recommendations in the right direction. These recommendations point to a positive and constructive approach to the central issues that are at play in the Democratic Republic of the Congo.

The key elements of the Panel's recommendation are, first, that everything must be done to give the Democratic Republic of the Congo effective control over its territory and to protect its resources from illicit exploitation; and secondly, that the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) should accelerate the process of the disarmament, demobilization, repatriation and reintegration of the armed groups.

The Rwandan Government endorsed the Panel's view that, in the absence of a resolution to the conflict, it would be unrealistic to expect that an end could be put to this exploitation. This should refocus our attention onto the full and speedy implementation of the Lusaka Agreement, as we mentioned in our response.

The Government of Rwanda added in its report that the disarmament of the Interahamwe and the former Rwanda Armed Forces (ex-FAR), rebaptized ALIR, will certainly lead to the withdrawal of all foreign forces, including the Rwandan forces. Rwanda in particular has already seen a direct link between the active and hostile presence of these forces and the deployment of its forces in the Democratic Republic of the Congo.

The Rwanda Government also noted that the Panel's acknowledgement that continuing or intensifying fighting appears to be aimed at preventing effective demobilization in the Democratic Republic of the Congo and that credible sources informed the Panel that several ALIR combatants had been incorporated into the Congolese Armed Forces.

Rwanda believes that this shows the Security Council definitively that Rwanda's problem is the support that the Government of Kinshasa has been giving, and continues to give, to these genocidal terrorist forces in their quest to wage war against our country.

We note also that the reports made mention of the leadership of these forces, most of whom are indictable criminals, enjoying unlimited freedom of circulation in the capital, Kinshasa. This goes against the norms and obligations of international law.

Given these realizations and the facts that have been brought to light by the Panel — and which, as I said earlier, we have been bringing to the Council's attention for a long time — one would like, however, to focus on the positive elements of the report and to try to make some specific recommendations for a way forward in the continued search for peace and security in our region.

One of the issues raised by the Panel of Experts is that of the continued low-key war that is being waged in north Katanga and in the Kivus by the armed groups supported by the Kinshasa Government and its allies. We must address this issue and others before we can think about making progress in this direction.

We must look for ways of enhancing the process of ending the conflict as a whole, not elements of the conflict alone. I note here that, when we continue to say that there is a ceasefire along the main front line, we are really being blind to the fact that the front line has shifted eastward towards the borders of Rwanda, Uganda and Burundi.

The second issue is the restoration of full sovereignty to the Democratic Republic of the Congo. This includes State authority and the withdrawal of foreign forces from that country.

My Government could not agree more with the Panel on these two issues. The Lusaka Agreement for a ceasefire in the Democratic Republic of the Congo brings together all of the elements necessary to put an end to the conflict in the Democratic Republic of the Congo. At this stage, two important elements are not receiving adequate attention from the Council, and yet they are indicative of the difficulties we are facing in the process of implementation.

The first is what is euphemistically referred to as the transfer of the war to the east; the second is the

inter-Congolese dialogue, which is an essential element in restoring the sovereignty of the Democratic Republic of the Congo.

I will make what I hope are helpful observations as we look for a way forward.

Let me say that, with respect to question of the transfer of the war to the east, it is not really a transfer. The current conflict began in the east, where the ex-FAR and the Interahamwe had been waging a war of extermination against the people of Rwanda. That objective has not changed. However, the same forces — rebaptized ALIR, as I said earlier — took advantage of the deep disengagement carried out by the Rwandan forces to penetrate through a weakened defence to push back into the east, where they had been chased from.

With the help of the authorities in Kinshasa, ALIR is able to obtain the endless flow of supplies needed to sustain the war. The report adequately describes how this is done and how the resources are secured. Whereas forward units continue to wage war in north Katanga and Kivu, a large part of ALIR is effectively integrated into the Congolese armed forces (FAC). Again, the Government in Kinshasa must have the resources to maintain this annex to its own national army. The leadership of ALIR — all of them officers of the ex-FAR, indicted or indictable for genocide — are leading a life of luxury financed by the authorities in Kinshasa.

It is with these facts in mind that the Government of Rwanda proposes the following: the deployment of phase III of MONUC should be done expeditiously. MONUC and the Joint Military Commission (JMC) should systematically carry out surveillance of resupply routes, both by air and by land, and, in this specific case, along Lake Tanganyika. That is within that mandate of MONUC and the JMC.

MONUC and the JMC should monitor and report movements of armed groups, since these are the ones responsible for the continuation of the conflict. The Security Council, and in particular those of its members that enjoy good relations with the Government of Kinshasa, should make strong representations to that Government to stop giving assistance to those forces, in conformity with all recent Security Council resolutions.

The Security Council should call on the International Tribunal for Rwanda to locate and arrest the leaders of ALIR who are already indicted for genocide, with — we hope — the following results: first, the activities of these armed groups, which threaten the peace process, will be severely hampered by these actions; secondly, voluntary disarmament and demobilization can then become a realistic goal; and thirdly, the deployment of phase III of MONUC will then be justified.

On the restoration of the sovereignty of the Democratic Republic of the Congo, we would like to say that that principle has been reaffirmed in the Lusaka Agreement and all relevant Security Council resolutions. It has also been a subject of contention in the context of the current debate about who is responsible for the resources of the Congo — there is a contest between the Congolese actors as to which of them is the legitimate custodian of that sovereignty.

The Lusaka Agreement provides for a straightforward and speedy resolution of this issue, through the inter-Congolese dialogue. Fortunately, the dialogue has begun, and I was glad to hear the Minister for Foreign Affairs of the Democratic Republic of the Congo say that the recent contacts were not in vain, although, because of the many actors interested in the process, the advance of this process is being observed through subsets of the dialogue, rather than the dialogue itself. However, it is not the form that matters; if progress can be made, so much the better.

As the Panel has pointed out in its reports, everything must be done to give the Democratic Republic of the Congo control over its territory so that it can protect its resources from exploitation. It is with that in mind that we encourage the Congolese parties to the dialogue, now fully constituted, to go about the process selflessly, courageously and with a clear sense of the historic importance of the moment.

We urge the Security Council, therefore, to continue to take an active role, directly and through its members, in pushing the dialogue forward. To this end, it is important to do the following: urge the negotiators to return to the table as soon as possible; give all support, financial and political, to the process; urge the Government to take the lead while accepting the roles of other Congolese parties assigned to them through the Lusaka Agreement, to which it is a signatory; and

encourage the facilitator and others who are offering help to coordinate their efforts.

In conclusion, the Rwandan Government once again welcomes the reports and fully shares the forward-looking assessment of the problems in the region. The Rwandan Government will continue to support the work of the Panel, as mandated by the Security Council. Rwanda considers the sovereignty of the Democratic Republic of the Congo to be non-negotiable. It can be exercised only on behalf of and for the benefit of the people of the Democratic Republic of the Congo. This includes sovereignty over the natural resources and other forms of wealth they collectively possess.

The Government of Rwanda, however, insists that the military activities carried out by ALIR from the territory of the Democratic Republic of the Congo, with the support of the current Government in Kinshasa, constitute a major obstacle to the full enjoyment of sovereignty by our two sister States. It is therefore imperative that the two Governments work together, within the context of the provisions of the Lusaka Agreement, to fully implement the process of disarmament and demobilization.

The Rwandan Government urges the Government of the Democratic Republic of the Congo to dissociate itself from the activities of ALIR, which is a terrorist organization — an organization led by people who carried out genocide in Rwanda — and to immediately cease the support that it gives to it. In particular, ALIR should be removed from the FAC; its inclusion is a clear indication that the Kinshasa Government is preparing to hide these criminal forces with a view to their future use against Rwanda or against the people of the Democratic Republic of the Congo.

Given our experience over the past seven years, Rwanda can only be reassured by a stable Democratic Republic of the Congo, fully in control of its territory and willing to promote the principles of good-neighbourliness and cooperation. The Government of Rwanda will continue to cooperate fully with the Lusaka Agreement partners and the Security Council in promoting peace and security in the Democratic Republic of the Congo and the region.

Finally, I want to put on record our objection to the repeated accusation by the Government of the Democratic Republic of the Congo that Rwanda is

deliberately infecting the Congolese people with the HIV virus and AIDS.

**The President** (*spoke in French*): I thank the Adviser to the President of the Rwandese Republic for his kind words addressed to me.

**Mr. Levitte** (France) (*spoke in French*): I should like, on behalf of France, to extend a very warm welcome to the ministers who have gratified and honoured us by their presence today in the Chamber to take part in a discussion the importance of which we all appreciate.

I wish to associate myself with the statement that the Permanent Representative of Belgium will be making later on behalf of all of the countries members of the European Union. I would just like to make a few comments in my capacity as the representative of France.

It is fortunate that today we have an opportunity, in the presence of high-level representatives of the countries that are our partners in the implementation of the Lusaka Agreement, as well as of Ambassador Kassem and his entire team — to discuss the reports of the Panel of Experts on the illegal exploitation of natural resources of the Democratic Republic of the Congo. Rather than speaking of “reports”, I should, perhaps, say “report”, because the outstanding study produced by Ambassador Kassem is an addendum to the report presented in April; the two make up one whole. This exhaustive study, which encompasses all the facets of the problem, prompts us today to draw certain conclusions.

First, it is regrettably clear today that plundering has become one driving force — perhaps the main driving force — of the conflict. We had thought that the illegal exploitation was a consequence of the conflict. Now we have a reason to ask ourselves whether the pillaging of resources has not become one of the causes of the continuation of the conflict. Some of the parties involved seem to have an interest in perpetuating the conflict by plundering the resources of the Democratic Republic of the Congo.

There are, of course, some positive elements that we can welcome. Increasingly, the issue is being taken seriously by the parties themselves, as attested to by the work being done in Uganda by the Porter Commission, set up at the request of President Museveni. Nonetheless, much remains to be done. The

peace process is still fragile. It is making headway on the question of the inter-Congolese dialogue, as demonstrated by the recent and very encouraging meeting at Abuja, the outcome of which Minister She Okitundu told us about this morning.

For its part, the Security Council has decided on the deployment of phase III of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), and it will soon be able to launch the process of disarming and demobilizing armed groups, which is a legitimate concern of the States of the region. Uganda, as well as Angola and Zimbabwe, have begun to withdraw their troops from the territory of the Democratic Republic of the Congo, while Namibia has withdrawn all its contingents.

Nonetheless, it seems to us that the peace process has not yet reached the point of no return. The military situation is still uncertain, particularly in the east of the Democratic Republic of the Congo. It is in the eastern region that most of the resources now being pillaged are located.

We all know today that the continued illegal exploitation of the resources of the Democratic Republic of the Congo is incompatible with progress in the peace process. Regrettably, as long as some have a choice between pursuing their lucrative activities and the implementation of the Lusaka Agreement, there is little hope that peace will return and that the sovereignty of the Democratic Republic of the Congo will be restored.

We listened with great attention and much interest to the statements that have been made by Minister Wapakhabulo and Mr. Mazimhaka. They rightly insisted on the importance of MONUC’s action and on the need to strengthen its presence and speed up its deployment, and we in the Council very much agree with that. We are determined to continue the engagement of the United Nations. They rightly underscored the importance of the dialogue, and the dialogue must make progress. They noted the key importance of the demobilization and disarmament of the so-called negative forces, and they are right. However, if we move towards the withdrawal of forces and the restoration of sovereignty of the Democratic Republic of the Congo, we must not overlook an essential aspect that Ambassador Kassem rightly noted this morning: the link between the pillaging and the maintenance of foreign forces. This is the link that

must be broken. So what must we do, and how should we do it?

Ambassador Kassem's report tells us that the illegal exploitation of the resources of the Democratic Republic of the Congo continues unabated. This situation must end. It is incumbent on those who in one way or another are playing an improper role in these activities, either directly or through the intermediary of movements that they control, to cease and desist. The two reports of the Panel of Experts identify in this regard several States of the region whose troops are present in the Democratic Republic of the Congo. They must give serious consideration to the information contained in these reports and then take the measures required.

Beyond the action of the States concerned themselves, however, the international community in its entirety also has a role to play in inducing the parties concerned to do what is necessary. The international organizations, the specialized mechanisms, the United Nations agencies, the financial institutions and, of course, the Security Council can make a useful contribution to the settlement of this issue and, as a consequence, to the pursuit and achievement of the peace process.

It is in this spirit that we are inclined towards the renewal of the mandate of the Panel of Experts for a new period of six months. That extension will permit us better to monitor the evolution of the situation on the ground. It will also help us identify and prepare the measures that we need to take. Since April this year, the Experts have been presenting us with many sensible recommendations, some of which could profit from clarification. Some of them are innovative — such as, for example, the proposed imposition of a mandatory moratorium on certain resources. These proposals need to be studied in depth. On which materials would the mandatory moratorium be imposed? What impact would such a moratorium have on the financing of the conflict? What impact might it have on the already catastrophic humanitarian situation or the economy of the Democratic Republic of the Congo? All of these are questions that deserve to be studied closely.

One essential principle should guide us in our action: we must not forget who the chief victims of these activities are. They are — let us be clear — the Democratic Republic of the Congo and the Congolese population. It is a cruel and intolerable irony that the

extraordinary wealth of this country should be used to inflict greater misery on its inhabitants. We must help the Democratic Republic of the Congo confront this situation, which it has not sought. Moreover, any action by the international community can be undertaken only in close liaison with the Government of the Democratic Republic of the Congo and with its consent.

Our meeting today allows us to continue to be attentive to the views of our partners in the peace process. We shall take into account their observations and the commitments they have undertaken in our presence to put an end to the plundering of the Congo. It is by working together that we shall make progress on this issue.

**Mr. Kolby (Norway):** I would also like to pay tribute to the ministers for their participation in this important meeting of the Council.

Norway welcomes the addendum 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 thank Ambassador Kassem for his most commendable efforts in this regard and for his presentation this morning.

It is with deep regret that we note that the systematic exploitation of natural resources in the Democratic Republic of the Congo continues unabated. Unfortunately, a large number of States and non-State actors continue to be involved in such activity. Moreover, the parties' apparent toleration of controlled military confrontation is worrisome.

To the extent that a main motive for the continuation of the conflict is the exploitation of resources, as indicated by the Panel, there is indeed reason to question whether the parties to the conflict are negotiating in good faith. Against this background, the prospects for reaching peace in the foreseeable future may equally be questioned. Norway urges the parties to the conflict to prove that this is not the case and to demonstrate that tangible results in the peace process can be reached without delay.

We share the view that a political resolution to the conflict in the Democratic Republic of the Congo, including through real progress in the inter-Congolese dialogue and the establishment of effective governing structures, would help stop the exploitation of natural resources. Thus, the Government of the Democratic Republic of the Congo and other parties must, as a

matter of priority, participate actively and constructively in the inter-Congolese dialogue.

At the institutional level, we see the need for a plan of action for building proper State institutions in the Democratic Republic of the Congo. More than anything else, the addendum report clearly highlights the fact that various regimes in the Congo, since even before the country's independence, have neglected vital State institutions and functions. Furthermore, politicians have abused these institutions because of personal ambition and other reasons. Therefore, we would like to stress that the building of State institutions can be done only from a comprehensive and long-term perspective.

Taking duly into account any progress made under the inter-Congolese dialogue, this issue could be discussed at a proposed conference on peace and development in the Great Lakes region, which could be very helpful under the appropriate circumstances.

Norway is most supportive of the regional approach that the United Nations and other organizations have taken to the conflict. We are looking forward to receiving the multi-country programme for the demobilization and reintegration of ex-combatants in the Great Lakes region that the World Bank is currently developing. We are also looking forward to the establishment of a complementary regional multi-donor trust fund for financing disarmament, demobilization and reintegration efforts in the region. Norway clearly sees the need for such a programme. We believe that the problems must have regional solutions, and thus we find this regional approach very appropriate.

We note that the Panel of Experts suggests that international financial institutions and donors evaluate their assistance to examine whether it contributes to the continuation of the conflict. This might be a very important exercise to ensure that international financial institutions and donors contribute effectively to the intended purposes, including to helping limit and put an end to the conflict in the Great Lakes region. We further agree that all countries should review their national legislation and, if necessary, adopt new legislation to investigate and prosecute illicit trafficking in high-value products that fuel conflict.

Once again, the Panel has reported that various countries have not been forthcoming in providing information to the Panel. We deplore this and urge all

countries to cooperate constructively with the Panel and with other United Nations bodies or agencies when invited to do so. We support an extension of the mandate of the Panel in order to keep a close eye on the issue, including those parties that have not been very forthcoming, with a view to helping bring an end to the plundering of resources in the Democratic Republic of the Congo and advance the peace process.

In conclusion, the Security Council should take into account the views expressed at this open meeting before adopting the presidential statement. My delegation will be ready to participate in further work on the draft this afternoon, as proposed by you, Sir.

**Mr. Corr (Ireland):** On behalf of my delegation, I would like to thank Ambassador Kassem for introducing the addendum to the report of the Panel of Experts. I also thank the Ambassador and the Panel for their dedication and commitment in pursuing their mandate. The Panel has done an excellent job in setting out the pattern of exploitation of the resources of the Democratic Republic of the Congo by the parties to the conflict.

My delegation very much welcomes the high-level presence today from the Democratic Republic of the Congo, Uganda, Rwanda and Tanzania and thanks the ministers and representatives for their statements.

The representative of Belgium will speak shortly on behalf of the European Union. My delegation subscribes to his statement and I make the following points in my national capacity.

The Panel has pointed out that, without a resolution of the broader conflict in the Democratic Republic of the Congo and the region, it will be all the more difficult to expect an end to such exploitation. Ireland shares this view. In taking this matter forward, our primary goal must be to support the Lusaka peace process. My delegation believes that its implementation offers the only viable solution to the conflict in the Democratic Republic of the Congo.

The Panel recognizes that the issue of exploitation is inextricably linked to other serious issues in the region. Nonetheless, regardless of the initial motives which led to the conflict, it is clearly now unacceptable that a primary motive for all parties to the conflict has become the extraction of maximum material and commercial benefits. This is unacceptable in terms of restoring State institutions and unacceptable

in human terms; it is unacceptable that peacekeeping or peacemaking can rest on foundations corrosively undermined by economic injustice. As Ambassador Kassem said this morning, exploitation is both the means and the motive for sustaining the conflict.

In paragraph 16 of its report, the Panel refers to the exploitation of human resources. For my delegation, this is the most profoundly disturbing aspect of the complex situation in the region. That the human rights of the people of the Democratic Republic of the Congo are being systematically violated in such a flagrant and self-serving manner is a matter of the gravest concern and we hope that the Panel will revert to this issue.

As regards further action by the Council and the recommendations of the Panel, my delegation strongly supports an extension of the mandate of the Panel of Experts and we look forward to the adoption of a presidential Statement to this end. A continuing oversight function will serve as an important deterrent factor. Beyond this, however, we need to send a clear signal to all those involved in such activities that the Council is not prepared to see individuals, groups and States benefit from the resources of the Democratic Republic of the Congo at the expense, very often in shocking human terms, of the population of the country.

For this reason, as my delegation has previously stated, we see value in the proposal of the Panel for a voluntary moratorium on the import of specific goods. There is every chance that such action just might, as the Panel intends, have an impact on consumers and persuade them to pressurize the companies that purchase the commodities in question to seek alternative sources.

Bearing in mind the primary objective of supporting the Lusaka peace process, we feel that it would be valuable for the Panel to now look at steps which the Council might take to curb and control exploitation linked to the continuation of the conflict. This should include precise recommendations, where possible, and an assessment of the humanitarian and social impact of such steps. The Panel, in our view, should report back to the Council within six months. Of course, we have full confidence that, in so doing, the Panel will give due regard to balance and progress in the wider peace process. Flowing from paragraph 158 of the addendum, we also look forward to detailed

recommendations from the Panel as to how existing international organizations and mechanisms could be used to control the exploitation.

It is clear from the recommendations of the Panel that ending foreign exploitation of the resources of the Democratic Republic of the Congo will not be sufficient to halt exploitation and ensure that the people and the Government of that country will benefit from their resources. Other action will also be required. The international community will have to engage over many years, assisting in rebuilding the State institutions and structures of the Democratic Republic of the Congo. To this end, we look forward to a positive conclusion to the inter-Congolese dialogue and the agreement of the parties on their future political structures, so that the international community can help them in these tasks.

We agree with the Panel that all concessions, commercial agreements and contracts signed since 1997 should be reviewed and revised, with independent international assistance, to ensure that the revenue from the resources of the Democratic Republic of the Congo is put to the use of the country and its people, rather than to lining the pockets of some. Furthermore, we support the recommendation of the Panel that those countries involved, directly or indirectly, in the conflict in the Democratic Republic of the Congo, including countries of transit, should take appropriate steps to address the issues raised in the addendum.

In conclusion, we support an extension of the mandate of the Panel and, if this were to be agreed, we would hope to hear from the Panel again in a few months. More importantly, we look forward before then to tangible progress in the Lusaka peace process. It is our hope that all the parties will have taken real steps towards peace so that, when we revert to this issue again, it will be a case of reviewing the progress made in addressing this issue as part of progress in the overall peace process in the Democratic Republic of the Congo, rather than looking at it as an obstacle to peace in that country.

**Miss Durrant (Jamaica):** First of all, let me thank you, Mr. President, for convening this meeting on the report of the Panel of Experts on the illegal exploitation of the natural resources of the Democratic Republic of the Congo. We welcome the addendum to the final report of the Panel and wish to thank the Chairman, Ambassador Mahmoud Kassem, for his



presentation today of the Panel's recommendations, and him and his team for the work they have done. We also welcome to the Security Council the Ministers of the Democratic Republic of the Congo, Uganda, Zimbabwe and the United Republic of Tanzania and the Adviser to the President of Rwanda. We appreciate their participation in today's debate and thank them for their statements. Their views will certainly be taken into account in the further deliberations of the Security Council on this matter.

Over the past two years Jamaica has constantly emphasized the importance of the economic underpinnings of various conflicts in Africa, and in the Great Lakes region in particular, where the motivation for profiteering and plunder of resources has been a constant factor in the continuation of conflict. The continued illegal exploitation of the resources of the Democratic Republic of the Congo only serves to perpetuate the conflict in that country, impede economic and social development and exacerbate the suffering of the people of the country. It is for that very reason that we supported the establishment of the Panel of Experts, with a mandate to follow up on reports and collect information on activities of illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, including violation of the sovereignty of that country, as well as to research and analyse the links 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 report before us today clearly demonstrates that there is a link between the exploitation of natural resources of the Democratic Republic of the Congo and the continuation of the conflict. While we appreciate the fact that some progress has been made in the peace process in the Democratic Republic of the Congo, and we recall the debate we had last month with the representatives of the Lusaka Political Committee, we are reminded in the report that the exploitation of the natural resources of the Democratic Republic of the Congo has continued unabated for the enrichment of a wide range of actors, both foreign and Congolese. This is an untenable situation that cannot be condoned.

We have also taken note of the Panel's further emphasis on the exploitation of human resources by all parties to the conflict, which, as the report stresses, is a far graver phenomenon than the exploitation of material resources. This aspect cannot be ignored in

our deliberations, as a violation of the human rights of the people of the Democratic Republic of the Congo should not be tolerated. We must also insist that the Security Council's resolutions and the relevant international human rights and humanitarian regulations are respected.

My delegation fully concurs with the Panel's conclusion that in order to end the exploitation of natural resources and to establish a lasting peace in the Democratic Republic of the Congo, the two underlying causes of the conflict must be addressed: the decline of the Congolese State and its institutions and the continued security concerns generated by the presence of armed groups. As we have seen, the persistence of these factors has served to undermine the very gains of the Lusaka Ceasefire Agreement, and if left unchecked, they will inevitably support the continuation of the conflict.

It is in this context that my delegation believes that careful consideration must be given to the Panel's far-reaching recommendations. In the first place, we concur that in the short term emphasis must be placed on the areas of institution-building, restoring the rule of law and re-establishing State authority. This will be critical to confidence-building and to increased stability. We note that some steps have been taken in this regard, including the drafting of a mining code and the development of a national budget implementation plan. These measures, if carefully implemented, could augur well for the re-establishment of State authority.

Secondly, as the Panel report underscores in paragraph 154, the disarmament, demobilization and reintegration process is critical to bringing a lasting solution to the peace process. We therefore agree that the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) should accelerate the disarmament, demobilization and reintegration process in order to reduce the security concerns as expressed by a number of States in the region, including the Democratic Republic of the Congo, to a level that makes it possible for the countries concerned to negotiate among themselves the modalities of securing their borders without infringing upon the sovereignty of any State.

It is therefore clear that the need for MONUC to be deployed throughout the country, especially in the eastern part of the Democratic Republic of the Congo, is critical.

Thirdly, my delegation agrees that at some future date, all the concessions, commercial agreements and contracts signed during the period 1997 to 2001 and subsequently in the rebel-held areas should be reviewed and revised to address and correct all irregularities. We have taken note of the recommendations in regard to the financial and technical aspects of the continuation of the conflict, and we commend the recommendations to the World Bank and the International Monetary Fund and other international donors for their consideration. My delegation supports in principle the imposition of a moratorium as a part of a comprehensive mechanism that would stem the incentive for profiteering and plunder in the Democratic Republic of the Congo and the region as a whole. We believe that the imposition of a moratorium should be targeted not only at the countries and groups in the region, but also at the end users, because what we want to ensure ultimately is that the people of the Democratic Republic of the Congo benefit from the exploitation of their resources.

Finally, my delegation supports in principle the extension of the mandate of the Panel of Experts. We recognize that the time constraints of its short mandate limited the Panel's ability to present a more complete addendum. We would also wish the period of extension of the mandate to be used to refine further the recommendations made in the Panel's report and to assist the Council in operationalizing them.

In conclusion, my delegation wishes to reaffirm our belief that the situation in the Democratic Republic of the Congo can be solved only through a regional approach. We therefore believe that the Lusaka Agreement provides the only current framework in which this can be addressed. We look forward to the full implementation of the Lusaka Agreement and to the ending of the conflict in the Democratic Republic of the Congo.

**Mr. Ahmad (Bangladesh):** Let me begin by extending a very warm welcome to the Ministers of the Democratic Republic of the Congo, Uganda, Zimbabwe, the United Republic of Tanzania and Rwanda. Their participation in the discussion of the issue before has helped us appreciate their positions better. We are encouraged by their renewed commitment to reaching an early resolution of the problem and the conflict.

I should also like to pay special tribute to Mr. Mahmoud Kassem, Chairman of the Panel of Experts, and members of his team for a task accomplished with a high degree of professionalism, courage and determination.

As we focus our discussion on the Panel report, I would also like to recall with gratitude the work done by the Panel under the chairmanship of Mme Safiatou Ba-N'Daw. With the submission of the addendum, the Panel has completed the basic task of enquiry into the problem and preliminary recommendations to break the nexus between the illegal or abusive exploitation of the resources of the Democratic Republic of the Congo and the continuation of the conflict. The Panel's findings and recommendations assume critical importance as we make determined efforts to advance the peace process in the Democratic Republic of the Congo.

We shall address two issues in particular: first, Council action with regard to the recommendations of the Panel, and secondly, the question of the extension of the mandate of the Panel.

The Kassem Panel has confirmed that the finding regarding the illegal exploitation of the resources of the Democratic Republic of the Congo continues to be true. It has also confirmed the conclusion that there is a clear linkage between the illegal exploitation of those resources and the continuation of the conflict. This linkage has to be broken. The question is how.

The Panel recommends to us a set of three measures: the review and revision of all concessions, commercial agreements and contracts signed between 1997 and 2001; a moratorium on the import of high-value commodities such as coltan, diamonds, gold, cobalt, copper, timber and coffee from territories under foreign occupation or rebel control; and sanctions, depending on the evolution of the situation.

We would have supported the immediate implementation of some of the recommendations, in particular, a mandatory moratorium on the import of high-value commodities from the territories under the control of rebel movements or foreign forces. However, maintaining the imperative of preserving momentum in the peace process, we agree that the Council should take a decision after a thorough study of relevant factors, including the humanitarian consequences of the measures.

The review and revision of all concessions, commercial agreements and contracts would be an effective measure to cut the linkage between exploitation of the resources of the Democratic Republic of the Congo and the war. We are aware of the argument that such a measure can be best undertaken by the new political dispensation, following the successful conclusion of the inter-Congolese dialogue. However, should such a step be ultimately necessary and if the Government of the Democratic Republic of the Congo is in agreement, we shall support setting up a body under the auspices of the Council to assist the process.

As for sanctions, we would hope that the parties would cooperate with the Council to avert recourse to such a coercive measure.

Let me go back for a moment to the original report submitted by Mme Ba-N'Daw in April. We believe the Council should revisit some of the recommendations in that report, in particular with regard to the mineral trade, financial transactions, an arms embargo, military cooperation and compensation. The moratorium on high-value commodities, if and when decided, should ideally also extend to these areas. All concerned, including transit countries and the countries of destination of the Democratic Republic of the Congo's illegally exploited resources, have a moral obligation to join the moratorium.

The moratorium should include the import, export and transport of certain minerals and financial transactions that have been questioned. Countries involved may also consider declaring an immediate moratorium on the supply of weapons and all military supplies to the rebel groups operating in the Democratic Republic of the Congo.

The Council's demand for such interim measures should extend to all actors involved in the illegal activities: Governments, armed forces, individuals and public or private enterprises engaged directly or indirectly in the extraction, transport, import and export of the resources of the Democratic Republic of the Congo.

The second point we would like to address is the need for extending the mandate of the Panel. Bangladesh supports a six-month extension of the mandate for three reasons. The first is to complete the unfinished task. As the Panel reports in paragraph 7 of the addendum, information was not forthcoming from

several regional countries. Besides, the short mandate of three months severely limited the Panel's ability to present a more complete addendum. The second reason is that the Panel was also unable to investigate fully the reactions and complaints of those named in the report. The third is the need to examine the feasibility and possible impact of proposed measures. The Panel itself would be the best placed, given its experience, for the monitoring and follow-up of the measures.

In conclusion, we would like to underline that the Democratic Republic of the Congo should have full sovereignty over its national resources. The Council's purpose in pursuing the matter is to facilitate the peace process; it should take all appropriate measures to that end. To end the conflict, we must effectively withhold the means that sustain the war and take away the motive, as these are important steps in that direction.

**Mr. Koonjul (Mauritius):** I thank you very much, Sir, for convening this meeting to discuss this very important issue in the presence of the general membership. I would like to extend a very warm welcome to the ministers of the Democratic Republic of the Congo and Uganda and the Special Adviser to the President of Rwanda, as well as the Deputy Minister for Foreign Affairs and International Cooperation of Tanzania, present in the Security Council Chamber this morning. We thank them for their very important statements.

My delegation would like to express its gratitude to Mr. Kassem and his team for the very comprehensive addendum 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. The report is indeed very comprehensive.

One of the main objectives of the Panel of Experts was to research and analyse the links between the exploitation of natural resources and other forms of wealth in the Democratic Republic of the Congo and the continuation of the conflict. My delegation notes that the conclusion of the Panel demonstrates beyond any doubt the existence of such an unhealthy link.

On a number of occasions, Mauritius has clearly stated that the natural resources of the Democratic Republic of the Congo belong to the Congolese people and to no one else. It is also our firm view that the natural resources of the country should not be exploited to fuel or finance the conflict there. We deplore this

situation, and we would like to reiterate our position on this issue once again.

In April this year, the Panel of Experts submitted its first report, which was very comprehensive in nature. The Panel has now presented an addendum. For my delegation, the findings of the first report and the addendum complement each other, and they should therefore be studied together. Any action by the Security Council must be based on the conclusions and recommendations of both reports.

The reports have pointed clearly to the involvement of neighbouring countries, at either a national or an individual level, in the plundering and the illegal exploitation of the resources in the Democratic Republic of the Congo. Mauritius considers that those countries involved should immediately take necessary measures to cease such activities or, in the case that their nationals are involved, carry out necessary investigations with a view to apprehending those responsible. In this regard, Mauritius welcomes the setting up of investigating commissions in some countries to look closely into the matter.

One of the very important conclusions of the Panel makes it clear that without a resolution of the broader conflict in the Democratic Republic of the Congo and the region, it would be highly unrealistic to expect an end to the exploitation of natural resources and other forms of wealth in the country. The Panel also recognizes that the Lusaka Ceasefire Agreement provides the basis for the settlement of the conflict in the Democratic Republic of the Congo. These conclusions reinforce the fact that we should do everything to fully support the implementation of the Lusaka Agreement and not to deviate from the main track.

My delegation fully agrees with the Panel that, once the peace process is completed, the Government in the Democratic Republic of the Congo would be in a position to exercise full authority over its territory and have full command of its institutions and structures and would hence be able to fully protect its resources.

The Panel of Experts has made three specific recommendations in its addendum — namely, a review of all concessions, commercial agreements and contracts signed between 1997 and 2001, a moratorium banning the purchase and import of precious products originating in the areas where foreign troops are

present in the Democratic Republic of the Congo, as well as in territories under the control of rebel groups, and the imposition of sanctions.

With regard to the recommendation calling for the review of all concessions, commercial agreements and contracts signed between 1997 and 2001, we believe that we need to take into account the fact that some of these contracts have been contracted by the legitimate and sovereign Government of the Democratic Republic of the Congo. Therefore, we think that any decision to review these concessions can be made only after the full implementation of the Lusaka Agreement and with the full agreement of the Government of the Democratic Republic of the Congo.

On the proposal of the voluntary moratorium, my delegation recognizes that this is a new idea which needs to be studied very carefully.

The peace process in the Democratic Republic of the Congo has reached quite an advanced stage — indeed, a very critical one — where we are embarking on the disarmament, demobilization, repatriation, resettlement or reintegration (DDRRR) process and we are on the eve of the reconvening of the inter-Congolese dialogue. We should therefore avoid taking any measure which would lead to a hardening of position of the parties to the conflict and which could seriously jeopardize the chances of success of the inter-Congolese dialogue. Any action contemplated by the Security Council should therefore not disrupt the ongoing peace process. Rather, it should assist it in moving the process forward. The implications of any measures for the already disastrous humanitarian and economic situation in the Democratic Republic of the Congo must also be very carefully studied before any action is taken. For the same reasons, we believe that the recommendation of the Panel to consider sanctions also requires thorough study.

Mauritius therefore supports the extension of the mandate of the Panel for a period of six months to allow it to carry out a thorough study and to submit precise recommendations on the possible actions that could be taken by the Council to put an end to the plundering of the natural resources in the country.

Mauritius believes in a holistic approach in the resolution of the conflict and all associated problems in the Democratic Republic of the Congo. We feel that the full implementation of the Lusaka Agreement will cover the illegal exploitation of the natural resources. It

will also take into account the security concerns of the neighbouring States, which have been clearly recognized by the Lusaka Agreement and by the Panel of Experts in its addendum.

We believe that the Council should therefore focus more on speeding up the peace process by considering a robust deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), especially along the eastern borders of the Democratic Republic of the Congo, and on expediting the DDRRR process. We note that several parties to the conflict have committed themselves to withdraw immediately from Congolese territory once there is a large scale deployment of MONUC, which could allay their security concerns. While we insist that all foreign forces should withdraw immediately from the Democratic Republic of the Congo, we feel that perhaps the Council should assist in creating the necessary conditions for such withdrawals.

The efforts spent by the countries of the region through the Political Committee in the settlement of the conflict in the Democratic Republic of the Congo cannot be overemphasized. My delegation understands that consultations are currently being undertaken at the level of heads of States of the region to find ways and means by which these countries could assist in advancing the peace process, including the inter-Congolese dialogue. In our opinion, such initiatives must be encouraged fully.

The idea of convening an international conference on peace and development in the Great Lakes region is very interesting indeed, and it should be encouraged. However, we are of the view that such a conference can be beneficial only after peace has been re-established and once there is a strong Government in the Democratic Republic of the Congo, in full control of all its territory. Such a conference would then be able to focus on the reconstruction, rebuilding and economic development of the Democratic Republic of the Congo and the region as a whole.

Finally, we support the presidential statement that will be issued after this meeting and which will take into account the views expressed by the general membership.

**Mr. Kuchinsky (Ukraine):** Due to the lateness of the hour, I will try to be very brief. Mr. President, we

thank you for convening this important meeting. I would also like to join my colleagues in thanking Ambassador Kassem for the presentation of the report of the Panel of Experts.

We would like to welcome the Ministers for Foreign Affairs of the Democratic Republic of the Congo, Uganda and Zimbabwe, the Deputy Foreign Minister of the United Republic of Tanzania and the Adviser to the President of Rwanda. We regard today's meeting as an important opportunity for the Council to have a substantive interaction with regional States and United Nations membership on this crucial subject.

My delegation appreciates the work done by the Kassem Panel in its investigation in fulfilment of the Security Council mandate. The recent addendum provides the latest appraisal of the situation on the plundering of the resources of the Democratic Republic of the Congo, carried out in violation of the sovereignty and territorial integrity of the country, in disrespect for the ongoing peace efforts in that country and, more importantly, at the expense of its people. We note with interest the Panel's analysis, which explains to what degree the exploitation of natural resources constitutes the motivation behind the activities of specific actors in the Democratic Republic of the Congo and to what extent the exploitation provides the means for sustaining the conflict.

It is of great concern to my country that, according to the report, the illegal exploitation of natural resources of the Democratic Republic of the Congo is continuing for the benefit of the powerful few at the expense of the miserable many. We attach great importance to ending illegal exploitation of the natural resources of the Democratic Republic of the Congo, which prolongs the conflict in the country. We therefore call upon all parties concerned to take immediate steps to put an end to such activities and to ensure full compliance by the individuals and corporations with legally acceptable standards of business.

We take note of the conclusions and recommendations of the addendum to the report and believe that they merit careful consideration within and outside the Council.

At this stage, I would like to express my delegation's support for the recommendation on the establishment of a monitoring mechanism to make progress reports on the subject. This recommendation,

in our view, might be considered in the context of the proposal submitted in the Council on the extension of the mandate of the Panel of Experts, and, at a later stage, in a broader context, of the similar recommendations made by other panels, specifically with regard to the establishment of a permanent monitoring mechanism within the United Nations Secretariat.

In our view, increased international assistance to the Government of the Democratic Republic of the Congo to rebuild State institutions, restore infrastructure and establish effective control over its territory is critically important. In this context, we welcome the initiative of convening an international conference on peace and development in the Great Lakes region.

We have continually noted that the issue of the illegal exploitation of natural resources should be considered in the larger context of the peace process in the Democratic Republic of the Congo and its key aspects: full implementation by the parties of the Lusaka Ceasefire Agreement and relevant Security Council resolutions; disarmament, demobilization, repatriation, resettlement and reintegration; the withdrawal of foreign forces; and, of course, the Inter-Congolese dialogue.

We see the report and the addendum as one of the elements of the international efforts to achieve peace in the Democratic Republic of the Congo and the region. It should serve as an essential impetus to the full implementation of the Lusaka Agreement and relevant Security Council resolutions, and should encourage the efforts for national reconciliation and dialogue in order to achieve lasting peace in the Democratic Republic of the Congo. This is what all of us participating in this meeting are striving for.

**Sir Jeremy Greenstock (United Kingdom):** We, like others, are very warmly appreciative of the work which Ambassador Kassem and his team have done in producing this addendum. We believe that they have performed a sound professional job that sheds important light on an issue of serious concern, and the United Kingdom has confidence in their objectivity.

The presence of ministers from the Democratic Republic of the Congo and its neighbouring States honours the Council, and we appreciate this clear signal that the Governments of the region are very

wisely taking the work of the Panel and of the Security Council seriously.

Belgium will, on behalf of the European Union, make a statement later today, with which the United Kingdom fully aligns itself, but I would like to make one or two quick points in the meantime. We have been clear all along that our goal must be to advance the Lusaka peace process. Of course, there are obstacles and difficulties on the way. But our approach over the past year has been to tackle those obstacles, one by one, head-on, and in an even-handed way.

It is in that light that we view the issue of the exploitation of the resources of the Democratic Republic of the Congo. The Council has to ensure that this exploitation does not continue to be a factor encouraging the continuation of the conflict. What belongs to the Congolese people must be developed to the benefit of the Congolese people.

That applies, of course, to the illegal exploitation of their natural resources, but also to their need for peace, decent Government throughout the territory and normal economic opportunity. As the Panel report makes clear, the only lasting solution is to end the conflict and establish effective governance across the Democratic Republic of the Congo and functioning relations in the whole region.

Transparent and effective management of the Democratic Republic of the Congo's vast resource wealth and fair and transparent trade arrangements in the region would bring enormous benefits. All the parties must seriously commit themselves to this goal. Opportunistic and destructive pillage of resources, without regard for the future of the country or the well-being of its people, has to be brought to an end.

It is not just enough to sign on to a peace process. The parties need to change the environment in which this conflict flourishes — an environment of distrust, opportunism, exploitation and violence. The Congolese parties themselves must focus on shaping a viable and peaceful future for the Democratic Republic of the Congo through the dialogue. Dialogue must also continue and deepen between the Government of the Democratic Republic of the Congo and its neighbours, especially Rwanda, to break down distrust, to address legitimate security concerns and to move forward the disarmament, demobilization, repatriation, resettlement and reintegration process.

To sustain this, we need an interconnecting package of necessary measures. The United Kingdom would therefore support the continuation of the Panel's work. It is clear from today's discussion that this step is entirely necessary.

**Mr. Cunningham (United States):** Our discussion today focuses on a tragic dimension of the conflict in the Democratic Republic of the Congo: the continuing plunder of the country's natural wealth by foreign invaders, by Congolese rebel groups, by self-proclaimed allies of the Democratic Republic of the Congo and by the continuing corruption within the Government of the Democratic Republic of the Congo itself. It is an important discussion, and I am particularly glad to see the high-level attendance that we have today.

Taken together, the report of the Panel of Experts on the illegal exploitation of natural resources, issued in April, and the addendum to that report, issued in November, give an accurate and compelling picture of the theft of the natural patrimony of the Congolese people. They also make it clear that it is the parties to the conflict themselves, foreign and Congolese, who can end this tragic situation if they have the political will and courage to do so.

I want to address the addendum to the report, which is our focus today. We commend Ambassador Kassem and his Panel of Experts for the preparation of a professional report, which, using sound methodology, followed up on the leads identified in the initial Panel of Experts report.

It is an act of courage to speak the truth to power, and the Ambassador and his team of experts have shown such courage in identifying for the international community the foreign parties and their Congolese proxies who are illegally exploiting the wealth of the Democratic Republic of the Congo, prolonging the conflict and hindering implementation of the Lusaka peace process.

The very fact of this Panel's existence and its work in documenting and informing the Council of the situation in the Democratic Republic of the Congo has had a beneficial effect on the peace process. The first report of the Panel of Experts produced concrete results — Uganda's establishment, for example, of a national Commission of Inquiry to investigate allegations in the report.

We welcome the pledges that several countries have made since the addendum was issued to investigate allegations concerning their nationals. Several Governments, however, refused to fully cooperate with the Panel. We urge them, as well as all other Governments whose nationals are mentioned in the report, to investigate the allegations made and report back to the Council. Each of us has an obligation to cooperate with this type of investigation.

One Government which the Panel identified as not cooperating with its work is Zimbabwe's. We are greatly concerned about the Panel's conclusion that the Government of Zimbabwe is the most active of the Democratic Republic of the Congo's allies involved in the exploitation of the Democratic Republic of the Congo's natural resources, and that this relationship has been used by Zimbabwean officials for personal enrichment.

It is important that the Council continue to let those who are responsible for the theft of the Democratic Republic of the Congo's wealth know that the Security Council is aware of this, will continue to bring them to the world's attention and will seek to assist in ending this plunder.

For this reason, the United States supports an extension of the Panel's mandate for an additional six months. During that time, the Panel should provide recommendations for specific actions that the international community, regional States and the Government of the Democratic Republic of the Congo can take, working through existing international organizations and United Nations agencies, to address the issues in the addendum.

For instance, in the area of timber resources, the United States is working with the African Timber Organization to co-sponsor a conference on forest law, enforcement and governance, which will be held in 2002 in the Republic of Congo and which will focus on the Congo basin's forests. It would be useful for the Panel to make specific recommendations that conference participants could address within the framework of the African Timber Organization to fight illegal logging in the Democratic Republic of the Congo and in the Congo basin.

As the United States assessed the recommendations in the addendum, we were guided by the principle that the Council should take action which will support the Lusaka peace process. Let me say a

word about those recommendations. First, let me say that we have doubts about a moratorium banning the import of gold, timber, coffee and other natural resources from foreign-held and rebel-held areas of the Democratic Republic of the Congo. Such a targeted moratorium on resources from specific areas would likely be unenforceable because of the difficulty of tracking these kinds of commodities. It also seems likely to us that such a moratorium would run the risk of having a negative impact on the Congolese people themselves. It might be more effective to address export controls on natural resources through existing international mechanisms. To address illegal logging in the Democratic Republic of the Congo, for example, as I mentioned, the United States is working with the International Tropical Timber Organization and with the United Nations Forum on Forests. We urge other States to join us in those efforts.

We support the Panel's call for a review by all States in the region of their existing legislation to determine whether new laws are needed to investigate and prosecute illegal trafficking in the resources of the Democratic Republic of the Congo. But such a review can take place without a moratorium having been declared.

The report calls for a United Nations review of the concession agreements entered into between the Democratic Republic of the Congo and other Governments and private entities. The Panel's call for a review of concession contracts is sound and should be pursued. We think that the review would be better undertaken by organizations that already have the expertise that is needed. It is not necessary to create a new mechanism. The World Bank and the International Monetary Fund (IMF) are best positioned to undertake the review of existing contracts between the Democratic Republic of the Congo and other entities as part of their renewed assistance to the Democratic Republic of the Congo. The review should, of course, be in full cooperation with the Government.

We strongly agree with the Panel's call for the World Bank, the IMF and international donors to evaluate their assistance to the Democratic Republic of the Congo in order to determine whether any of their assistance is being diverted to finance the conflict in the Great Lakes region. It is key for those entities to bolster the transparency and efficiency of their assistance programmes.

In conclusion, let me emphasize a key point in my Government's approach to the issue of illegal economic exploitation. The pursuit of the natural wealth of the Democratic Republic of the Congo was not the initial cause of the conflict in the country and in the region. But, as the addendum to the report makes particularly clear, the pursuit of that wealth is the reason why many parties want the conflict to continue and why they act to block the Lusaka peace process. Those parties know that if Lusaka is implemented the days of plundering the wealth of the Democratic Republic of the Congo will end. Our goal, therefore, must continue to be the full implementation of the Lusaka Ceasefire Agreement. A peace based on the Lusaka Agreement is the surest, and ultimately the only, way to stop the crimes outlined in these reports as well as to spark an economic renewal for the region.

It is now up to the leaders of the States and groups identified in these reports to demonstrate the courage and will to end this exploitation and to allow the Lusaka peace process to bring peace to the region.

**Mr. Granovsky (Russian Federation)** (*spoke in Russian*): The Russian Federation is grateful to the Panel of Experts chaired by Ambassador Mahmoud Kassem for the substantive addendum (S/2001/1072) to its report on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo. The information in the addendum gives us a better understanding of what is taking place in that country and sheds greater light on the interests of the parties involved in the conflict. We are disturbed by the information that large-scale plundering of natural resources of the Democratic Republic of the Congo continues, in violation of the sovereignty and territorial integrity of that country.

Accordingly, and in the light of the request of the authorities of the Democratic Republic of the Congo that the Panel should continue its work to formulate effective measures to put an end to the illegal exploitation of natural resources of the country, the Russian Federation is willing to support renewing the mandate of the Panel of Experts for a period of six months. We call on all States named in the report to cooperate with the Panel in its work, and scrupulously to clarify the situation regarding the natural resources and other forms of wealth of the Democratic Republic of the Congo. Such illegal exploitation must come to an end, no matter who is engaging in it, and the sooner the better.



We agree with the main conclusion of the report, that the situation regarding the natural resources of the Democratic Republic of the Congo came about solely because of the collapse of the country's State structures. We endorse the view of the Panel that the best way to solve the problem is to help the Congolese authorities gain effective State control throughout the territory, so that they can protect their natural resources. We also view as reasonable and sensible the recommendation that this process should be linked to the convening of an international conference on peace and development in the Great Lakes region.

We believe that the settlement of the conflict in the Democratic Republic of the Congo is a prerequisite for success in that regard. Here, we agree that the efforts of the United Nations Organization Mission in the Democratic Republic of the Congo must be focused on ensuring the withdrawal of foreign forces from the territory of the Democratic Republic of the Congo and on the voluntary disarmament, demobilization, reintegration and repatriation or resettlement of members of armed groups. We think it is logical that, following the outcome of the inter-Congolese dialogue, the rebuilding of State structures in the Democratic Republic of the Congo will at some point require analysis and review of concessions issued by previous Governments for the exploitation of the country's natural resources. We feel that, if necessary, there could be discussion of involving expert assistance from the International Monetary Fund and the World Bank in trying to address that task. At the same time, we consider that this process lies fully within the competence of the national authorities of the Democratic Republic of the Congo.

In approaching the problem of the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, Russia is guided by the fact that in the final analysis, it is the armed conflict that underlies that problem as well as the problems of refugees and internally displaced persons, child soldiers, violations of human rights, the humanitarian crisis and many, many other problems. Only recently has there been some movement towards a settlement of the conflict. We consider that progress towards a political settlement in the Democratic Republic of the Congo must be a priority for the Security Council. In our view, by focusing on that, the Council would be shouldering its Charter responsibility for the maintenance of international peace and security.

**Mr. Mahbubani (Singapore):** The hour is late. I will try to be quick. In some ways, that is easier for us, because many of the key points that we had wanted to make have already been made by several speakers today. They include the fact that the plundering of the resources of the Democratic Republic of the Congo is unacceptable. We must put a stop to it, and the Security Council must find effective ways and means to do so. There seems to be a clear consensus on this matter.

What can we say to add value to this process? First, we want to welcome the high-level presence we see here today. I was pleased that I was able personally to listen to most of the speeches by the ministers who have come here. I think we should take on board what they have told us.

Secondly, there seems to be also a general recognition that Ambassador Kassem and his team have done good work, and — if I may quote what I call the “buzz” in the United Nations corridors — that buzz is that the Kassem report is better than the Ba-N'Daw report. I think that it is important for the Panel to know that.

The challenge now is for the Council to respond effectively to the work of the Panel. Let me make a few small procedural points here.

First, having served on the Council for a year, we have noticed that several panels have been set up and that each panel works in separate compartments, with no transfer of best practices from one to another. We hope that at some point this will be done, because I think that some of the good work done by the Kassem Panel can be shared with the other panels.

Concerning the second point in terms of procedure, we share Norway's view that the views expressed today, both by the members and the non-members of the Council, should be taken on board in the preparation of the presidential statement to be adopted following this debate. We understand the desire of some to adopt the presidential statement as quickly as possible. However, we have some concerns about that, because we feel that we should reflect on some of the views expressed here.

I will give an example. The Deputy Foreign Minister of Tanzania said earlier today, in another important observation, that the report would have been more comprehensive had it included also the end-users of the natural resources plundered from the Democratic

Republic of the Congo. Points such as this one should be taken on board when we decide how to respond to the Panel.

Similarly, just listening to the members, we heard a very interesting discussion of the pros and the cons of the moratorium, which, as we all know, was an innovative idea put forward by the Kassem Panel. We note the division of views. Our own view, frankly, is that this is a positive idea that should be taken on board. However, we would suggest that, in order to do all of that, we need more time for reflection. We hope that there will not be a rush to adopt a presidential statement, because, in our case, we have to refer it to our authorities before we can make a decision.

It is also important to bear in mind the fact that the issue of the plundering of resources, as everyone has said, is linked to the continuation of the conflict. I should like to quote a few words from a very important study entitled "Greed and Grievance", which, in a sense, is a landmark study which points out how conflict and resources are linked. The study, carried out by Mats Berdal and David Malone, notes that:

"The continuation of seemingly senseless civil wars is sometimes linked to the rational pursuit of economic goals by the warring factions."

Indeed, this paradox is highlighted in the Kassem report, which notes in paragraph 60 that:

"Peace could bring added pressure from many sides for greater transparency, oversight and accountability, and could ultimately prove far less profitable for some."

The paradox here, therefore, is that the incentives are for conflict rather than for peace. If we want to end the conflict, we have to think about how to remove the incentives.

Finally, the Council may recall that, in the discussions that we had in the informal consultations, we suggested some principles that we hoped would be taken on board by the Council in considering this issue. I will go through them quickly, in the hope that they will, in fact, be taken on board.

First, no outside parties or groups sponsored by such parties should benefit from the exploitation of the natural resources of the Democratic Republic of the Congo at the expense of that country.

Secondly, the natural resources of the Democratic Republic of the Congo should not be used to finance, or serve as an incentive to prolong, the conflict in the country.

Thirdly, the resources should be used only to benefit the country and the people. In this regard, we welcome the recent steps taken by the Government of the Democratic Republic of the Congo to attract genuine foreign investment to restructure, modernize and liberalize the mining sector.

Fourthly, any proposed measures against illegal exploitation should take into consideration the humanitarian and economic costs to the innocent peoples affected.

I think that I will end here, with the observation that many important points have been made in the course of the debate this morning and that we hope we will have sufficient time to reflect on them.

Mr. Tekaya (Tunisia) (*spoke in French*): Let me at the outset express my delegation's deep appreciation to 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 considerable work it has done under the mandate given it by the Security Council.

The Panel has just presented to us an important addendum to the report that was submitted in April 2001. The two documents, taken together, represent a very useful reference tool.

I should like also to welcome the participation in this meeting of the Foreign Ministers of the Democratic Republic of the Congo, Uganda, Rwanda and the United Republic of Tanzania. Their participation attests to the importance they attach to the matters we are considering. We listened very attentively to the explanations they have given us, which the Council will duly take into account in its deliberations on this matter.

We welcome the initiative of engaging in a frank and constructive dialogue with the countries of the region about the prospects of moving ahead with the peace process in the Democratic Republic of the Congo, in particular given the fact that our meeting is being held at a time when the momentum of the peace process — which is holding steady — needs to be strengthened further, so that it can reach the point of no return.

Last month the Council held a meeting with the Political Committee that led to important decisions on the deployment of phase III of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). The Minister for Foreign Affairs of the Democratic Republic of the Congo — whom my delegation would like to thank warmly for the kind words he addressed to Tunisia, an outgoing member of the Security Council — has just provided us with important information about the Abuja meeting on the inter-Congolese dialogue. In this context, we encourage the Congolese parties to continue their efforts in order to ensure a successful outcome to the dialogue.

We welcome also the contacts undertaken between the Democratic Republic of the Congo and Burundi with a view to normalizing their relations. This could certainly help in restoring peace to the region.

We encourage also all bilateral and multilateral initiatives for dialogue among the States of the region, because this would speed up implementation of the Lusaka Ceasefire Agreement and lay the foundation for peace, security and stability in the Great Lakes region.

The addendum submitted to us by the Panel of Experts confirms that the systematic exploitation of the resources of the Democratic Republic of the Congo continues, and it confirms a very clear link between the continuation of the conflict and the illegal exploitation of the resources of the Democratic Republic of the Congo.

The Panel believes, however, that it would be unrealistic to hope that this exploitation could end before the conflict is settled. We agree with that view, and we believe that the Council has a very basic responsibility in that connection.

The Panel of Experts offered conclusions and recommendations that are very important for the Democratic Republic of the Congo and for the region. We must carefully study those recommendations and conclusions, as should the parties involved.

We believe that the Council should take a dual approach. It should consider the recommendations of the Panel of Experts with a view to taking the right decisions thereon, so as to have the desired impact on bringing to an end the plundering of the resources of the Democratic Republic of the Congo and also

bringing about an end to the conflict. Such measures should be well thought out. We believe that this should be done in parallel with ongoing efforts to help the Democratic Republic of the Congo re-establish full sovereignty throughout its territory and over its resources and to help it in its efforts towards reconstruction and economic recovery.

It bears repeating that the main aim of the Council is to put an end to the war and to promote peace and security throughout the region. Indeed, we believe that any action taken by the Security Council must encourage the parties to effectively implement Council resolutions and to take concrete steps to move the peace process forward.

We believe that it would be useful to extend the mandate of the Panel of Experts; that would enable us to continue to follow the situation on the ground, thereby enabling the Council to fully assess the situation.

We attach the greatest importance to ending the illegal exploitation of the resources of the Democratic Republic of the Congo; ending the war once and for all; and ensuring that the sovereignty and territorial integrity of the Democratic Republic of the Congo are restored. We also want to see the final, speedy and complete withdrawal of foreign forces from the Democratic Republic of the Congo. Likewise, we attach great importance to respect for the sovereignty and territorial integrity of all States in the region.

Mr. Valdivieso (Colombia) (*spoke in Spanish*): We would like to associate ourselves with the comments of other members of the Council in welcoming the presence at this meeting of the Foreign Ministers of the Democratic Republic of the Congo and the Deputy Foreign Ministers of the United Republic of Tanzania and Uganda, the Adviser to the President of Rwanda, and to thank them for their contributions to the debate. I would also like to welcome the other delegations that will be making statements later on. I should like to stress that each and every statement will be taken into account when considering the text of the draft presidential statement to be adopted at a later stage.

The Panel of Experts chaired by Ambassador Kassem has provided us with a report prepared with meticulous care and dedication. The information that it contains continues to be a cause for concern for my delegation. As a result, Colombia would like to support

the report's conclusion that all forms of illegal exploitation of the natural resources of the country must end and that steps must be taken to overcome the institutional weakness of the Government of the Democratic Republic of the Congo, which is currently preventing it from monitoring and administering those resources. Furthermore, the international community should assist in rebuilding the institutions of the Congolese State and continue to promote the implementation of the provisions of the Lusaka Agreement, which is the only means of restoring peace to the Great Lakes region.

Colombia believes that it is right to publicly name and shame those individuals, groups and countries that take part in illicit activities associated with the illegal exploitation of coltan, gold, copper, cobalt, diamonds and timber from the Democratic Republic of the Congo.

What this Council cannot do is remain indifferent in the face of actions that imperil international peace and security in the Central African region. Such actions represent the improper appropriation of resources in order to fuel war. We refuse to accept a situation in which the natural resources of the eastern provinces of the Democratic Republic of the Congo, instead of providing a basis for the emancipation of millions from poverty, are used to purchase weapons, finance acts of savagery and perhaps enrich a few individuals that we could describe as warlords.

We therefore advocate the taking of additional measures against the exploitation of the human and natural resources of the Congo; some of those measures will have to be reflected in the document that will adopted as a result of this debate.

In this regard, first, we support the idea of an extension of the mandate of the Expert Panel for six months, with specific monitoring tasks being set. Secondly, we strongly urge the transit countries for resources originating in the conflict zone of the Democratic Republic of the Congo, and the countries that receive such resources for industrial processing, to conclude — or, in some cases, to begin — investigations into the individuals and companies that have been named. We look forward in particular to the conclusions of the Porter Commission of Uganda.

Thirdly, we recommend that the Panel of Experts, in consultation with the Kinshasa authorities, study the economic and humanitarian effects of a possible

suspension of the import of such resources with the aim of reducing the income of the actors involved in the conflict.

Fourthly, we would like international arms and munitions merchants also to be named and shamed, as they are sustaining the fighting capacity of the armed groups that are committing atrocities against the civilian population of the Democratic Republic of the Congo.

Above all, however, we will continue to monitor compliance with the commitments that the parties to the Lusaka Agreement have undertaken in order to accomplish the invaluable task of restoring peace to the Great Lakes region. The withdrawal of foreign troops and plans for the disarmament, demobilization and reintegration of ex-combatants, with verification by the United Nations Organization Mission in the Democratic Republic of the Congo, are the signs we are waiting for to show that there is a will for peace. We would also like to see progress in the inter-Congolese dialogue, and we wish to highlight the service to Africa being provided by the Government of South Africa in offering to host the next meeting.

My delegation will continue to work with determination on this issue in the Council for the promotion of peace in the Democratic Republic of the Congo.

**Mr. Wang Donghua (China) (*spoke in Chinese*):** The Chinese delegation welcomes the Foreign Minister of the Democratic Republic of the Congo, the Third Deputy Prime Minister and Minister for Foreign Affairs of Uganda, the Deputy Minister for Foreign Affairs of the United Republic of Tanzania and the Adviser to the President of Rwanda, and thanks them for their presence at this open meeting of the Security Council.

The Chinese delegation would like to thank Ambassador Kassem and the other members of the Panel for the addendum 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 addendum has attracted the attention not only of the Security Council, but also of the parties concerned. We note that some countries have already responded to the addendum and expressed the wish to cooperate earnestly. It could be said that, in a way, the addendum has already made a difference.

At the same time, we must not underestimate the grave nature of the illegal exploitation of the natural resources of the Democratic Republic of the Congo. Seven months have passed since the Security Council began its consideration of this issue last May, but it seems that little has changed. The illegal exploitation and plundering of the natural resources of the Democratic Republic of the Congo continue unabated. It is imperative for the Security Council to pay attention to this situation and take appropriate measures to stop the illegal exploitation and plundering of the natural resources of the Democratic Republic of the Congo.

The addendum of the Panel of Experts makes a number of recommendations that will help the Security Council in the next phase of its consideration of the conflict in the Democratic Republic of the Congo and in trying to promote peace in the Great Lakes region.

At the same time, we also believe that the illegal exploitation of the natural resources of the Democratic Republic of the Congo is only one among many issues concerning the conflict in the Great Lakes region. We hope that the Security Council's consideration of the addendum will go a long way towards sustaining and increasing the momentum for a political solution to the conflict in the Democratic Republic of the Congo, and continue to move forward the inter-Congolese political dialogue to a successful conclusion on the basis of ensuring the territorial integrity and sovereign independence of the Democratic Republic of the Congo.

In conclusion, we also favour an appropriate extension of the Panel's mandate so that it will continue to monitor the illegal exploitation of the natural resources of the Democratic Republic of the Congo.

**The President (spoke in French):** Considering the lateness of the hour and the constraints of the calendar of the Minister for Foreign Affairs of Zimbabwe, we will invite him to make his statement once members of the Council have finished their interventions.

I will now make a statement in my capacity as representative of Mali.

My delegation welcomes the remarkable work accomplished 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 would like to join in paying tribute to Ambassador Kassem and his team for preparing the addendum to the final report.

This addendum, which is before the Council today, establishes clearly the linkage between the illegal exploitation of the natural resources of the Democratic Republic of the Congo and the continuation of the conflict in the country. I would like to recall Mali's position of principle in this regard, which condemns strongly all illegal exploitation of natural resources and other forms of wealth of an independent and sovereign State.

Now that it is established that exploitation of the natural resources of the Democratic Republic of the Congo feeds the continuation of the conflict, the question arises: what is to be done? My delegation is of the view that an extension of the mandate of the Panel of Experts for six months is necessary so that the Security Council can be better and more widely informed about this issue and reflect more on what measures to take to put an end to this situation.

My delegation also endorses the recommendation that a moratorium be imposed on the importation of certain resources, particularly coltan. We believe this measure is an innovation that would widen the array of instruments at the disposal of the Security Council. However, my delegation shares the view expressed by many delegations on this issue, that the Panel of Experts should study the matter in greater depth to discern the possible impact of such a measure on the population and economy of the Democratic Republic of the Congo. Finally, we think it is essential to preserve the momentum of the Lusaka peace process, with full respect for the territorial integrity and sovereignty of the Democratic Republic of the Congo and of other States in the region, thus contributing to the definitive return of peace and stability to the Great Lakes region that we all hope for.

I now resume my functions as President of the Council.

I now invite the Minister for Foreign Affairs of Zimbabwe to take a seat at the Council table and make his statement.

**Mr. Mudenge (Zimbabwe):** At the outset, Sir, let me congratulate you on your assumption of the presidency of the Security Council for this month.

My delegation welcomes the convening of this open debate on the addendum 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. Having participated in the debate on the ground-breaking earlier report on the illegal exploitation of the resources of the Democratic Republic of the Congo, on 3 May 2001, my delegation has requested the floor to express its views on the follow-up report before us.

Mr. President, I know you are familiar with the African saying "Cash talk breaks no friendship", which is really a call for candid and frank discourse. My submission will adhere to that wise, time-honoured saying and call a spade by no other name — it is a spade, not a "digging instrument".

It is both a misnomer and a travesty of justice to try to pass off the document before us as an addendum to the April report by the United Nations Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo.

In this addendum, the difference between a legal and an illegal business transaction has been abandoned. "Same difference", it seems to say. But, sadly for those who put the addendum together, the difference is not the same. The committee abandoned its terms of reference in pursuit of a new agenda of its own — or is it someone's private agenda?

Reacting to this report, the Information Minister of the Congo, the Honourable Kikaya Bin Karubi, rejected any suggestion that Angola, Namibia or Zimbabwe was looting the resources of the Congo. According to the Minister:

"These were countries that came to our rescue in this war of aggression. Zimbabwe, Angola and Namibia are here at the request of the Government and the people of the Democratic Republic of the Congo, and in the process we have signed legitimate agreements to go into business ventures, and these agreements exist with countries throughout the world. On the other hand, Rwanda, Uganda and Burundi invaded our country and are looting the resources of the Congo and at the same time killing our people. More than 3 million have died as a result of this war. So you cannot put Zimbabwe, Angola and

Namibia on par with Rwanda, Burundi and Uganda."

But then the new report casts a slur and doubt on the legality and authority of the Governments of the Democratic Republic of the Congo since 1997. This offensive misadventure leads the Panel into dangerous waters. To blur the difference between legality and illegality, the document abandons the Security Council terms "invited" and "uninvited" countries and settles for the term "allies" of what it refers to as "the Kinshasa Government" or "Government in Kinshasa" — see paragraphs 70 and 71 of the addendum. I shall deal with the connotations of the latter phrase elsewhere in order to expose its subversive nature.

Minister Karubi's observation is an echo of President Joseph Kabila's and, indeed, the Congolese people's position vis-à-vis the illegal exploitation of their natural resources.

With the Council's permission, I will go down memory lane with the express object of reminding the Council of what transpired here on the occasion of the debate on the report of the United Nations Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo on 3 May 2001.

On that occasion, my delegation submitted that President Joseph Kabila of the Democratic Republic of the Congo had addressed the Parliament of Zimbabwe on 27 March 2001. 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 the Senga Mines", 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 the Congo, as is the case in the occupied zones of my country."

He went on to say:

"Other projects have already started on a strong footing, including the joint venture

between the Civil Aviation Authority of Zimbabwe and the Régie des Voies Aériennes, its Congolese counterpart, the Air Zimbabwe and the Lignes Aériennes Congolaises project, the National Railways of Zimbabwe and the Société Nationale des Chemins de Fer Du Congo, the Zimbabwe Electricity Supply Authority and the Société Nationale d'Electricité, to name just a few."

He went on to invite experts from both sides to come up with "new creative projects that will benefit our two countries", adding that

"we must accelerate the implementation of the Memorandum of Understanding, which included free circulation of goods and people between our two countries."

President Joseph Kabila concluded by saying:

"The relationship between the Democratic Republic of Congo, Angola, Namibia and Zimbabwe in particular and the Southern African Development Community region in general must be a good example of integration and southern African cooperation."

Who is better qualified to pronounce 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? But, of course, to the Panel that wrote the addendum, it seems he is only the President of the "Government in Kinshasa" and not that of the Democratic Republic of the Congo.

The Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo was established at the request of the Government of the Democratic Republic of the Congo, then led by the late President Laurent Desiré Kabila. It must be recalled that the Government of the late President Laurent Kabila was accepted and recognized as the full, sovereign and legitimate Government of the Democratic Republic of the Congo by the Southern African Development Community (SADC), the Organization of African Unity (OAU), the Non-Aligned Movement, the United Nations and all other international organizations. Even the Security Council in its resolutions recognized and accepted this fact. My delegation therefore finds it unacceptable for this report to refer to the legitimate

Government of the Congo as "the Kinshasa Government" or "the Government in Kinshasa".

This language is reminiscent of the language used by the rebels prior to the signing of the Lusaka Ceasefire Agreement in July 1999. This language is an apologia for the invasion of the Democratic Republic of the Congo. We find it unacceptable that a United Nations document should serve as a propaganda mouthpiece for positions which are intolerable and have since been largely abandoned by their progenitors.

As a former Chairman of the Political Committee charged with the implementation of the Lusaka Ceasefire Agreement, I appeal to the United Nations to expunge from all its documents such language, which has been rejected by the Political Committee as undermining the peace process. Whenever any of the parties to the Lusaka Process uses such phrases, he or she is immediately asked to withdraw and required to refer to the Government of the Democratic Republic of the Congo, as provided for in the Lusaka Agreement. A representative of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) is always present at our meetings and it is therefore unacceptable that a United Nations Panel should be so insensitive on such an important issue — unless, of course, there is another agenda at play here.

There is only one Government in the Democratic Republic of the Congo, which, in exercise of its right to self-defence as enshrined in Article 51 of the United Nations Charter, invited the SADC countries to come to its assistance in fending off aggression against its territory. The intervention followed the decision of a properly constituted extraordinary meeting of the Inter-State Defence and Security Committee (ISDSC) of the SADC Organ on Politics, Defence and Security. The ISDSC meeting was held in Harare from 17 to 18 August 1998 under the chairmanship of the Minister of Defence of Zambia, Mr. Chitalu M. Sampa.

At that meeting, there was recognition that the Democratic Republic of the Congo, a SADC member State, had been invaded and that the sister countries of Uganda and Rwanda had deployed their forces as far west as Matadi and Kitona on the Atlantic seaboard in support of what they claimed was an internal rebellion. The ISDSC meeting unanimously recommended that SADC countries in a position to do so should immediately go to the assistance of the Democratic Republic of the Congo. Subsequently, the SADC

summit chaired by former President Nelson Mandela of South Africa, held in Mauritius on 13 and 14 September 1998, stated in paragraph 21 of its communiqué the following:

“The Summit welcomed initiatives by SADC and its member States intended to assist the restoration of peace, security and stability in the Democratic Republic of the Congo, in particular the Victoria Falls and Pretoria initiatives. In this regard, the Summit reaffirmed its call for an immediate cessation of hostilities and commended the Governments of Angola, Namibia and Zimbabwe for timeously providing troops to assist the Government and people of the Democratic Republic of the Congo to defeat the illegal attempt by rebels and their allies to capture the capital city, Kinshasa, and other strategic areas.”

The legitimacy of Zimbabwe’s military intervention in the Democratic Republic of the Congo has been further recognized and accepted by the OAU and by the Security Council in its resolutions 1234 (1999) and 1304 (2000), among others.

My Government takes great exception to paragraph 76 of the report, which imports lock, stock and barrel the caricatures and grotesque and false misrepresentations of the situation in my country peddled daily on the Internet and in the media by those dedicated to demonizing, vilifying and ostracizing my country, as was triumphantly and gloatingly announced in the British House of Commons recently. We reject this lampooning of our country with contempt. It is unworthy of a United Nations document to use such patronizing and anti-Zimbabwe language. If I might ask: What has the internal situation in my country, as falsely painted by our enemies and repeated by the Panel, got to do with the illegal exploitation of resources in the DRC? Nothing, absolutely nothing! It is gratuitous and panders to the wishes and interests of those who vociferously asked that there be a second report to vilify Zimbabwe.

For example, the report alleges the existence of one-party rule in Zimbabwe. This is a damned lie, an unashamed falsehood. Zimbabwe may have a dominant political party, but this does not translate into one-party rule. There are over 30 registered political parties in Zimbabwe today. It may interest the Council to know that Zimbabwe is the second-longest stable multi-party

democracy in Africa, after Botswana. Zimbabwe, which became independent in an epoch-making general election in 1980, is still a multi-party democracy. Since 1980, Zimbabweans have exercised their democratic right to elect their leaders and representatives every five years, as demanded by the Constitution, in the 1985, 1990, 1995 and 2000 general elections. Presidential elections were held in 1996 and new ones are scheduled for March this coming year.

The reference to Zimbabwe as a one-party State is therefore untrue and malicious propaganda from the textbook of our detractors. Today, the two opposition parties have 57 of the 120 elected seats and before losing one in a by-election they had 58 seats. We are now preparing for our next presidential elections in March next year, to which we intend to invite international observers from SADC, the Economic Community of West African States, OAU/African Union, Asia, the Caribbean and Latin America. From Europe, we will invite some friendly countries, especially those that have avoided interfering in our internal affairs by, inter alia, desisting from funding the opposition, as some European countries have done. Last year, we had over 2000 journalists and tens of thousands of observers watching our general elections.

But read the media and hear! Zimbabwe does not have a land “appropriation” policy, as the addendum puts it, but a land reform programme that has been declared legal and constitutional by the Supreme Court of Zimbabwe. It is evil and wrong that a mere 4,100 white commercial farmers, mainly of British extraction, should own over 70 per cent of the best arable land in a country of 14 million black people. This is a relic of British colonialism. I find it intriguing that the Panel should have decided to hear evidence from the representatives of the 4,100 Commercial Farmers’ Union, an organization that has absolutely no relevance to, and no expert knowledge about the illegal exploitation of the resources of, the Democratic Republic of the Congo. But, of course, if the aim was to tap into anti-Zimbabwe Government sentiments, then the strategy is quite understandable and yielded the intended results.

It is not surprising, therefore, that the land reform programme in my country, which has absolutely nothing to do with the Democratic Republic of the Congo, has been dragged into this report. But the facts are that the fast-track land reform programme referred to in this addendum started only in February 2000; yet



the invasion of the Democratic Republic of the Congo and our subsequent intervention took place in August 1998. The Security Council is aware of the fact that the Lusaka Ceasefire Agreement was signed in July 1999. What has an event that started in February 2000 got to do with issues covering the period 1998 and July 1999?

Of course, let us not miss the agenda behind this addendum. It is to besmirch Zimbabwe. Hence, reference to land appropriation in this report is intended to induce negative sentiments towards Zimbabwe in international opinion, which is daily fed on manure as far as the land question in Zimbabwe is concerned. To avoid any lingering doubt the Supreme Court in Zimbabwe has recently pronounced the land reform programme to be not only legal and constitutional, but to have been carried out in accordance with the rule of law. In view of the fandango of lies and falsehoods peddled by purveyors of malice against my country, I doubt if the judgement is widely known around the world.

The report further alleges that the failing Zimbabwe mining industry acted as a motivational factor in my country's decision to intervene in the Democratic Republic of the Congo. Currently, Zimbabwe exploits over 30 different types of minerals that include platinum, gold, chrome, cobalt, copper, tin and zinc. My country, God be praised, is blessed by having a geological formation known to experts as the Great Dyke. It is a trove of mineral wealth, which we are only beginning to survey and exploit systematically and scientifically. Zimbabwe is now the third largest platinum producer in the world and is likely to move to spot number two in three years' time. As a result of recent geological surveys, it has been established that Zimbabwe has a number of diamond-bearing Kimberlite pipes. There is, if I may add, a near Wild West frenzy among prospectors from around the world regarding these pipes. Already Rio Tinto has tested the viability of one of its claims and full exploitation begins early in the new year. Others are at various stages in this exciting development.

We remain and we shall continue for some time to be a major mining country in our own right. However, we do not control the prices of our minerals and metals, which have remained depressed for some time. And, of course, we have been under informal sanctions by the international financial institutions and some countries for the last two years because of our land reform programme and our decision to assist our

brothers and sisters of the Democratic Republic of the Congo. But the puny, pathetic picture of Zimbabwe painted by the addendum is the wishful thinking of our detractors, which should have no place in such a report.

In spite of these endeavours to caricature Zimbabwe's internal situation, I can assure the Council that the situation as the Panel depicts it is largely a figment of a fertile imagination. Those, like my colleagues from the Southern African Development Community (SADC), who are willing to be objective see it differently. I wish, with the Council's permission, to submit a copy of the communiqué of the SADC Ministerial Task Force on developments in Zimbabwe issued this week, on 11 December 2001, and request that it be circulated as a document of the Security Council.

I wish in particular to draw the Council's attention to paragraph 11 of the communiqué, in which the SADC Ministers "expressed their concern at distorted and negative perceptions of Zimbabwe projected by the international and regional media". If they had read this addendum's reference to the internal situation in Zimbabwe, I have no doubt that they would have added it to the list of those purveying "distorted and negative perceptions of Zimbabwe".

The report alleges that the allies of the Democratic Republic of the Congo demanded compensation from the Government for their assistance. The simple answer is we did no such thing. This is yet another attempt at tarnishing my country's image and demeaning and debasing our noble intervention. Within SADC there is a tradition of coming to each other's assistance, and Zimbabwe itself has been one of the beneficiaries of this spirit of solidarity and pan-Africanism. Many countries in the region made sacrifices for Zimbabwe's independence. We did not promise or pay them anything; neither did they demand compensation.

It is therefore mischievous to suggest that we would demand compensation from the Democratic Republic of the Congo, because we regard it a bounden duty and moral obligation to return the favour done for us by other African countries. In the past, we have rendered assistance within this framework to our brothers in Mozambique. We spent seven years in Mozambique. We were paid nothing and we demanded nothing. We are continuing to do so today in the Democratic Republic of the Congo and we will do so in

the future, should we be called upon and are able to do so.

If I may refer to the issue of our joint ventures with the Democratic Republic of the Congo, the Council may wish to know that this was a Congolese idea and that it was they who decided on the shareholding structure of the ventures. Zimbabwe merely responded positively to the offer. The Democratic Republic of the Congo invited its allies in joint ventures in the hope of raising resources to support the whole effort and of strengthening economic cooperation within the SADC family.

The phenomenon of joint ventures with other countries is prevalent in SADC. Zimbabwe has joint ventures with countries like Malawi, Namibia, Botswana, South Africa, Tanzania and Mozambique. Areas covered include the hospitality sector, banking and finance, and transport. Even the Democratic Republic of the Congo has joint ventures with other SADC countries other than the three allies, indeed, as Minister Karubi said, with countries throughout the world.

The same cannot be said of the behind-the-scene deals that certain Western Governments and companies are concluding with the rebels, as disclosed in the earlier report. The current report is therefore a smokescreen meant to conceal the shadowy activities of Western companies, while turning the spotlight on Zimbabwe's perfectly legal joint ventures in the Democratic Republic of the Congo.

The Panel has negatively portrayed the relationships with Zimbabwe of certain individuals doing business in the Democratic Republic of the Congo, but has left out certain facts and other significant connections of these individuals with other countries. The case in point is that of John Bredenkamp and Billy Rautenbach. The Council will be interested to know that John Bredenkamp has been publicly listed among the 100 wealthiest men in the United Kingdom. However, his association with the United Kingdom is conveniently not mentioned. In the case of Billy Rautenbach, his family has had business interests in the region, including in the Democratic Republic of the Congo, for over 30 years. These business interests, which predate this current conflict, are omitted, creating the impression that his business interests in the Congo began only with Zimbabwe's intervention in that country. These are private businessmen pursuing

their own interests like other private businessmen from around the world. They happen to be residents in my country. They are citizens of other countries.

My delegation finds it obscene for this report to allege that Zimbabwe is assisting and supplying arms to the FDD rebels from Burundi. Yet the institutions established by the Lusaka Ceasefire Agreement and the United Nations — the Joint Military Commission and MONUC, respectively — have not verified this alleged support for the FDD. This is one of several despicable attempts by our detractors to sour relations between Zimbabwe and South Africa. Zimbabwe would never undermine the facilitation efforts by South Africa in the Burundi peace process. Zimbabwe and South Africa are solid partners and brothers in SADC. I wish therefore to lay to rest the ghost of those who think they can succeed in tearing us asunder.

Let me now turn to the conclusions and recommendations of the Panel. The Panel calls on the Security Council to create a special commission that would revise and review all concessions, commercial agreements and contracts signed during President Laurent Kabila's rule. I find this conclusion intriguing indeed.

The concept of unequal treaties, which the panel introduces, is very fascinating. My Government is willing to cooperate with and assist the Council in fully developing and exploring this concept so that it is not used selectively but can be universally applicable. It may very well be found that most agreements signed with African chiefs by colonial representatives under false pretences, if reviewed by such a committee established by this Council, are invalid. The crisis of land rights, mineral rights and other such forms of alienation of indigenous people from their natural resources in southern Africa and other developing nations might benefit from the application of such a progressive concept.

We may also wish to extend this new-found morality in treaty-making to those agreements signed by the victors of World War One and World War Two. The possibilities opened by such a line of enquiry, if pursued objectively, may prove to be most salubrious indeed. What is wicked and dishonest would be to apply it selectively.

The Panel must make up its mind about how it intends to characterize Zimbabwe's presence in the Congo. In one instance, Zimbabweans are perceived as

pirates plundering every mineral resource that catches their eye. In the next instance, Zimbabwe is said to be paying millions from its own resources to sustain its intervention. It is therefore alleged that Zimbabwe has been miserably impoverished by its intervention to a point where it can no longer meet its balance of payments. Either Zimbabwe is presently benefiting, or it is not. The report should not be schizophrenic about this.

Whether we are benefiting or not is discussed elsewhere, in paragraph 58 of the report, where it says

"As Zimbabwe's joint ventures in mining and timber begin to mature and become profitable, it may be tempted to retain a sizeable military presence in the Democratic Republic of the Congo".

"Tempted" — in future. Two important points are made here. The first, which is correct, is that the joint ventures — except those in civil aviation — have not yet matured or become profitable. We have reaped no profits. We have sunk capital that may or may not prove profitable. Mining is a risky business. There are no guarantees of success in spite of the promising prospects. This is not illegal exploitation of the Democratic Republic of the Congo; it is investment in that country.

In all our joint ventures, the Democratic Republic of the Congo has at least 51 per cent of the shares and a majority on the board of directors. These agreements can be renegotiated at any time if any of the parties requests such a renegotiation. If all companies and countries adopted a similar policy in their business practices in the Democratic Republic of the Congo, it would indeed be revolutionary and would set new standards in development cooperation. We are proud of our joint ventures with the Democratic Republic of the Congo and challenge all other investors to follow our example for the good of the Congolese nation.

It is this inherent fairness of the structure of these joint venture agreements that will protect Zimbabwe's investment in the Democratic Republic of the Congo, and not the presence of the Zimbabwe army. The speculation that Zimbabwe will be tempted to maintain a sizeable military presence in the Democratic Republic of the Congo to protect its investments is maliciously thrown into the report in spite of my country's numerous, authoritative and binding commitments made on several occasions under the

Lusaka Agreement, during meetings of the Political Committee, to the Security Council and in countless bilateral discussions within Africa, SADC and with some members of this Council.

Since the Lusaka Ceasefire Agreement was signed, Zimbabwe has been pleading with the Security Council to urgently deploy a meaningful peacekeeping contingent in the Democratic Republic of the Congo in order to guarantee that country's security after the withdrawal of foreign forces. We have repeatedly brought our concerns to the attention of the Council directly, through the Political Committee, through our contacts with the Special Representative of the Secretary-General and numerous other interlocutors. Notwithstanding our many appeals and our oft stated deep disappointment at the hesitation of the United Nations in deploying sufficient peacekeepers, it is only now that we are beginning to see the initial stages of phase III deployment being initiated.

There is therefore no truth whatsoever in the Panel's speculative assertion that our continued presence in the Democratic Republic of the Congo is intended to prolong the war for the economic benefit of Zimbabwe. If the Council accepts this notion, then it should also be prepared to accept the inherent implication that the Council itself, through what appears to outsiders to be an overcautious approach, is also deliberately prolonging the war.

To avoid any doubt, I now wish to restate my country's readiness to pull out of the Democratic Republic of the Congo — in accordance with the provisions of the Lusaka Ceasefire Agreement and whenever requested by the Democratic Republic of the Congo Government to do so. Either of the aforementioned conditions is sufficient to cause an immediate and total withdrawal of my country's troops from the Democratic Republic of the Congo.

In conclusion, I wish to advise that my Government intends in due course to submit through your good offices a detailed rebuttal of the innuendos and inaccuracies with which this hurriedly drawn Zimbabwe-bashing pamphlet is replete.

**The President** (*spoke in French*): I thank the Minister for Foreign Affairs of Zimbabwe for his kind words addressed to me.

Since there are a number of speakers still on the list who have not yet spoken and due to the lateness of

the hour, I intend, with the concurrence of the members of the Council, to suspend this meeting until 6 p.m. I would draw the members' attention to our consultations this afternoon. Since this meeting is suspending late, we shall hold our consultations at 3.15 p.m. sharp.

*The meeting was suspended at 2.30 p.m.*



# Security Council

Fifty-sixth year

*Provisional*

**4437**<sup>th</sup> meeting

Friday, 14 December 2001, 6 p.m.  
New York

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<i>President:</i>	Mr. Ouane .....	(Mali)
<i>Members:</i>	Bangladesh .....	Mr. Ahmad
	China .....	Mr. Chen Xu
	Colombia .....	Mr. Valdivieso
	France .....	Mr. Levitte
	Ireland .....	Mr. Corr
	Jamaica .....	Miss Durrant
	Mauritius .....	Mr. Koonjul
	Norway .....	Mr. Kolby
	Russian Federation .....	Mr. Granovsky
	Singapore .....	Mr. Mahbubani
	Tunisia .....	Mr. Tekaya
	Ukraine .....	Mr. Kuchinsky
	United Kingdom of Great Britain and Northern Ireland .....	Sir Jeremy Greenstock
	United States of America .....	Mr. Cunningham

## Agenda

### The situation concerning the Democratic Republic of the Congo

Letter dated 10 November 2001 from the Secretary-General addressed to the President of the Security Council (S/2001/1072).

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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.

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UR Annex 73

*The meeting was resumed at 7 p.m.*

**The President (spoke in French):** Before giving the floor to the next speaker, I would like to apologize to Member States for the delay in the meeting's resumption. The Security Council was engaged in such intense consultations that our discussion was prolonged. I reiterate our apologies to Member States.

The next speaker on my list is the representative of South Africa. I invite him to take a seat at the Council table and to make his statement.

**Mr. Kumalo (South Africa):** My delegation is pleased to see you, Sir, presiding over the Security Council during this month. Under your able leadership we are confident that the Council will handle its matters with great honour and a sense of purpose.

Before I proceed with my speech, let me really thank the Security Council for making us proud today. As you know, Mr. President, it has always been a source of concern for us that when our ministers come to the Security Council they are always speaking very late in the debate, and their words no longer add to the debate on the issues under consideration. But today my delegation was very pleased that you were able to accommodate the Ministers early so that their words could really contribute to our work. We truly appreciate it.

The situation in the Democratic Republic of the Congo is of great concern to my Government. For many years, South Africa has been engaged in peaceful efforts to resolve the conflict in that country. My Government provided a neutral venue when the late President Mobutu Sese Seko negotiated the transition of government with the late President Laurent Kabila. We have continued to encourage the people of the Congo to resolve their differences through peaceful means. Next year, South Africa will host the inter-Congolese dialogue, and, as the Council knows, Mr. President, South African troops continue to serve with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

South Africa is appearing before the Security Council with the aim of clarifying statements contained in the addendum 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, which was released on 13 November 2001. Our intention is to put the record straight so that we

can build confidence and trust, not so much among ourselves but among the Congolese people, always with the aim of contributing to peace.

My delegation truly recognizes the scale of the task that confronted the Panel of Experts and the impact that it will have on the peace process. However, we feel compelled to express the South African Government's concern at the Panel's assertion that it received less than the fullest cooperation from South Africa. Such a claim is simply inconsistent with the facts.

As the Security Council knows, never has it been alleged, at any time, that the South African Government was in anyway implicated in wrongdoing in the Democratic Republic of the Congo. However, a number of allegations have been made against South African citizens or entities operating from our territory, and our own law enforcement agencies have investigated many such cases.

It was in this spirit that the Panel was on every occasion afforded both access to and complete cooperation from Government representatives, including law enforcement officials, most recently on 10 and 12 September 2001. In addition, the South African Government transmitted detailed reports in April and September 2001 in response to questions raised by the Panel. Additionally, my Government has continued to investigate and collect information on subjects raised by the Panel in its second questionnaire dated 20 September 2001. To further its own investigation, South Africa also requested additional information from the Panel in October 2001.

It is for this reason that my delegation is surprised at the claims by the Panel that there is "credible" information implicating individuals or entities of using South African territory and facilities to conduct illicit commercial activities involving the Congo's natural resources. This information was not mentioned, nor did the Panel offer to share this evidence, during its meetings with the South African authorities.

Already, South Africa has in place a comprehensive legislative framework that covers illicit activities of this nature. My country is not lacking in legislation, but in credible information and evidence. It stands to reason that my Government's ability to investigate and initiate legal proceedings against alleged offenders is dependent on obtaining

information. In this regard, we would appreciate receiving from the Panel of Experts the names of individuals and/or businesses, as well as supporting evidence of their alleged activities — dates, places, routes, time frames and associates in South Africa and the Democratic Republic of the Congo.

My delegation would therefore humbly advise the Panel to be more willing to exchange detailed information with Member States. Any perceived unwillingness by the Panel of Experts in this regard constitutes a serious impediment to its own mandate. Until such time that the Panel provides South African law enforcement agencies with adequate information in substantiation of the allegations against individuals or entities, our own national capacity to thoroughly investigate, prosecute and monitor such activities will remain undermined, thus compromising the effectiveness of the work of the Panel of Experts. Meanwhile, we would hope that this perceived unwillingness by the Panel — and I pause here to say I am struck by the fact that all the ministers who spoke here referred to being “perceived to be unwilling” — to share relevant information is not and will not be construed as lack of cooperation.

My delegation is also concerned at the inconsistency in the references by the Panel of Experts to legal trade and illegal or illicit exploitation. In paragraph 15 (a) of its first report (A/2001/357), the Panel defined illegal activities as “all activities — extraction, production, commercialization and exports — taking place in the Democratic Republic of the Congo without the consent of the legitimate government”. The current report, however, is inconsistent in this regard. It is the understanding of the South African Government that it was never the intention of the relevant Security Council resolutions to prohibit all trade with the Democratic Republic of the Congo. And many, many countries trade with the Democratic Republic of the Congo, including some that are represented around this table.

South Africa chairs the Kimberley process, which has developed detailed proposals for an international certification scheme for rough diamonds with a view to breaking the link between armed conflict and the trade in rough diamonds. It is indeed our hope that early in the new year the Kimberley process will report to the United Nations on how Member States are making sure that diamonds from conflict areas are not used to

perpetuate wars such as the one we have witnessed in the Congo.

In conclusion, my delegation wishes to assure you that the Government of South Africa will continue to provide its fullest cooperation to the Security Council and the Panel of Experts. No nation is more aware of how important the work of the Expert Panel is to the quest for durable peace and security in the Democratic Republic of the Congo.

**The President** (*spoke in French*): I thank the representative of South Africa for his kind words addressed to me.

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. Heinbecker** (Canada) (*spoke in French*): Canada took note with great interest of the addendum to the report submitted to the Council by the Panel of Experts. It was very important that the Panel be able to complete its difficult work, and we thank them for it.

The addendum to the report takes nothing away from the severe comments and recommendations already expressed with respect to the actors operating with the cooperation or backing of forces exercising control of the so-called rebel zones. To the contrary, it presents a more complete and alarming picture of the extent of the illegal exploitation of natural resources throughout the territory of the Democratic Republic of the Congo.

This additional information put forward by the Panel of Experts has just increased the growing alarm of Canada concerning the illegal exploitation of natural resources of the Democratic Republic of the Congo. This feeds even today a devastating conflict that has lasted for more than three years now.

Canada would like to reiterate its remarks of 3 May and, in particular, its condemnation of any persons, Governments and armed groups that have illegally exploited the resources of the Democratic Republic of the Congo and that have, through their activities, contributed to perpetuating the war in that country. Canada believes that the Security Council must ensure that measures are adopted to put an end to the plundering of the resources in the Congo.

If the Member States in question and other armed groups refuse to cooperate, the Council should apply stronger and more effective measures. Moreover, we believe that vigilance is required now more than ever, and that the Panel of Experts must be asked to pursue its work. Its mandate might be usefully adjusted and extended to make it possible to verify whether the plundering continues, to see if it develops in new directions and to better determine how the international community could contribute to putting an end to it without further burdening the population in their economic and security needs.

We are deeply convinced that any progress aimed at ending the illegal exploitation of natural resources in the Democratic Republic of the Congo will be one more step towards a return to peace in this country and in the region.

**The President** (*spoke in French*): The next speaker is the representative of Belgium. I invite him to take a seat at the Council table and to make his statement.

**Mr. De Ruyt** (Belgium) (*spoke in French*): I have the honour to speak on behalf of the European Union. The countries of Central and Eastern Europe associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — the associated countries of Cyprus, Malta and Turkey, as well as Liechtenstein, the European Free Trade Association country belonging to the European Economic Area, align themselves with this statement.

The document before us, the addendum 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, provides us with a detailed account of a grave and rather cheerless situation. It must nevertheless be read and, more to the point, studied, and we feel that it is essential to consider it with minute attention. We would like to warmly thank Ambassador Kassem and his team for the remarkable efforts they have made and the meticulousness with which, in a difficult context, they carried out this investigation.

The report shows that a conflict that was initially political and security-related in nature is becoming a struggle for riches. The parties involved have an interest in perpetuating the conflict, whose economic dimension, at the cost of war, is becoming a guiding

force. Based as it is on a particularly cynical approach, this situation is above all tragic for the Congolese people, who, in the rationale being followed, see no peace and security on the horizon. The fate of the Congolese people is in part determined by this rush for lucre. They are the victims of their country's natural resources, whereas they should instead be the beneficiaries.

What is more, this situation is seriously complicating the efforts to restore peace. Specifically, the parties, with the help of the international community, are using political tools in a conflict which has to some extent become an economic struggle in which shifting alliances and the fragmentation of rebel movements seem to be dictated in part by the profit motive. Therein lies one of the key elements of a resolution of the conflict.

The European Union condemns this plundering of natural resources of the Democratic Republic of the Congo. It must stop, and here the primary responsibility lies with the parties themselves. The international community, for its part, must take action, setting up control mechanisms and appropriate measures to halt smuggling. There have been praiseworthy initiatives, such as the Kimberley process on the role of diamonds in conflict, and we consider that this course should continue to be followed. We welcome the encouraging outcome of the meeting held in Gaborone, and eagerly await its follow-up by the General Assembly. But individual countries also have a contribution to make. Those cited in the report in particular must seriously study the information it contains and take the necessary measures. It is in that spirit that the States members of the European Union have taken due note of that information.

It is clear that finding appropriate ways to combat this exploitation is no simple matter. Today's meeting is one step in the process of consideration and analysis that must be pursued; the recommendations of the Panel of Experts can enhance that process. The mandate of the Panel should be renewed in order to maintain the very useful monitoring that its activities have thus far made possible. In that context, we feel that, in determining what follow-up it intends to give to the report, the Security Council should be guided by certain fundamental objectives. First, the follow-up must contribute to the dynamic of the Lusaka process, and must thus form part of the overall framework for seeking a political solution to the conflict in the



Democratic Republic of the Congo. Secondly, the fate of the Congolese people must be at the centre of all concerns.

We note that the Panel proposes a moratorium on certain resources. We believe that we must ensure that the few resources still genuinely in the hands of the Congolese people are not taken away from them, and that any restrictive measures should be carefully targeted against those responsible for the plundering. Here I would point out that the aim of the measures should be precisely to enable the Congolese people to benefit from the natural resources of their country.

The report also makes reference to a plan for rebuilding the Democratic Republic of the Congo. That is the objective of the European Union, which remains fully prepared to mobilize considerable resources, depending on the concrete progress made on various aspects of the peace process. The inter-Congolese dialogue is an important element of the peace process. We welcome the progress already made in that regard, and we encourage the parties to make every possible effort to make the planned meeting in South Africa a success.

In that connection, the European Union fully shares the concern of the Panel of Experts about the role that international aid could be playing in financing the continuation of the conflict. That issue requires a responsible approach by both bilateral and multilateral donors.

Finally, the European Union considers that the recommendation that all concession agreements and all commercial agreements and contracts be reviewed and revised to address and correct all irregularities is a measure that ought to be pursued.

The exploitation of natural and human resources is a key factor in the conflict in the Democratic Republic of the Congo. It must be the object of very close and urgent attention by the international community, on the basis of a comprehensive strategy.

**The President (*spoke in French*):** The next speaker is the representative of Angola. I invite him to take a seat at the Council table and to make his statement.

**Mr. Manguera (Angola):** At the outset, Sir, on behalf of my Government, I would like to congratulate you on your assumption of the presidency of the Security Council for the month of December. I would

like also to congratulate the outgoing President for the dynamic way in which she steered the proceedings of the Council during her mandate. Further, I recognize the presence here of Their Excellencies the Foreign Ministers of the Democratic Republic of the Congo, Uganda and Zimbabwe, the Adviser to the President of Rwanda, and the Deputy Minister for Foreign Affairs of the United Republic of Tanzania.

I take this opportunity to express our appreciation for the holding of this second open meeting on the activities 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 annex to whose report is contained in document S/2001/1072. In our view, that document makes reference to some matters that are of particular concern to the Angolan delegation, in spite of the fact that the Panel of Experts recognizes that the presence of Angola in the Democratic Republic of the Congo is based on strategic reasons and that Angola is the only country that did not receive significant compensation for its military action in that country, as was previously recognized by the same Panel in its report contained in document S/2001/357.

The reaffirmation of that fact, as we had the opportunity to state at the first public meeting of the Council on this topic, reflects a recognition of the policy of the Government of Angola, which is based, inter alia, on the principle of the defence of its sovereignty and of its national borders, on respect for the sovereignty of other States and on a policy of good-neighbourliness.

The Democratic Republic of the Congo is a sovereign and independent country recognized by the whole international community, and it has the capacity to sign agreements with other States in accordance with its national law and with international law. Therefore, the Government of Angola, as a matter of principle, cannot support some of the recommendations set out in the addendum to the report, particularly with regard to the question of the revision of concessions, trade agreements and other agreements signed between the Government of the Democratic Republic of the Congo and other States, allied or not, because we consider that recommendation to constitute interference in the internal affairs of that country. That sovereign capacity is undisputed. Only the States concerned have the power to review those agreements, which they signed in accordance with public international law,

particularly the Vienna Convention on the Law of Treaties of 23 May 1969, and the power to make use of mechanisms for appropriate revision or amendment.

The Sonangol company, as part of its regional business strategy, has established partnerships with its counterparts in other countries aimed at contributing to the economic development of the countries concerned. Such partnerships include Sonangol-Cape Verde, Sonangol-Sao Tome and Principe, and Sonangol-Congo. These are mixed-capital companies established under agreements signed by the two Governments concerned in each case. I stress the importance of the partnership for the economy of the Democratic Republic of the Congo, in keeping with the comments made by the Government of the Democratic Republic of the Congo in the document entitled "Note of the Government 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":

*(spoke in French)*

"Under the economic convention signed by the Democratic Republic of the Congo and Angola, Sonangol imports and distributes petroleum products, thus ensuring a regular supply of its strategic products for the Congolese economy. Moreover, it builds service stations and creates jobs." (S/2001/1156, annex (French only), para. 16)

*(spoke in English)*

It is our conviction that the solution to the problems of the Democratic Republic of the Congo undoubtedly lies in the implementation of the Lusaka Agreement and the additional protocols, as well as in the pertinent Security Council resolutions, which, once thoroughly observed, will provide the necessary conditions for a definitive settlement of the issues related to the illegal exploitation of the natural resources and other forms of wealth of the Congo in which the international community has a relevant role to play.

To conclude, the recommendations of the Panel of Experts should formulate concrete measures designed to put an end to the illegal exploitation of said resources and should not liken those countries that have agreements voluntarily signed with the Government of the Democratic Republic of the Congo

to those which illegally exploit in any way the natural resources of the Democratic Republic of the Congo without the authorization of that Government.

The President *(spoke in French)*: I thank the representative of Angola for the kind words he addressed to me.

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

Mr. Nteturuye (Burundi) *(spoke in French)*: I should like first of all to congratulate you, Sir, on your assumption of the presidency of the Security Council and to say how proud Burundi is of the dynamic spirit and the contribution of Mali to this prestigious body, which is entrusted with international peace and security.

Our admiration likewise goes to your predecessor, Miss Mignonette Patricia Durrant of Jamaica, for the outstanding manner in which she guided the work of the Council last month.

The Government of Burundi has read the additional 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, which supplements the first report of that same Panel. We wish to pay tribute to Ambassador Kassem and his team for their excellent work. The Government of Burundi will continue to give them the support and cooperation necessary to their mission.

Burundi wishes to make the following comments on the report under consideration.

First, the Government of Burundi welcomes the conclusions of the addendum to the report, which completely clears Burundi of any suspicion of involvement in the illegal exploitation of the resources of the Democratic Republic of the Congo. Indeed, in paragraph 101 of the addendum, it is clearly stated that:

"The Panel found no evidence directly linking the presence of Burundi in the Democratic Republic of the Congo to the exploitation of resources."

That same paragraph states that the presence of Burundi's army on the lake frontier with the Democratic Republic of the Congo

"has been and continues to be directed at blocking attacks from the Burundi rebel groups, particularly FDD, which are based in South Kivu and Katanga."

The addendum thus confirms what the Government of Burundi has consistently asserted and what good-faith observers already knew.

During the meeting of the Security Council on the first report of the Group of Experts, the delegation of Burundi had questioned the existence of an International Monetary Fund (IMF) memorandum reporting that Burundi had been exporting minerals that it did not produce. The addendum, fortunately, has just confirmed our misgivings about this matter. In paragraph 102, the Panel of Experts states that it had "contacted the Africa Department of IMF, requesting a copy" of its memorandum, but that "the Panel has not been able to obtain a copy of it."

While the Government of Burundi is satisfied by the conclusions of the Panel of Experts concerning charges pertaining to the alleged involvement of Burundi in the illegal exploitation of the natural resources of the Democratic Republic of the Congo, the delegation of Burundi is, however, concerned by information contained in certain paragraphs of the addendum regarding assistance granted to the armed groups Forces pour la défense de la démocratie (FDD) and Forces nationales pour la libération (FNL) in the Democratic Republic of the Congo.

In paragraph 58 of the report, the Panel of Experts stated that it

"received credible information, corroborating reports from independent sources, that Zimbabwe is supporting the Burundian FDD rebel forces by supplying them with weapons and expertise. Many reliable sources have informed the Panel this regard that the Zimbabwe Defence Forces are training FDD in Lubumbashi, where the FDD leadership is based and where Zimbabwean copper and cobalt investments are located. Another sign of their loosely structured coordination with the Burundian rebels is that the ALIR II forces are based near FDD in South Kivu and also have a command and liaison presence in Lubumbashi."

Paragraph 136 of the addendum states that

"Zimbabwe and the Government of the Democratic Republic of the Congo supply arms to the FDD rebels ... The officers and non-commissioned officers are also trained by the Zimbabwean army ... in Lubumbashi. In exchange, FDD forces, acting essentially as mercenaries, fight alongside the Mayi-Mayi and ALIR forces".

Further, in paragraph 138, the report states that

"The head of FDD, Jean-Bosco Ndayikengurukiye, is based in Lubumbashi. He is rumoured to control or own mining interests in the Katanga region, the profits from which he uses to cover some of his senior officers' expenses."

The Government of Burundi notes that this is not the first time that a report requested by the Security Council has reported destabilization of the security of Burundi, from the territory of the Democratic Republic of the Congo, by a regional coalition of negative forces. In the August 1998 report of the International Commission of Inquiry (Rwanda) established by resolution 1013 (1995), contained in document S/1998/777, the members of that Commission devoted an entire chapter to describing the links that exist between the former Rwandese forces and the Rwanda Interahamwe with the FDD and FNL of Burundi.

These inquiries were supported by important documents, contained in the report, indicating cooperation agreements signed between Rwandan and Burundian genocidal terrorists. The police of Burundi are also in possession of information concerning cooperation between the Allied Democratic Forces (ADF) rebels of Uganda of Jamilu Mukulu and the FDD-FNL Burundian terrorist movements.

The Government of Burundi calls on the Security Council to follow up on the conclusions of its own fact-finding missions, especially at this time, when the United Nations is being called upon to play an increasingly important role in the peace process in Burundi. The reports of these fact-finding missions should lead to consistent action.

It is becoming increasingly clear that the intransigence of the FDD and FNL armed terrorist groups is linked to the support that it has now been confirmed they are receiving from neighbouring countries. The time has therefore come for the Security Council and the international community to condemn these armed groups directly and hold them responsible for the terrorist acts they are committing against children, schoolchildren, students, women, the elderly, travellers, foreigners — and their property — and humanitarian personnel. The people of Burundi believe that the savagery of these killers is no different from that of, say, the Revolutionary United Front in Sierra Leone or UNITA in Angola — groups against which the Security Council has imposed sanctions that even extend to the countries and organizations that support them. The terrorist groups of Burundi are also acting as part of a coalition of negative regional forces that use the same methods of killing, are fuelled by the same ideology and pursue the same goals.

It would therefore be logical for the FDD and FNL to be placed on the same list of terrorist organizations that includes the ALIR of Rwanda and the ADF and the Lord's Resistance Army of Uganda — a list that has already been made public by the Governments of two permanent members of the Security Council — the United States of America and the United Kingdom.

The Government of Burundi requests the Security Council, the region, the facilitators and the entire international community to focus all their efforts on what is now the highest priority in Burundi: bringing about a complete and permanent ceasefire. That can become a reality only if coercive and firm measures are taken against the FDD and FNL armed groups, which have stepped up their violent actions against the innocent population since the establishment of the transitional Government, and which no longer have any political justification for turning a deaf ear to appeals for negotiation and ceasefire. Similar pressures should also be exerted on countries that provide recruitment and training, or serve as transit or assembly areas, for the FDD or FNL. The Government has made specific proposals for cooperation and consultation to those countries, and will continue to do so.

Finally, the Government of Burundi reiterates its willingness to negotiate a ceasefire with the FDD and FNL forces and to pursue dialogue with all neighbouring countries, especially the Democratic

Republic of the Congo and Tanzania, with a view to seeking together the fastest way to bring peace back to Burundi, the Democratic Republic of the Congo and the whole of the Great Lakes region.

**The President (*spoke in French*):** I thank the representative of Burundi for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Nigeria. I invite him to take a seat at the Council table and to make his statement.

**Mr. Hart (Nigeria):** The Nigerian delegation is particularly delighted to see our sister country, Mali, and you, Sir, our friend, Ambassador Moctar Ouane, in the chair as President of the Security Council for the month of December. We have implicit confidence in your competence and ability to successfully guide the work of the Council.

In the same vein, we would like to commend Ambassador Patricia Durrant of Jamaica for the effective manner in which she conducted the affairs of the Council last month.

Today's debate on the report (S/2001/1072) of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo is greatly welcomed by our delegation. This debate provides us with an opportunity to share our views on the illicit exploitation of the mineral resources that legitimately belong to the people of the Democratic Republic of the Congo, and the consequent prolongation of the ethnic conflicts in the Great Lakes region.

We note with interest the remark contained in paragraph 10 of the report that the history of the Democratic Republic of the Congo, regardless of the political system or governing authority in place, has been one of systematic abuse of its natural and human resources, such that a country noted for its vast natural resources was reduced to being one of the poorest and debt-ridden by the early 1990s. This is indeed unfortunate. It is also true that most countries in Africa endowed with such natural resources as gold, diamonds and oil have also suffered a similar fate of the illegal exploitation of their mineral wealth, to the disadvantage of those countries and their peoples.

In some countries, like Sierra Leone, Angola and the Democratic Republic of the Congo, available natural resources which would have served as catalysts

for economic growth and development, are used as rewards for warlords who wage wars to gain control of those resources. These warlords have made enormous profits through the indiscriminate granting of concessions to their cronies to satisfy pressing political needs and exigencies. Consequently, these countries have become increasingly impoverished as a result of persistent corruption, patronage and lack of accountability.

In paragraph 56, the report of the Panel establishes a link between the exploitation of resources and the continuation of the conflicts in the Democratic Republic of the Congo. The emergence of various splinter rebel groups, such as the Uganda People's Defence Forces, the Mouvement de libération congolais and the Mayi-Mayi, has been linked to the struggle for the control of such resources as coltan, gold and diamonds in the Beni and Bafwasende areas, as well as in other areas of the Congo.

However, what is more worrying is the fact that, according to the report, some neighbouring countries have been supporting these rebel groups, mainly because of the attraction of winning concessions to exploit those mineral resources.

My delegation is concerned about the revelations in section V of the report, which discusses recent developments and their implications, particularly those relating to the stated roles of Zimbabwe and Rwanda in the Congo and their possible effects on the security concerns of Rwanda and Burundi, as well as on the prolongation of the war. We want to state that such developments — if confirmed — would not be in the interests of our collective desire for peace in the Democratic Republic of the Congo.

The problems in the Democratic Republic of the Congo are multifaceted and cannot be dealt with in isolation. The solution should take into account the larger problems of general peace and security in the entire Great Lakes region. We therefore believe that concerted efforts should also be made to reassure neighbouring countries like Uganda, Rwanda and Burundi of their own security. It is only through such collective action that the smuggling of mineral resources along the porous borders could be checked. In this regard, Nigeria supports the recommendation contained in the report, which stresses the need for the countries in the Great Lakes region to put in place

effective controls and legal mechanisms to address the smuggling of resources.

My delegation also believes that the Bretton Woods institutions and international donors should play effective roles in helping to rebuild the economy of the region by injecting investable funds for infrastructure and general development. Accordingly, Nigeria supports the Panel's call for international donors to consider submitting to the Security Council, within the shortest possible time, a comprehensive programme for financing development in the region.

Nigeria favours the recommendation that a moratorium be declared for a specific period of time on the purchase and importation of precious products, such as coltan, diamonds, gold, copper, cobalt, timber and coffee, originating from areas where foreign troops are presently located in the Democratic Republic of the Congo. This would be in addition to the standardization of the certificates of origin for mineral resources from these areas, to be monitored by the World Diamond Council, the United Nations Forum on Forests and the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Finally, my delegation urges the Security Council to consider the imposition of sanctions on any country that violates the resolution on the exploitation of mineral resources in the Democratic Republic of the Congo. As the brotherly people of the Democratic Republic of the Congo anxiously look to the Security Council for assistance, we urge the Council to give urgent consideration to this matter with a view to finding lasting solutions to the vexed issue of illicit exploitation of the God-given wealth of these countries.

**The President (*spoke in French*):** I thank the representative of Nigeria for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Zambia. I invite him to take a seat at the Council table and to make his statement.

**Mr. Musambachime (Zambia):** My delegation would like to congratulate you, my brother from the great Republic of Mali, on your assumption of the presidency of the Security Council for the month of December.

Allow me also to thank your predecessor, Ambassador Durrant of Jamaica, who guided the deliberations of the Council in the month of November.

In addition, allow me to welcome the presence and the statements of the Ministers from the Democratic Republic of the Congo, Uganda and the United Republic of Tanzania, and the Adviser to the President of the Republic of Rwanda. Their participation in the deliberations this afternoon have helped to clarify a number of issues.

I would like to thank you, Mr. President, for convening this very important meeting on the illegal exploitation of the natural resources and other forms of wealth of the Democratic Republic of the Congo, our neighbour. The convening of this meeting is yet another demonstration of the Security Council's continued resolve to ensure the full implementation of the Lusaka Ceasefire Agreement in order to achieve durable peace and stability in the Democratic Republic of the Congo and in our region as a whole. It is for this reason that the Republic of Zambia provided its full assistance to the Panel to facilitate its work during its visit to our country.

I also want to assure you, Mr. President, that the Government of the Republic of Zambia will continue to cooperate fully with you and the other members of the Security Council in your noble efforts.

It is no secret that the Zambian Government attaches great importance to all efforts to ensure that there is peace and stability in our region. My Government has always played a leading role in these efforts in Angola and the Democratic Republic of the Congo. Our contributions have been acknowledged by the Council and the international community at large. The efforts and personal sacrifices of the President of the Republic of Zambia, Mr. Frederick J. T. Chiluba, in the pursuit of peace and stability in the Congo are well known and well documented, and cannot be ignored. He has done everything possible to advance the cause of peace.

My delegation is therefore extremely disappointed with the comments about my country contained in the addendum 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, contained in document S/2001/1072. Without even acknowledging the enormous sacrifices that Zambia has made and

continues to make in the search for peace in the Democratic Republic of the Congo, the Panel makes serious and unsubstantiated allegations against my country. In the report, the Panel is in fact insinuating that Zambia is undermining its own efforts and those of the international community to bring peace to the Democratic Republic of the Congo.

Please allow me to address some of the issues raised by the Panel. In paragraph 111, the Panel alleges that

“Zambia does not have the capacity to exert much control over the refugee camps in its territory, where training activities have been conducted for incursions carried out from Zambian territory.”

This is a serious allegation. It casts serious doubts on the sovereignty of our country as well as on the ability of our security institutions to conduct or undertake their statutory functions. We do not know how the Panel arrived at this conclusion, because — let me tell the Council — during all the times it was in Zambia, it did not visit a single refugee camp. Therefore, we wonder why the Panel, without knowing the facts, chose to cast Zambia's ability in a negative light. This is unacceptable.

According to the 1951 United Nations Convention relating to the Status of Refugees, to which Zambia adheres religiously, the supervision, administration and management of refugee camps are the responsibility of the Office of the United Nations High Commissioner for Refugees (UNHCR). The host country provides security for refugees and citizens alike.

UNHCR has been in Zambia for more than 30 years. In that period, it has never complained of Zambia's lack of capacity to provide military or police protection. Similarly, UNHCR has never complained that refugees' enjoyment of rights was worse than that of the citizens, residents, migrant workers, tourists and visitors. This statement, therefore, is far from the truth.

Zambia currently hosts more than 270,000 refugees, who are in two settlements and four camps under the supervision of UNHCR. If it is true that military training is being conducted in these camps, as the Panel alleges, then the conclusion would be that this is being done with the full knowledge of UNHCR. Of course, we know that this is not true.

The protracted conflicts in Angola and the Democratic Republic of the Congo have continued to generate large numbers of refugees who are sheltered in Zambia. As pointed out in the UNHCR report in document A/56/12, Zambia is the country most adversely affected by the influx of refugees from those two countries. Because of our adherence to the United Nations Convention relating to the Status of Refugees, my country continues to shoulder the heavy burden of looking after refugees. Unfortunately, we must admit that the arrival of civilian refugees is often accompanied by the entry into the country of armed elements and ex-combatants. This situation poses a very serious threat to the security of the local population and of the civilian refugees themselves.

To counter this, the Zambian Government, in collaboration with UNHCR, disarms and separates those identified as ex-combatants and sends them to a refugee camp called Ukwimi, which is located in the eastern part of the country, close to the Malawian border and far from the borders of Angola and the Democratic Republic of the Congo and from the camps for civilian refugees. Currently, I wish to report that Ukwimi refugee camp is holding 2,278 ex-combatants, who are being screened by the National Eligibility Committee in collaboration with UNHCR.

I want to inform the Council that this information was and is readily available not only with the Zambian Government, but with UNHCR as well. The Panel could easily have got this information had it asked for it. One wonders why, when there are facts, the Panel decided to insinuate otherwise and to paint a completely erroneous picture.

Annex I of the addendum to the Panel's report is a list of the countries it visited and the officers it met. On page 35, it is clearly indicated that the Panel met with the President of the Republic of Zambia, Mr. Chiluba; four Government Ministers, including the Ministers of Defence and Presidential Affairs; and the Permanent Secretaries of the Ministries of Foreign Affairs and of Mines and Minerals Development. As a nation, we are therefore shocked to note that, in paragraph 114, the Panel reports that there was a lack of cooperation from the Government of the Republic of Zambia.

I want to pose the following questions. Where was the lack of cooperation when the Panel met the topmost person in the country — the President — and

the Ministers relevant to its visit? Where was the lack of cooperation when the Government of the Republic of Zambia ensured that the Panel met with whomever it requested to meet? Where was the lack of cooperation when the Government of the Republic of Zambia ensured that it visited places that it wanted to visit? Indeed, where was the lack of cooperation when the Government provided transport and other facilities for the Panel?

Sharing the longest border with the Democratic Republic of the Congo, my country has been the worst affected by the spillover from the conflict. Zambia does not stand to gain in any way from this conflict. In fact, the conflict is impacting negatively on the well-being of Zambians. The continuous flow of refugees and increased insecurity along the borders have greatly disrupted the lives of our people. We do not cherish this situation and that is what the Panel should have known and should know.

Zambia has always supported and cooperated with the panels sent by the Security Council and other United Nations bodies. We have facilitated their smooth operation in the country and ensured that all impediments to their work were removed. They have been free to go wherever they want and to see whomever and whatever they want to see.

My delegation is convinced that the mandate given to this Panel was a noble one and made in good faith. We believe that, if properly focused, the Panel could make a positive contribution towards bringing peace and stability to the Democratic Republic of the Congo. However, the tone and content of the report as it relates to Zambia creates an element of distrust and suspicion which could easily fuel an already volatile situation. We have already invested a lot in the search for peace. We should not allow the efforts that we have made and the progress so painstakingly achieved to be undermined by people with different intentions and agendas.

We are therefore disturbed by these unjustifiable accusations. If the Panel, as claimed in paragraph 111, has information that various Congolese resources transit through Zambia illegally, the noble and decent thing to do would be to inform my Government so that the necessary control measures can be effected.

My country therefore challenges the Panel to substantiate these allegations as they appear in the report. If it should fail to do so, we would demand a

retraction and an apology. We make these demands because we believe in transparency; we believe in objectivity, justice and fair play. I wish to assure the Council that we will always extend help to other panels.

**The President (spoke in French):** I thank the representative of Zambia for his kind words addressed to me.

The next speaker inscribed 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. Theron (Namibia):** It gives my delegation great pleasure to see you, Sir, presiding over the work of the Council. I wish to thank you for scheduling this very important meeting. I also wish to congratulate Ambassador Durrant of Jamaica for the excellent manner in which she conducted the work of the Council in November, and in particular for the focus on African situations.

I would also like to acknowledge the presence of all the ministers at this meeting.

My delegation wishes to reiterate its thanks and appreciation to Ms. Ba-N'Daw for presenting us with the report in April on the disturbing facts about the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo and with the recommendations. We also welcome the addendum containing additional information prepared by Ambassador Kassem and his team. Namibia has submitted a formal response to the addendum to the Security Council.

Namibia's support for the establishment and mandate of the Panel was and remains intended to help put an end to the plundering of the natural resources of the Democratic Republic of the Congo, which are being used to fuel the conflict. Our support stems from a deep desire to preserve the sovereignty and territorial integrity of the Democratic Republic of the Congo. It is for these reasons that on both occasions when the Panel visited Namibia, the Government of the Republic of Namibia rendered all necessary assistance and extended full cooperation in facilitating its meetings with all relevant Government authorities, as requested. In this context, we welcome the expression of gratitude from the Panel for the excellent cooperation, as stated in annex I of the addendum. Namibia welcomes the

proposed extension of the Panel's mandate and pledges its continued cooperation.

The naked aggression against the Democratic Republic of the Congo by Uganda and Rwanda and the accompanying suffering and hardship caused to the people of that country were exacerbated by a process of systematic looting and pillaging of the natural resources and other forms of wealth of their country by the very same forces responsible for the invasion. The tragic effects of these crimes have been well illustrated in the Panel report, as well as in other reports on the situation in the Democratic Republic of the Congo.

Unfortunately, the situation continues with impunity today and is clearly directly linked to the continued occupation of the country. Those countries that have violated the sovereignty of the Democratic Republic of the Congo have persisted in their defiance of Security Council resolutions, in particular resolutions 1304 (2000) and 1376 (2001).

It is worthwhile recalling the well-illustrated statistics in the main report, showing the discrepancies between the production of minerals and other resources by these countries and their exports. Even more specifically, the Panel, in paragraph 125 of the same report, concluded that the economies of Rwanda and Uganda have benefited financially from the conflict in the Democratic Republic of the Congo.

In contrast to the illegal exploitation by countries that have violated the sovereignty of the Democratic Republic of the Congo, the Panel has correctly indicated that the Government of the Democratic Republic of the Congo has, as any sovereign State has the right to do, in some instances relied on income from the resources of the country to assist in its defence against its aggressors. In the addendum, the Panel acknowledged that most transactions by those countries that came to the defence of the Democratic Republic of the Congo were done in line with normal economic cooperation between sovereign States. They were carried out through the establishment of joint ventures and other well-established trade practices.

My delegation welcomes the recommendations in the report aimed at putting an end to the illegal exploitation of the natural resources of the Democratic Republic of the Congo. However, it cannot support recommendations in the addendum that attempt to question or discredit sovereign decisions taken by the legitimate Government of the Democratic Republic of



the Congo. Therefore, for my delegation, the recommendation that the Security Council create a body to review concessions, commercial agreements and contracts concluded by the Government of the Democratic Republic of the Congo is unacceptable.

I now wish to make a few specific comments about the utility of the Panel reports and to register some misgivings of my delegation.

While we welcome the findings of the Panel, in our view, in some instances it appeared reluctant to state that a specific country was not illegally exploiting the resources of the Democratic Republic of the Congo, even where overwhelming evidence to that effect was submitted. Just as the Panel proved conclusively through the publishing of statistics provided by countries themselves, as well as by international financial institutions, that Rwanda and Uganda are engaged in the illegal exploitation of the resources of the Democratic Republic of the Congo, the same kind of information and procedures could have been used to prove that other countries are not benefiting from the illegal exploitation of the natural resources and other forms of wealth of the Democratic Republic of the Congo.

Furthermore, whereas in the addendum the Panel has extensively reported on transactions concerning the exploitation of the resources of the Democratic Republic of the Congo, in contrast to its mandate of investigating the illegal exploitation of the natural resources and other forms of the country's wealth, the addendum appears to have focused only on countries in Africa. It would have been enlightening to have a wider perception of the commercial transactions for the exploitation of the resources of the Democratic Republic of the Congo involving actors outside Africa.

Finally, the reference in the addendum to the personal decision by His Excellency President Nujoma is wrong. While this has no relevance to the Panel's mandate, I wish to point out that decisions of the Government of the Republic of Namibia are taken in accordance with the procedures outlined in the Constitution of the Republic of Namibia and that those were fully respected when this decision was made.

Let me repeat once again what we have said in this Chamber — that Namibia's involvement in the Democratic Republic of the Congo was at the expressed invitation of the legitimate Government of the Democratic Republic of the Congo, and not for the

exploitation of Congolese coltan, gold, copper, cobalt, diamonds, timber or any other resources.

Namibia has repeatedly stressed the need for respect for the sovereignty and territorial integrity of the Democratic Republic of the Congo and for its control over its natural resources. The illegal exploitation of the natural resources of the Democratic Republic of the Congo, if not put to an end, will defeat the efforts of the Security Council in that country. The report of the Panel of Experts clearly identified the link between the invasion of the Democratic Republic of the Congo, the plundering of its resources and the continuation of the conflict. This is at the core of the Panel's mandate, and the Security Council should not lose sight of this important link.

In conclusion, my delegation wishes to impress on the Security Council the need to ensure that the countries that have invaded the Democratic Republic of the Congo withdraw without delay, even if that means adopting further measures in terms of its mandate under the Charter. Any further measures decided on by the Council should include the payment of reparations and compensation to the Democratic Republic of the Congo by the invading countries. The Council cannot afford its decisions being ignored continuously, since, in allowing this, it risks serious damage to its credibility.

The Panel of Experts had an important mandate. The besieged Congolese people are counting on the Security Council to help put an end to the plundering of their resources and to assist in making peace in their country a reality.

**The President** (*spoke in French*): I thank the representative of Namibia for the kind words addressed to me.

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. Yamamoto** (Japan): I would like to thank you, Mr. President, for giving my delegation the opportunity to participate in today's discussion on this important issue. I would also like to thank the Panel of Experts for producing a well-balanced addendum to the report on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo.

The illicit exploitation of natural resources, not only in the Democratic Republic of the Congo, but also in other parts of the world, is a cause of recurring open hostilities and a major obstacle to the settlement of conflicts. As Japan stressed in its statement before this body last May, it must be stopped.

Towards this end, Japan has been participating in the discussions of the Kimberley process, which addresses the problem of conflict diamonds. Through this process, the international community has learned valuable lessons regarding the curtailment of illicit exploitation of natural resources for conflict prevention, while at the same time protecting the legitimate exploitation of natural resources for the promotion of development.

With respect specifically to the Democratic Republic of the Congo, Japan hopes that the following two points will be taken well into account when the Security Council considers the recommendations contained in the addendum report.

First, producing countries and importing countries must acknowledge their responsibility and commit themselves to breaking the circle of conflict and the illicit exploitation of natural resources. This consciousness of responsibility will provide an environment in which the international community will be encouraged to take voluntary initiatives to stop the illicit trade.

Secondly, with the end of the conflict in sight, the process of demobilization, disarmament and reintegration and efforts for the reconstruction and rehabilitation of the Democratic Republic of the Congo have begun. In support of those efforts, it is crucial that legitimate trade in primary commodities be protected. As the addendum to the report points out, those items which are illicitly exploited and traded in the eastern part of the Democratic Republic of the Congo are not confined to coltan and diamonds, but also include gold, copper, cobalt and timber. But because these primary commodities are important sources of income for the nation-building efforts of the Democratic Republic of the Congo, if the international community agrees that illicit trade in these items needs to be regulated, it should be done in such a way as not to be detrimental to revitalizing economic activities in the Democratic Republic of the Congo. In this connection, the international community should pay due attention to

protecting the legitimate exploitation and trade in primary commodities in the country.

As we emphasized in our statement last May, 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. I would thus like to underline the importance of convening an international conference on peace and development in the Great Lakes region, as recommended in the addendum to the report, as well as the acceleration of the disarmament, demobilization and reintegration process by the United Nations Organization Mission in the Democratic Republic of the Congo. This will help create a conducive environment in which the countries concerned can discuss ways of securing their borders.

Finally, the ministerial meeting in preparation for the Third Tokyo International Conference on African Development (TICAD III) was held in Tokyo on 3 and 4 December. The chair's statement issued at that meeting welcomed the adoption of the New Partnership for Africa's Development (NEPAD) as a manifestation of the commitment of African leaders to effective leadership and accountability. NEPAD reflects the principles of global partnership and ownership. I would like to emphasize the importance of these principles in the context of addressing the illicit exploitation of natural resources and the ongoing conflict in the Democratic Republic of the Congo.

**The President (*spoke in French*):** I now give the floor to the Chairman of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, Mr. Mahmoud Kassem, to respond to the comments made and the questions raised.

**Mr. Kassem:** Because of the lateness of the hour, I will confine myself to replying to two of this morning's interventions and one from this late meeting.

The Minister for Foreign Affairs of Zimbabwe said that Zimbabwe's presence in the Democratic Republic of the Congo is an enactment of the mutual defence agreement of the Southern African Development Community (SADC) and came about following a direct plea from the sovereign Government of the Democratic Republic of the Congo.

Zimbabwe's initial military involvement in the Democratic Republic of the Congo was under the pretext of the SADC mutual defence arrangements. However, it is the nature of this presence today which is of interest to the Panel. Is the Zimbabwean military presence today an enactment of this mutual defence arrangement, or has it evolved into something else as the conflict level subsides? If Zimbabwe's presence in the Democratic Republic of the Congo is a burden on its limited resources, why does it continue? Why have there have been no troop reductions to reflect the level of the conflict?

The Minister went on to state that Zimbabwe's activities in the Democratic Republic of the Congo are legitimate, bilateral, commercial relations between two sovereign countries. Zimbabwe makes no secret of the fact that it finances its presence in the Democratic Republic of the Congo through its joint ventures with the Congolese Government. Zimbabwe's commercial activities in the Democratic Republic of the Congo are based on arrangements made with the Congolese Government in Kinshasa. That is an undeniable fact. Is it legal? That is another matter.

In order to better understand this, we have to ask ourselves the following questions. Were the conditions under which this commercial activity was established normal? Are these activities considered legal by the often sidelined Congolese law? Does the nature of these commercial activities reflect commonly accepted bilateral commercial ties? In fair market terms, does the value of Zimbabwean gains from commercial activities in the Democratic Republic of the Congo reflect the size of its modest investments? The answer to these questions is no.

Regarding the conditions of the agreements made, the Panel would just like to recall the signing of the contracts transferring the Kababencola Mining Company (KMC) to the Zimbabwean businessman John Bredenkamp. This took place at the Grand Hotel in Kinshasa, where all the senior management officials of Gécamines were present, as well as senior Zimbabwean military officers. The Zimbabwean side, which had prepared the contract, allowed no one to leave before the contract was signed, unchanged. As to whether Congolese law was respected with regard to the Zimbabwean concession, the Panel only wishes to refer to the Sengamines deal. The legality of the Congolese Government directly negotiating and granting concessions on behalf of the Société minière

de Bakwanga (MIBA) should be seriously considered — assuming that the Congolese Government has that right, as a partner in MIBA. However, the Congolese Government did not consult Sibeka, the other partner in MIBA, when it decided to grant Sengamines the best concession lands. Irrespective of its legality, how can this be considered as commonly accepted commercial behaviour?

Regarding the value of the investments, the addendum clearly outlines that the Zimbabwean role offered neither capital nor land nor entrepreneurship. This, then, leads us to the two most important and relevant questions: first, would Zimbabwe's commercial activities in the Democratic Republic of the Congo be negatively affected if it had no military presence in the country? Secondly, are Zimbabwe's policies and actions in the Democratic Republic of the Congo aimed at prolonging the conflict so as to ensure that this military presence continues in order to safeguard its commercial activities? The answer to both questions is yes.

One needs only to look at the areas where Zimbabwean troops are deployed to realize how strategically located they are with regard to their concessions. Zimbabwe's aid to the Forces pour la défense de la démocratie (FDD), which is documented in the addendum, also gives a clear example of how this country is actively taking steps to prolong the conflict.

Finally, if the Government of Zimbabwe still holds the same position regarding the legality of these contracts and concessions, then it should be the first to welcome a review of its commercial activities in the Democratic Republic of the Congo. A revision of these contracts, under the auspices of a third party and in an atmosphere of transparency, would reconfirm their nature. This would enable both Zimbabwe and the Democratic Republic of the Congo to then engage in sound, unquestionable and sustainable commercial relations under fair market terms. This is a development that would unarguably be to the benefit of both the Congolese and Zimbabwean people.

Turning to an intervention made by the representative of the United Republic of Tanzania, who alleged that his Government has been cooperative with the Panel, I would state that the Panel in fact did not understand why the Tanzanian Government showed so much hostility — I repeat, so much hostility — to the

Panel, irrespective of the fact that the Tanzanian Government appointed low- to medium-level officials to meet with the Panel. These officials were actively — I repeat, actively — discouraged from disclosing information to the Panel. As for his allegation that the Panel has twice accused the Bank of Tanzania of being involved in illicit smuggling of diamonds originating in the Democratic Republic of the Congo, the Panel had taken note of the Tanzanian Government's position, especially the point of view conveyed by the Governor of the Bank of Tanzania, with whom it met. Accordingly, further investigations were carried out which have once again revealed that the initial information presented remains valid. In the case of the Bank of Tanzania, evidence acquired by the Panel has shown that certain individuals working at the Bank have actively been marketing diamonds originating in the Democratic Republic of the Congo — from the premises of the Bank. It has knowledge of at least three deals concluded there which were destined for Antwerp, Amsterdam and Johannesburg. As regards the United Republic of Tanzania, at this point I will stop.

I did not really intend to respond to the representative of Zambia. But I was really surprised when he put to me these questions with regard to cooperation or lack thereof. In the end he posed a very surprising question: where was the lack of cooperation when my Government provided transport to the Panel? As far as I know, it is the United Nations that supplies all the needs of the Panel — and nobody else, including Zambia.

As for the lack of cooperation, I would just like to say a few words. At its meeting in Lusaka, the Panel was surprised that even what could be considered public information, in the papers, was not given freely to the Panel. Officials who attended the meetings were either evasive or simply uncooperative. In some instances, junior officials clearly indicated that they were not authorized to disclose any information to the Panel. It should also be noted that, although a meeting with President Chiluba had been scheduled, the Panel learned upon arrival in Lusaka that the meeting had been unilaterally cancelled. It was only after the Panel's complaint to Minister of State Eric Silwamba about Zambia's lack of cooperation — and he was surprised — that a meeting with President Chiluba was hastily arranged at the last minute before we left. Furthermore, additional information requested in writing from the Zambian Government was received after the completion of the addendum.

**The President (*spoke in French*):** I thank Mr. Kassem for the further information and responses he has provided.

There are no further speakers inscribed on my list. 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.

*The meeting rose at 8.40 p.m.*



## **UR Annex 74**

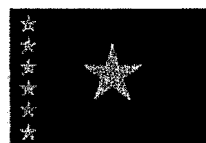




## DEMOCRATIC REPUBLIC OF THE CONGO

>> AFR Regional Overview >> Congo Overview

### Introduction



The Democratic Republic of Congo (DRC) is the third largest country on the continent and home to roughly 50 million people. Nine countries border the DRC, and shifting alliances both within and across its border position the DRC as a key partner, or a key threat, to U.S. humanitarian interests in central Africa. Its immense base of natural and mineral resources (cobalt, diamonds, gold, copper, colombo-tantalite, and timber) holds enormous potential and will influence the stability of much of the rest of Africa. Seventy-seven percent of the DRC is forested and its exceptional biodiversity, rainforests and massive river systems constitute one of the globe's rare rain forests.

However, the Congo is in crisis. Prolonged conflict and deepening humanitarian crisis, brought about by war and years of political and economic mismanagement, has spawned instability across central Africa and threatens U.S. interests in the region. U.S. Government assistance focuses on fostering political, social and economic stability and stanching the widening humanitarian disaster. Assistance to the

DRC advances U.S. interests by bringing stability to a country and a sub-region torn by wars, by reducing poverty, by conserving its unique biodiversity and by stemming the spread of infectious and re-emerging diseases, including HIV/AIDS and polio. The program in the DRC supports USAID's new priority areas of economic growth, global health, relief, and conflict prevention.

### The Development Challenge

The DRC is classified as a heavily indebted poor country (HIPC), with a public external debt of \$13.5 billion as of December 31, 2000, or ten times the country's yearly export of goods and services. Domestic debt arrears exceed \$9 billion. The DRC's political situation is highly unstable and complex. The country's economic performance remains dismal, reflected by continued decline in output and increases in the inflation rate from 325% in 1999 to 531% in 2000. The accumulated debt and the nation's decline are largely due to the on-going war, and decades of corruption and mismanagement of its resources by former Presidents Mobutu and Kabila. Per capita income has dropped from \$361 in 1960 to below \$100 in 2000. Over 80% of the DRC's population live in absolute poverty.

A new leadership emerged in the DRC in January 2001, after the assassination of President Laurent Kabila. President Joseph Kabila has succeeded his father and has indicated a commitment to political openness and dialogue. His strategy focuses on bringing peace and recovery to the DRC. President Joseph Kabila's pronouncements and actions thus far provide new prospects for peace, democracy and socio-economic improvements in the DRC. Positive steps towards a new political orientation have recently been undertaken in the areas of human rights and rule of law as political prisoners are freed, secret detention centers are closed and political dialogue has begun. Despite these positive prospects, lasting peace remains elusive. The demands of the war have disrupted all key areas of economic, political and



social life. The judicial and civil service sectors are non-functional. As successive governments have been unable or unwilling to provide resources to the social sectors, the delivery of social services has collapsed. Non-governmental organizations (NGOs) carry the burden of providing basic social services. The Catholic and Protestant Churches alone support over 60% of the education and health care delivery services.

The health infrastructure in the DRC has virtually collapsed in many areas and women and children are at particular risk. Infant mortality is 148 per 1,000 and a 3.2% population growth has the potential to erode any improvements in the standard of living. Maternal mortality is extremely high with some 1,837 women dying out of every 100,000 live births. Routine immunization systems have ceased to function in many parts of the country, resulting in frequent epidemic outbreaks of communicable childhood diseases. In addition to wild poliovirus, the DRC has perhaps the most extensive collection of known and emerging infectious diseases in the world. As a result of lack of health services, compounded by the desperate poverty, outbreaks of rare diseases, once virtually eradicated (e.g. sleeping sickness, TB and river blindness), have reappeared. HIV/AIDS infection rates in the general population before the war, ranged between approximately 6 to 10 percent. However, HIV/AIDS infection rates in foreign African armies engaged in the conflict in the DRC are reported to be much higher. Limited data suggests that as a result prevalence rates for HIV/AIDS infections among certain groups in eastern and southern provinces are rising.

Most of the DRC's vast territory is inaccessible due to decades of collapsed infrastructure. Without roads, the Congo River basin became the major artery for transport until rebel forces cut even this vehicle for the delivery of goods and services from the interior to the capital. Food shortages, particularly for urban populations, have increased. The DRC suffers from intense environmental degradation, deforestation, soil erosion and flooding. Poverty and war have encouraged large-scale deforestation, pillage and depletion of the DRC's vast equatorial forest and natural and mineral resources.

In late 2000, USAID/DRC launched an integrated humanitarian and health program which delivers critical health, nutrition, food security and other emergency interventions in an effort to reduce high levels of excess mortality and suffering. The program combines and focuses development and humanitarian resources to increase both physical and economic access to basic services. Health development funds will be used to strengthen health service delivery in over 60 rural health zones throughout the country while emergency funds provide life-saving interventions along front-line areas and among displaced populations. Food for Peace resources delivered through the World Food Program for both emergency food distribution and food security activities. Where feasible, health, food aid, emergency and development resources (funds from the USAID Bureau of Humanitarian Response (BHR) and the DRC mission) will complement and build on each fund's strength to respond to immediate needs and longer-term health and food security development in an effort to move the DRC beyond the immediate crisis.

## **Other Donors**

Most donor assistance is provided through international organizations and NGOs. Most of it is humanitarian assistance. The European Union is the major provider of assistance with a contribution of approximately \$50 million annually. Based on recent political developments, the EU has committed new funding to the DRC. This includes a \$25 million contribution to the justice sector reform program, \$35 million in emergency assistance and a \$108 million development support fund. A World Bank trust fund made available \$5 million to support initiatives in privatization of parastatals. Through the 2001 Consolidated Appeal, the UN system is seeking \$139.0 million in funding to support humanitarian and development programs in the DRC.

## **FY 2002 Program**

USAID is positioned to respond swiftly to opportunities in support of the implementation of the July 1999 cease-fire in the DRC. Such support is critical in order to encourage further advances in implementation of the Agreement and lay the foundation for democracy. Implementation will continue through partnership with civil society and NGOs but will allow limited, well-targeted support to the Government of the Democratic Republic of the Congo (GDRC) in child survival and infectious disease sectors. USAID focuses on assisting Congolese people to resolve national, provincial, and community problems through

participatory processes involving the public, private, and civil sectors.

In the health sector, USAID's successful child survival, infectious disease, HIV/AIDS control, and primary health care activities will be expanded to all eleven provinces. The capacity of national and non-governmental health delivery institutions will be strengthened. USAID will help support the eradication of polio, the prevention of vaccine preventable diseases and diarrhea, and improved child nutrition. USAID-funded activities will help seek to better control malaria, tuberculosis, and other infectious diseases and will assist the country to position itself to better respond to epidemics and outbreaks of rare and infectious diseases. It will continue to help support an expanded HIV/AIDS prevention and control program, targeting high-risk groups and people living with HIV/AIDS, while providing assistance to develop reliable baseline data as the basis for better surveillance. The primary health care system will be revitalized and supported comprehensively throughout the DRC in 60 rural health zones.

In democracy and governance, USAID will continue to support civil society and strengthen its role as a partner to the GDRC in building a politically stable country. USAID will support the Inter-Congolese Dialogue and subsequent democratic initiatives, which would be generated by the dialogue. Under provisions of new legislation, USAID will also assist the GDRC in anti-corruption activities and will support increasing the capacity of human rights NGOs for coalition building, advocacy, information development and dissemination, litigation and representation. Through the International Foundation for Election Systems (IFES) and the Law Group, USAID will continue to work on refining the draft constitution. USAID will also strengthen the capacity of key NGOs to provide access to legal services to individuals and groups, will actively support a transition to a democratically elected government, will expand the assistance to NGOs for the provision of information and Internet connectivity beyond Kinshasa to 22 secondary cities in eleven provinces. Assistance and training will be provided to private and independent news organizations and reporters for more balanced news reporting. USAID will continue to support education of the girls. Finally, the program will support demobilization of child soldiers, training and reintegration of child soldiers into their communities and support protection of vulnerable and street children, orphans and victims of torture.

Through programs designed to enhance household food security and reduce poverty in selected communities, USAID will focus on meeting the critical food needs of targeted groups through emergency food aid, sustaining agricultural production, promoting sustainable natural resources management, and expanding private sector markets. Productivity and quality of life will be increased through human capacity development and training of girls, demobilized child soldiers and vulnerable youth. USAID will enhance institutional capacity building in the environmental sector, continue to support policy changes, and promote private initiatives to protect the environment. Interventions will include environmental advocacy, reinforcing community awareness, and continued support to World Heritage Sites. Micro-credit programs, micro-enterprise initiatives and support to natural resource-based industries, which create jobs, stimulate increased production and income while enhancing livelihoods, will also continue to be an important part of the program.



## **URAnnex 75**



United Nations

S/2002/141

**Security Council**Distr.: General  
1 February 2002

Original: English

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**Letter dated 1 February 2002 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 transmit to you a copy of a letter dated 31 January 2002 from the Minister of Defence of Uganda, Hon. Amama Mbabazi, addressed to H.E. Amos Ngongi Namanga, Special Representative of the Secretary-General to the Democratic Republic of the Congo, expressing concern at the continued deteriorating security situation in eastern Democratic Republic of the Congo (see annex).

I should be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

*(Signed)* Prof. Semakula Kiwanuka, Ph.D.  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Uganda to the United Nations



**Annex to the letter dated 1 February 2002 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council**

**Continued deteriorating security situation in eastern Democratic Republic of the Congo**

Reference is made to my earlier communication to you dated 14 January 2002 on the deteriorating security situation in eastern Democratic Republic of the Congo.

Firstly, I would like to inform you that there is continued fighting in areas of Bafwasende, Njania, Poko and Butembo. We understand that, in fact, some towns have changed hands. Mr. Bemba denies his force is involved in these unfortunate occurrences. We are further informed that Roger Lumbala is involved in some of the fighting but we do not have good contact with him to substantiate these allegations.

Secondly, in the Bunia area, as you know, we have withdrawn our forces from the countryside and concentrated them at the airport. There are reports of killings of civilians and of combatants in the hinterland since that withdrawal of our forces. In the two weeks since I last wrote to you, there have been many incidents of attacks by one group against others and ambushes against road users to the extent that travel by public roads has ceased. For example on 14 January 2002 in Mokambo (Djugu), along the Lake Albert shores, 35 civilians of the Alur tribe were killed and 70 houses burnt down. On 15 January 2002 three localities of Molabo (Djugu), 28 kilometres to the north of Bunia, were set ablaze and an unspecified number of people killed. On 16 January 2002 in Kilo (Djugu), about 45 kilometres north-west of Bunia, two localities were set ablaze and an unspecified number of people killed. In Bambu, about 30 kilometres north-west of Bunia, the road to Mongbwalo has been cut off by armed tribesmen who still patrol the road armed with automatic rifles. On 26 January 2002, three motor vehicles travelling to Mongbwalo were stopped, property was looted and the occupants feared killed. In Loga, Lendu combatants are reorganizing to attack Katoto, Inga barrier and Niizi. As a result of these and many other similar incidents reportedly mainly perpetuated by Lendu tribesmen, the civilian population of other groups are running to Bunia Town or towards the Uganda border. It appears to us that some elements are arming these groups to commit genocide on others.

This state of affairs is obviously not acceptable to Uganda, the local Congolese or the international community. The security situation in these areas is threatening our border security and this has far reaching implications on the stability and future of the Democratic Republic of the Congo.

I wish, on behalf of the Uganda Government, to invite the United Nations (United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)) to come in and work with us to find a solution to this problem. In the meantime Uganda may have to redeploy the Uganda military, the UPDF, in the areas affected to stop the carnage. What do you advise? We need your clear opinion on this proposal before we decide what to do.

*(Signed)* Amama Mbabazi  
Minister of Defence

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CC: Force Commander — MONUC

## **UR Annex 76**





United Nations

S/2002/170

**Security Council**Distr.: General  
14 February 2002

Original: English

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**Letter dated 13 February 2002 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council**

On instructions from my Government, I have the honour to forward to you a copy of a letter dated 5 February 2002 from Uganda's Minister of Defence, Hon Amama Mbabazi, addressed to Amos Ngongi Namanga, Special Representative of the Secretary-General to the Democratic Republic of the Congo, concerning the increase in violence in northeastern Democratic Republic of the Congo (see annex).

I should be grateful if you could have this letter and its annex circulated as a document of the Security Council.

*(Signed)* Semakula Kiwanuka  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Uganda to the United Nations



**Annex to the letter dated 13 February 2002 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council**

**Increased deteriorating security situation in northeastern Democratic Republic of the Congo**

I acknowledge receipt of your letter dated 2 February 2002 concerning the increase in violence in northeastern Democratic Republic of the Congo.

We had withdrawn our troops because of the persistent misrepresentation of the Uganda People's Defence Forces (UPDF) role in the problems of the area and the consequent malignment that the Government of Uganda suffered. No one, including the United Nations, came to our defence, although it was clear that the UPDF role was positive.

The Uganda Government, therefore, welcomes your recognition of this and will immediately redeploy in the areas of tribal conflict to restore security.

*(Signed)* Amama Mbabazi  
Minister of Defence

**UR Annex 77**





## Congo, Democratic Republic of the

### Country Reports on Human Rights Practices - 2001

Released by the Bureau of Democracy, Human Rights, and Labor

March 4, 2002

The Democratic Republic of the Congo remained divided into territories controlled by the Government and several rebel factions. On January 16, President Laurent Desire Kabila, whose Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) overthrew the authoritarian regime of Mobutu Sese Seko by armed force in 1997, was assassinated by one of his guards. On January 26, the Government installed his son Joseph Kabila as president. Joseph Kabila ruled by decree, and the Government continued to operate without a constitution. The State continued to be highly centralized formally, although in practice the country's dilapidated transportation and communications infrastructure impaired central government control. On May 17, the Government adopted a law liberalizing political activity; however, the Government continued to restrict political activity in practice. The judiciary continued to be subject to executive influence and corruption.

The ongoing war broke out in 1998 between the Government and rebel forces. The Lusaka Accords, which were signed on July 10, 1999, provided for a political dialog among the Government, rebel factions, the unarmed opposition, and elements of civil society. In 2000 the peace process stalled; however, after becoming president, Joseph Kabila reengaged the Government in the peace process, from which Laurent Kabila essentially had withdrawn. Immediately following Joseph Kabila's inauguration in January, the Government renewed a cease-fire agreement with the rebels and allowed the U.N. Peace Observation Mission in Congo (MONUC) to deploy fully and monitor troop disengagements called for in the Lusaka Accords. The disengagement plan required government and rebel troops to withdraw 9 miles from the front line. All parties generally complied with the plan, and MONUC verified troop redeployments to the new defensive positions established for each side. Troop redeployments began in March and were completed with minor exceptions by July. Joseph Kabila also allowed the U.N. International Facilitator, former Botswana Prime Minister Sir Ketumile Masire, who was selected by the signatories of the Lusaka Accords, to return to Kinshasa to prepare the Inter-Congolese Dialogue (ICD). In October ICD participants, including representatives of the Government, rebel groups, members of the political opposition, and civil society groups met in Addis Ababa, Ethiopia, to create a transitional political framework. No agreement was reached; however, the participants agreed to continue the dialog in South Africa in 2002.

Government forces continued to control less than half of the country during the year. Several rebel groups, the Congolese Rally for Democracy based in Goma (RCD/Goma), the Movement for the Liberation of the Congo (MLC), and the Congolese Rally for Democracy based in Bunia (RCD/ML) controlled the remaining territory, with the active military support of the Rwandan and Ugandan Governments. The RCD/Goma remained dominated by members of the Tutsi ethnic minority and continued to be supported by the Government of Rwanda; in 2000 Adolphe Onosumba, a Kasalian, was named RCD President. The RCD/ML, nominally led by Ernest Wamba dia Wamba until late in the year, commanded fewer troops and, like the largely non-Tutsi MLC, was supported by the Government of Uganda. Although the MLC and the RCD/ML united for much of the year as the Forces for the Liberation of the Congo (FLC) under the leadership of MLC President Jean-Pierre Bemba, in June the FLC split back into the separate MLC and RCD/ML groups; Mbusa Nyamwisi assumed leadership of the RCD/ML and remained in charge at year's end.

The war began in August 1998, when Laurent Kabila tried to expel Rwandan military forces that had helped him overthrow Mobutu. Congolese Tutsis as well as the Governments of Burundi, Rwanda, and Uganda, all relied on the Rwandan military presence for protection against hostile armed groups operating from the eastern part of the country. These groups included: The Interahamwe militia of Hutus, mostly from Rwanda, Hutu members of the former Rwandan armed forces, and other Rwandan Hutu militiamen, some of whom took part in the 1994 genocide of Tutsis in Rwanda and who fought the Tutsi-dominated Government of Rwanda; the Mai Mai, a loose association of traditional Congolese local defense forces, which primarily fought Rwandan government forces and their Congolese allies; the Alliance of Democratic Forces (ADF),

made up of Ugandan opposition forces supported by the Government of Sudan, which fought the Government of Uganda but largely was inactive during the year; and several groups of Hutus from Burundi fighting the Tutsi-dominated Government of Burundi. In the ensuing war, elements of the armed forces of Rwanda and Uganda operated inside the country in support of the RCD or the MLC; elements of the armed forces of Angola, Namibia, and Zimbabwe operated inside the country in support of the Government; and elements of the armed forces of Burundi operated inside the country against armed groups of Hutu rebels from Burundi who used the country as a base. North Korean advisers provided training to government troops. During peace process negotiations during the year, Rwanda pledged to withdraw its troops 62 miles from the front lines, but continued to maintain a large military presence in the eastern provinces. Uganda also withdrew some of its troops but continued to maintain a substantial military presence, mostly in Orientale Province. Despite a relatively stable cease-fire and disengagement of troops along the formal cease-fire lines during the year, fighting intensified in the eastern provinces between the Hutu militias and Rwandan and RCD rebel troops. The withdrawal of troops toward and through the eastern provinces also created instability and insecurity in Orientale, Katanga, and the Kivu Provinces.

The Government's security forces consist of a national police force under the Ministry of Interior, the National Security Council (CNS), the National Intelligence Agency (ANR), the Rapid Intervention Forces (PIR), and the Congolese Armed Forces (FAC), which includes an Office for the Military Detection of Anti-Patriotic Activities (DEMIAP). The immigration service, Direction Generale de Migration (DGM), also functioned as a security force. The People's Self Defense Forces (FAP) and the People's Power Committees (CPP) also served as security forces, but were less active than in previous years. In 1999 Laurent Kabila gave Mai Mai leaders commissions in the FAC and coordinated operations with the Mai Mai and Hutu militias. The Government continued to supply and coordinate operations with the Mai Mai and Hutu militias during the year. The People's Defense Committees (CPD's), which in previous years operated outside the formal structure of the State and were intended to be an armed wing of the CPP's, remained unarmed and ceased to function during the year. The police force handles basic criminal cases. The CNS shares responsibility for internal and external security with the ANR, including border security matters. The FAC retains some residual police functions. Military police have jurisdiction over armed forces personnel, but also have domestic security responsibilities, including the patrolling of urban areas. Security forces were poorly trained, poorly paid, and often undisciplined. While civilian authorities generally maintained effective control of the security forces, there were frequent instances in which the security forces acted independently of government authority. The security forces committed numerous, serious human rights abuses.

The country's economy is dominated by subsistence agriculture, a large informal sector, and widespread barter; most sectors of the economy continued to decline. Production and incomes continued to fall. Annual per capita national income for the population of approximately 52 million remained at less than \$100 (32,000 Congolese francs). Physical infrastructure was in serious disrepair, financial institutions remained in a state of collapse, and public education and health deteriorated. The ongoing restriction on commercial travel on the Congo River during the year negatively impacted the economy. The insolvent public sector could not provide even basic public services. External economic assistance remained limited, and the State's revenues from diamond exports, its leading source of foreign exchange, declined. Public sector employees, including most soldiers, received very low salaries and sometimes were not paid for months, which caused widespread hardship and contributed to tensions within the armed forces. Rebel-held areas continued to be integrated financially and administratively with the economies of Rwanda and Uganda. The Governments of Rwanda and Uganda established commercial agreements, maintained cadres in key income-collecting agencies, levied and collected taxes and customs duties, and systematically extracted hard currency from the regions they controlled.

The Government's human rights record remained poor, and it continued to commit numerous, serious abuses; however, there were improvements in several areas. Citizens do not have the right to change their government peacefully. Following the assassination of President Laurent Kabila, the Government immediately arrested and summarily executed 11 persons suspected of involvement. Security forces were responsible for extrajudicial killings, disappearances, torture, beatings, rape, and other abuses; however, there were fewer reported cases than in previous years. In general security forces committed these abuses with impunity. Prison conditions remained harsh and life threatening. Security forces continued to arbitrarily arrest and detain citizens; however, the number of such cases decreased. Prolonged pretrial detention remained a problem, and dozens of suspects remained in detention without formal charges filed, without any evidence presented against them, and without an opportunity to defend themselves in court. Citizens often were denied fair public trials. The special military tribunal tried some civilians for political offenses, although most cases were related to the Kabila assassination or to alleged coup plotting against the Joseph Kabila Government. The military courts did not execute any civilians during the year; however, due process frequently was disregarded. The judiciary remained subject to executive influence and continued to be underfunded, inefficient, and corrupt. It largely was ineffective as either a deterrent to human rights abuses or as a corrective force. Security forces violated citizens' rights to privacy. Forcible conscription of adults and children continued in both government-controlled and rebel-controlled territories, despite promises by both sides to end the practice. Government and rebel security forces continued to use excessive force and committed violations of international law in the war; however, there were no reports that government aircraft

bombed civilian populated areas in rebel-held territory.

Harassment of journalists, human rights activists, and opposition politicians decreased. Several journalists were tortured during the year; however, there were fewer reported cases than in previous years. Although a large number of private newspapers published criticism of the Government, the Government continued to restrict freedom of speech and of the press by harassing, arresting, and detaining newspaper editors and journalists, and by seizing individual issues of publications; however, the Government reduced its restrictions on private radio broadcasting. The Government restricted freedom of assembly and association, used excessive force to disperse demonstrations, and on several occasions prevented political party press conferences. The Government continued to ban some political party activities; however, in May revised the law to allow legally registered parties to operate freely. The Government committed some abuses against religious entities. The Government continued to restrict freedom of movement and continued to require exit visas; however, the Government decreased some travel restrictions. The war continued to cause large numbers of internally displaced persons (IDP's). The Government also harassed and imprisoned members of opposition parties and human rights nongovernmental organizations (NGO's). The Government allowed humanitarian organizations better access to areas under its control.

Violence against women was a problem and rarely was punished, and rape persisted as a widespread act of war, especially in the eastern provinces. Discrimination against women was widespread and common. Female genital mutilation (FGM) persisted among isolated populations in the north. Child prostitution was a problem. Discrimination against indigenous Pygmies was pervasive. Violence and discrimination against members of the Tutsi ethnic minority continued; however, the Government protected many Tutsis who were at risk. On occasion tension between the Hema and Lendu ethnic groups in the area of Bunia, Orientale Province, flared into violence that resulted in hundreds of deaths. The Government restricted worker rights. The Government arrested labor leaders during public sector strikes and allowed private employers to refuse to recognize unions. The Government forcibly conscripted adults and children during the year, although the Government made efforts to demobilize some child soldiers. Child labor, including use of child soldiers, remained a problem. Mob violence resulted in killings and injuries. The country is a source for trafficked women and children.

There were numerous reports that Mai Mai groups fighting on the side of the Government committed serious abuses, including many killings, rapes, torture, kidnappings, and the arbitrary arrest and detention of civilians.

The human rights situation in rebel-held areas of the country was extremely poor. The majority of abuses were committed in rebel-held areas, and rebel forces committed numerous, serious abuses with impunity against civilians living in territories under their control, including deliberate, large-scale killings, disappearances, torture, rape, dismemberment, extortion, robbery, arbitrary arrests and detention, harassment of human rights workers and journalists, and forcible recruitment of child soldiers. In particular RCD/Goma and Rwandan units committed mass killings allegedly in reprisal for Mai Mai attacks against RCD or Rwandan forces. There were no reports that armed bands of Rwandan Hutus posing as Interahamwe fighters committed abuses. In previous years, the Rwandan army allegedly recruited these groups to demonstrate the need for a continued Rwandan military presence in the areas they controlled. Rebel organizations restricted freedom of speech, assembly, and association in areas under their control, and respect for freedom of religion continued to be poor. There were attacks against local and international NGO's in rebel-held areas, and some NGO personnel were killed. There also were many deaths due to interethnic mob violence in areas held by rebel forces.

## RESPECT FOR HUMAN RIGHTS

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

#### a. Arbitrary or Unlawful Deprivation of Life

Members of the security forces committed extrajudicial killings, and the Government misused the judicial system to try, sentence, and execute numerous persons without due process. The Government also materially supported Mai Mai and Hutu armed groups, which, according to credible reports, repeatedly killed unarmed as well as armed persons in areas held by rebel forces. An international humanitarian NGO estimated that as many as 2.5 million persons have died during the war because of killings, malnutrition, or starvation (see Section 1.g.).

On January 16, Rashidi Mizele, a presidential bodyguard, assassinated President Laurent Kabila. According to the Government, Colonel Eddy Kapend, Kabila's aide-de-camp, then shot and killed Rashidi, who already had been apprehended by another guard. Rashidi's death eliminated the possibility of interrogation and raised government suspicion that Kapend may have been involved in the assassination. Kapend was



been charged or sentenced. The Government released more than 200 soldiers during the year, reportedly to make room for additional prisoners (see Section 1.c.).

The Government also held POW's. In September the Government released four Ugandan POW's in accordance with the Lusaka Accords. The Government claimed it no longer held any POW's at year's end.

There were many reported arbitrary arrests by antigovernment forces in the occupied territories, and these forces reportedly detained persons repeatedly. Many of those arrested reportedly were Hutus. On October 31, RCD forces detained and severely beat Jules Nteba Mbakumba, the president of Association Elimu, an NGO that conducts adult education in the country; he was released later that day. No reason was given for the detention and torture; however, RCD authorities previously had accused Association Elimu of using its computers to produce leaflets for the Mai Mai combatants.

Government soldiers captured by antigovernment forces reportedly were held by the RCD/Goma or MLC. Unlike in previous years, both groups allowed the ICRC to visit captured government soldiers.

There were no reported developments in any of the following 2000 cases involving arrest and detention by RCD forces: The October arrest and solitary confinement of Jean-Paul Ramazani Kulimushi, the director of the Congolese National Radio-Television (RTNC); the October arrest, beating, and detention of 13 human rights activists; and the July detention of 2 senior RCD/ML officials by RCD/ML forces.

The law prohibits forced exile, and the Government did not use it in practice.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, in practice the judiciary was not independent of the executive branch, which manipulated it during the year. The Government failed to establish mechanisms to ensure the independence of the judiciary; a judicial reform decree, reportedly awaiting presidential approval since 1997, still had not been promulgated by year's end. The judiciary was ineffective and corrupt. The civil judiciary, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, largely was dysfunctional. Military courts continued to try both military and civilian defendants.

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; however, the Government did not respect these rights in practice. Defendants have the right to appeal in all cases except those involving national security, armed robbery, and smuggling, all of which are adjudicated in theory by the Court of State Security, and except those cases adjudicated by the special military tribunals, whose jurisdiction is 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. In practice the Government did not respect fully these provisions. Corruption remained pervasive, particularly among magistrates, who were paid very poorly and only intermittently, and who also were trained poorly. The system remained hobbled by major shortages of personnel, supplies, and infrastructure.

Military courts, which are headed by a military judge and apply military law inherited from Belgium, try military and civilian defendants as directed by the Government, and tried nearly all cases during the year. There is no appeals process in the military courts, and the accused do not have a right to legal counsel, although counsel may be provided at the discretion of the military judge. The Government tried to ensure that most defendants were provided with legal counsel during the year. Sentencing guidelines also were inherited from Belgian military law; however, in practice military courts have broad discretion to go outside of these sentencing guidelines. Military courts, which are located in all military installations and in most urban areas, may be open to the public at the discretion of the military judge. The Government claimed that its use of military courts rather than civilian courts was a result of the ongoing war in the country.

During the year, the military courts sentenced civilians as well as military personnel to death after summary trials; however, death sentences from military trials were less frequent than in previous years, and the use of military courts to sentence civilians decreased. Military courts sentenced civilians to death for crimes against national security; however, unlike in previous years, civilians were not sentenced to death for non-violent offenses. No civilians who received death sentences were executed during the year. Military courts also sentenced to death military defendants charged with armed robbery, murder, inciting mutiny, espionage, and looting while in a state of mutiny. Human rights NGO's reported that six military defendants who received death sentences for violent crimes were executed early in the year.

In January the military court sentenced to death six child soldiers; however, their sentences were commuted

## **UR Annex 78**



**Excerpted testimony of  
Ms. Adele (Lotsove) Mugisa  
before the Porter Commission  
22 March 2002**



**Miss Adele Mugisa:**

I Miss Adele Mugisa 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. Is this brief 7?

**Asst. Lead Counsel:**

Not that one My Lord, maybe brief 1.

**Justice D. Porter:**

Brief 1. Okay. And what is the number?

**Asst. Lead Counsel:**

CW/01/18.

**Asst. Lead Counsel:**

Can you please tell the Commission your full names

**Miss Adele Mugisa:**

My names are Adele Lotsove Mugisa.

**Asst. Lead Counsel:**

How old are you now?

**Miss Adele Mugisa:**

I am 50 years old.

**Asst. Lead Counsel:**

Where do you stay?

**Miss Adele Mugisa:**

I have been here since November 1999

**Asst. Lead Counsel:**

What do you do?

**Miss Adele Mugisa:**

I consider myself to be in exile.

**Justice Berko:**

What is your Nationality?

**Miss Adele Mugisa:**

I am a Congolese.

**Asst. Lead Counsel:**

What position were you holding?

**Miss Adele Mugisa:**

I was an employee / an agent. I was working in that organization but I was also very active in the NGOs. I was more active with the feminine / the women's branch because with the knowledge which I have it is really used for women.

**Asst. Lead Counsel:**

So later, how did you end up in Bunia?

**Miss Adele Mugisa:**

First of all, I come from Bunia. On the second war which started in 1998, when the war reached Kisangani, the two Governors i.e. the people who were the Governor and his Vice all of them run away because an order had been given that all the Tutsi were to be killed. So they had to run away to save their lives. Because they themselves had killed the Tutsis. And they knew that the people who were going to take over the city were Tutsis.

**Asst. Lead Counsel:**

So which Governors were these, of where?

**Miss Adele Mugisa:**

There are two gentlemen here, one of them was called Yagisitoro and the second one was Obotelanowel. So they run away and when soldiers of RCD entered the city there was no authority governing the city.

**Asst. Lead Counsel:**

That is in Bunia.

**Miss Adele Mugisa:**

No, no, we are in Kisangani.

**Asst. Lead Counsel:**

Okay, okay.

**Miss Adele Mugisa:**

So we had to find people to talk to, we had to find political authorities to take charge. And the group which took over said that; this time we would like to have a woman leader. So they went around the people in Kisangani and made the necessary consultations, so the people gave in a number of names and finally they said that the woman who can do that here in Kisangani is myself. And then I was contacted by Rwandan officers. Several times they refused to send cars to fetch me where I was, and then finally they got me to work for

them. So I went to see an officer and I discussed with that officer and then I responded to all the questions he asked me. And he told me that he wanted me to be in the administrative team which he wanted to set up. After examining this question / after looking at it I said; why shouldn't I take this position. And I told them that I want to be one of the Vice Governors, they then told me that you will be the first Vice Governor. That is to say that there were two gentlemen there was the governor then me as the first Vice Governor and another vice governor. And we were presented to the people of Kisangani in September 1998 and we begun to work.

**Asst. Lead Counsel:**

But the people who approached you earlier to which organization did they belong?

**Miss Adele Mugisa:**

They were Rwandan army officers. We began to work and in February...

**Asst. Lead Counsel:**

Of which year?

**Miss Adele Mugisa:**

Of the next year i.e. 1999 we were sworn in, in Goma.

**Justice D. Porter:**

At that time September 1998 where was the UPDF?

**Miss Adele Mugisa:**

When the war reached Kisangani the first army men we saw in Kisangani were Rwandans. The Ugandans were also there but they were a bit far in the forest at about 17 km away along the international airport of Bangoka. But it is not Ugandans who contacted me, I was contacted by Rwandan officers. Can I go on please?

**Asst. Lead Counsel:**

For how long did you remain in that position which you were appointed?

**Miss Adele Mugisa:**

Be patient, I am going step by step.

**Asst. Lead Counsel:**

Okay. Continue from the point of swearing in.



**Miss Adele Mugisa:**

We begun to work but I had a problem because I don't want to claim that I am doing something when I am not doing it in reality. I had been appointed as a vice governor of that province was called the Upper Zaire. Here you use the term district but this district has got the surface area of this district called Upper Zaire it was 53239 sq km. And I don't know that surface area how many Ugandans would get in it, but this area there are no roads. That applies to the whole of Congo there are no roads in this country. In this area there are no radio calls.

**Justice D. Porter:**

No what?

**Miss Adele Mugisa:**

You cannot use radio calls, there are no phones, there are no communications.

**Justice D. Porter:**

Alright.

**Miss Adele Mugisa:**

There is no single means of communication. In reality we were concerned with governing Kisangani and I was not happy with this. I was not in charge of this area that I have indicated. There was also another problem for me. This place where I was that is Ituri it was already a province by 1962 it had been there. And when Mobutu came into power he crossed out this province for reasons which he never said. And ever since the people of Ituri were reclaiming their province. And during the National Conference in Congo which took place in 1991 it was agreed that the whole of Congo be divided into 28 provinces and in this Ituri was supposed to be one of the provinces. But this project never took off, it was never realized and once again for the reason that was never said. So I found out that this was the opportunity for me to reintroduce this project since really the people of the area wanted this province to be in place. I also had other problems which I had on me which I was seeing around me. And whenever I used to interact with Gen. Kazini I found him receptive. And since he was the one in charge of security in this area all the time I was asking him to take care of my security when I was in the process of fighting for this province.

**Justice D. Porter:**

First of all, the Rwandese went to Kisangani and now you are saying that Kazini was in charge of the security and he is a Ugandan, can you explain how that happened please?

## **UR Annex 79**



**Security Council**

Distr.: General  
27 March 2002  
English  
Original: French

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**Letter dated 26 March 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council**

On instructions from my Government, I have the honour to inform you that in accordance with Security Council resolution 1399 (2002) of 19 March 2002 and the decisions taken by the Political Committee of the Lusaka Ceasefire Agreement in the Democratic Republic of the Congo at its extraordinary meeting, held at Lusaka on 20 March 2002, the Forces armées congolaises (FAC) have withdrawn from the towns of Kayaya and Yayama.

My Government would like the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to visit the area to confirm that the withdrawal has indeed taken place. My Government would also be grateful if the Security Council would instruct MONUC to deploy to Pweto and Moliro and to report as soon as possible to enable the Council to take the appropriate measures.

My Government would like to remind the Council of the importance of all parties abiding scrupulously by all the relevant provisions of Council resolution 1399 (2002) and all prior resolutions concerning the situation in the Democratic Republic of the Congo.

My Government also wishes to draw the attention of the Security Council to two other matters that are of particular concern:

**1. Fighting in the high plateaux**

Fighting involving battalions of the Rwandan Patriotic Army (APR) has been reported in South Kivu, in the region of the high plateaux, and especially in the Minembwe area. It would be appreciated if the Council would request MONUC to dispatch a team to the area to determine the exact nature of the conflict and to calm the situation.

**2. Disturbing incidents at Goma**

Tension has been on the rise in the town of Goma since Friday, 22 March 2002.

On that day, a demonstration by primary and secondary school pupils and their parents was harshly suppressed by elements of APR from Gisenyi, a Rwandan town on the border with Goma.

On Sunday, 24 March 2002, a terrorist act was committed at Goma, in which two young children and a visiting priest from the Tshumbe diocese, who were taking part in the Easter procession, were killed. My Government requests the Council to instruct the personnel of MONUC in place at Goma to conduct an investigation aimed at bringing those responsible to justice.

All independent sources have implicated elements of APR in the throwing of the grenade. While the motives are admittedly not clear, there is every reason to believe that a close connection exists between the demonstration by the pupils and the terrorist attack regarded by the residents of Goma as a tactic to intimidate the population and discourage further demonstrations.

My Government calls on the Security Council to condemn this barbarous and unspeakable act, which increases the suffering and distress of an entire population that has yet to recover from the natural disaster caused only two months ago by the eruption of the Nyiragongo volcano.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed)* Atoki Ileka  
Ambassador  
Permanent Representative

## **UR Annex 80**



# IRINNEWS.ORG

## DRC: Focus on the results of the inter-Congolese dialogue

[ This report does not necessarily reflect the views of the United Nations ]

KINSHASA, 25 Apr 2002 (IRIN) - The agreement reached late last week between the government of the Democratic Republic of the Congo (DRC) and the rebel Mouvement pour la liberation du Congo (MLC) was signed by more than 70 percent of the delegates taking part in the inter-Congolese dialogue (ICD) in Sun City, South Africa. This is according to the research firm Bureau d'etudes, de recherche et de consulting international (BERCI), which has a reputation for being independent.

Of about 366 delegates at the ICD, at least 258 had signed the agreement, BERCI reported, and other signatures could follow shortly. Besides the government and MLC delegations, all but about five civil society delegates, at least 30 of 69 unarmed opposition delegates, the Rassemblement congolais pour la democratie-Mouvement pour la liberation (RCD-ML), and RCD-Nationale (RCD-N) had supported it.

The rebel Rassemblement congolais pour la democratie (RCD-Goma), which condemned the agreement, on Monday gave the DRC government and MLC a week to return to the talks in Sun City, or face unspecified consequences. So far, no RCD delegate had defected to the pro-Kinshasa coalition, a pro-government source told IRIN, but some RCD members were expected to do so if they were assured of appointments to government posts.

Notably, the political parties best known for combating the DRC's past dictatorships have so far not signed up to the deal.

These include the Union pour la democratie et le progres social (UDPS) led by Etienne Tshisekedi, Parti des Lumumbistes unifies (PALU) led by Antoine Gizenga, Forces Novatrices pour l'Union et la Solidarite (FONUS) led by Joseph Olenghankoy, Mouvement des Nationalistes congolais (MNC-L) led by Francois Lumumba, and the G4 group of four parties led by Mbwebwe Kabamba. A spokesman for the MNC-L told IRIN, however, that the party would consider whether to sign at a general meeting.

There were reports last week that the UDPS would try to form an alternative government with Tshisekedi as president. However, a member of FONUS, John Masudi, said the proposal had so far failed to win sufficient support from other opposition parties.

### SUMMARY OF THE AGREEMENT:

The agreement, which was first announced on 18 April, is entitled the "Political agreement on consensual management of the transition in the Democratic Republic of the Congo".

Some of its clauses specifically refer to the inclusion of the RCD in a new government, and of RCD troops in a new army, but these will presumably remain a dead letter until the RCD agrees to sign up to it, or a new agreement is reached.

The agreement allows the current president, Joseph Kabila, to retain his post during the transition and until elections are held, and creates several new institutions, notably the post of prime minister - to be filled by the MLC leader, Jean-Pierre Bemba - an assembly, a senate and a senior army council.



The president will be supreme commander of the army, which he will control through a senior army council, the agreement states. A law, yet to be passed, will determine the precise powers and functioning of this council.

The president will nominate and revoke ministers and senior officials with the counter-signature of the prime minister, who will be the head of government, and preside at the council of ministers.

The delegations that attended the ICD dialogue are expected to submit lists of candidates for posts in the new government. The prime minister will have the power to turn down a candidate after consultation with the group concerned, the agreement states. The president will have the power to turn down candidates for posts concerned with the ministries of foreign affairs, defence and the interior.

"Given the consensual character of the transition, the assembly cannot vote a motion of no confidence in the prime minister and his government," says the text of the agreement. "Except in cases of treason, extortion or corruption, the president of the republic, the prime minister and the presidents of the assembly and senate will remain in office throughout the transition."

The assembly will consist of 425 members designated by the groups represented at the ICD, and the senate of 65 members.

A mechanism will be established for the formation of a new national army, which will comprise government, MLC and RCD forces, says the agreement. RCD-ML, RCD-N and the Mayi-Mayi will also be part of this mechanism.

A working group will be established to develop a transitional constitution for the country.

#### CONGOLESE REACTIONS TO THE AGREEMENT

Results of a recent opinion poll by the research firm BERCI suggest that the agreement is likely to meet with approval from many, if not most, Congolese people.

The poll - which surveyed 1,011 people and was conducted from 3 to 7 April, i.e. before the agreement was announced - found that 71 percent of respondents in Kinshasa thought a power-sharing deal between Kabila and Bemba would be "a good thing". A total of 54 percent of respondents in the four other towns surveyed - Kananga, Matadi, Mbandaka and Bandundu - approved of the same.

Asked about a power-sharing deal between Kabila, Bemba and the RCD president, Adolphe Onusumba, 68 percent approved in Kinshasa, and 53 percent in the other cities.

Approval ratings for a deal between Kabila and Onusumba on their own were lower, averaging around 30 percent, and deals involving another RCD personality, Bizima Karaha, recorded a 20 percent approval rate or less.

The researchers also asked respondents whom they would choose as prime minister. In Kinshasa, Tshisekedi (UDPS) topped the poll with 21 percent, followed by Antoine Gizenga (PALU) with 10 percent, and Bemba (MLC) and Joseph Olenghankoy (FONUS) with 6 percent each.

In the other cities, Tshisekedi scored an average of about 40 percent, Gizenga 2 percent, Bemba about 3 percent and Olenghankoy about 4 percent. Cardinal Monsengwo scored 49 percent in one town, but only 3 percent elsewhere. Joseph Kabila was not considered for the prime ministerial post.

rather than a rotating presidency (25 percent) as initially proposed by the MLC, or a system with two vice-presidents (23 percent) as implied by the scenario proposed by South African President Thabo Mbeki.

(Notably, the poll was only conducted in government-controlled territory, so the results may reflect a reluctance at the time of the poll to admit support for rebels such as Bemba or Onusumba.)

#### INTERNATIONAL REACTIONS TO THE AGREEMENT:

The facilitator of the dialogue, Ketumile Masire, has stressed that the agreement was reached outside the framework of the ICD and has called for a continuation of the ICD in reduced form. This suggestion has been rejected by the DRC government. Meanwhile, diplomatic sources in Sun City have said the government and MLC will no longer accept Masire as facilitator.

A spokesman for Mbeki has stressed that a partial agreement will not end the conflict in DRC or solve the country's problems. However, some South African officials have privately congratulated members of the RCD-ML for signing up to it.

The UN Security Council has welcomed the "significant progress" made in the talks, stating that the agreement "could facilitate the political transition and help to consolidate the regional peace process in the country". In a statement issued on 23 April, the Council said the fact that some participants in the ICD, in particular the RCD, had declined to be parties to the accord "threatens the hopes of peace that emerged in Sun City". France, Britain and Belgium also issued a joint statement supporting the agreement.

The US embassy in Kinshasa said: "The Sun City sessions of the inter-Congolese dialogue concluded Friday April 19 at Sun City without agreement among the Congolese participants. We continue to strongly urge all parties to the conflict in Congo to resolve their differences in negotiations. The inter-Congolese dialogue is a process, and it represents a crucial opportunity to achieve a lasting peace. While the conference as a whole did not reach a final agreement at Sun City, we are encouraged by the fact that some progress towards designing transitional government arrangements was made."

Unofficially, however, during the closing stages of the dialogue, an official from the US embassy expressed the view "that no party should be allowed to hold the dialogue hostage".

Zimbabwean officials are saying they back the government-MLC agreement, as are Ugandan officials.

Meanwhile, in a statement issued by the Rwandan government - which backs the RCD - the agreement was described as "a non-starter". The statement said the deal was "an act of defiance against the Congolese people, the facilitator, the host country, and all the signatories of the Lusaka agreement", and that "Bemba sold his movement and his erstwhile allies down the drain".

It said the deal sought to consolidate Kabila's hold on power while ignoring the other parties, and had contemptuously left the political opposition and the civil society delegation out. In line with the RCD position, Kabila's government supports a return to Sun City to continue discussions in a "follow-up committee".

[ENDS]



## **UR Annex 81**



# IRINNEWS.ORG

## DRC-RWANDA: Kabila, Kagame sign peace pact



© ANC

**President Thabo Mbeki: South Africa brokered the peace accord**

NAIROBI, 30 Jul 2002 (IRIN) - Presidents Paul Kagame of Rwanda and Joseph Kabila of the Democratic Republic of the Congo (DRC) signed an agreement on Tuesday to end the conflict between their two countries.

A memorandum of understanding and a timescale for the implementation of the accord were signed in Pretoria, South Africa, in the presence of South African President Thabo Mbeki, chairman of the African Union (AU); Malawi President Bakili Muluzi; South African Deputy President Jacob Zuma; South African Foreign Minister Nkosazana Dlamini; Deputy Special Representative of the UN Secretary-General to the DRC Lena Sundh; and members of the diplomatic corps accredited to South Africa.

Speaking on the South African Broadcasting Corporation from the ceremony at the presidential guesthouse in Pretoria, Kabila said, "Today must be considered as a great day for the whole of Africa, one step more towards the sustainable development of the continent.

"The Congolese people, their government, and I are determined to live in harmony with the nine countries with which we share borders."

Kabila gave assurances that his government would apply "in all good faith" today's commitments, adding, "If there is any failure of this agreement, it won't be because of a failure on the part of the DRC government."

He called on the "entire international community", including the UN and its Security Council in particular, to support peace in the region, and thanked "all those who never ceased giving their energy so that this day would arrive".

For his part, Kagame called the accord "a big step in the direction of resolving the conflict in the DRC, Burundi, Rwanda, among other countries".

He said: "This agreement is important in many aspects, as it addresses two of the core issues that underlie conflict in the region - one, how to deal with the ex-FAR [former Rwandan armed forces] and Interahamwe [Hutu extremist militia] and two, it paves the way for the withdrawal of forces who are involved in this conflict from the DRC."

However, he warned that the agreement would not succeed without the support of the entire continent of Africa and the entire international community.

"As the international community has historically been part of the problem, they must be part of the solution," he said.

He accused the international community of having provided "more lip service than application of its capacities" to bring peace to the region.

Kagame closed his speech saying, "On behalf of my country, I wish to express that Rwanda is ready to fulfil its part of the obligation as agreed in this Memorandum of Understanding."

Following the signing of the documents, Mbeki promised that the AU, the UN and South Africa would all help to implement the accord.

The peace agreement commits the DRC to locating and disarming Rwandan Interahamwe Hutu militias and ex-FAR - the forces responsible for the 1994 genocide in Rwanda who remain active in the DRC; collaborating with the UN Mission in the DRC (known by its French acronym, MONUC) to dismantle the Interahamwe and ex-FAR; and repatriating all Rwandan ex-combatants to Rwanda, including some 2,000 presently at a UN base in Kamina, Katanga Province, southeastern DRC.

As for Rwanda, its government agreed to withdraw its troops from the DRC "as soon as effective measures have been taken to address security concerns in the DRC, in particular the dismantling of the Interahamwe and ex-FAR", an official statement from the Rwandan capital, Kigali, said.

A 90-day programme for the implementation of the agreement has been outlined and agreed upon by both countries.

Meanwhile, the Ugandan government-owned daily newspaper, The New Vision, reported on Monday that a new peace plan for the DRC involving the Rwandan-backed rebel Rassemblement congolais pour la democratie (RCD-Goma) was being developed.

"The new arrangement, which is geared towards the formation of an acceptable interim administration, is in advanced stages," James Wapakhabulo, the Ugandan third deputy prime minister, was quoted by the paper as saying. He said Ugandan President Yoweri Museveni was in touch with his counterparts in Kigali and the DRC capital, Kinshasa, on the new arrangement.

Under the arrangement, Kabila would remain the interim president and have two vice-presidents - one from RCD-Goma and the other from the Mouvement de liberation du Congo of Jean-Pierre Bemba. The new plan would supersede the 19 April accord reached at the conclusion of the inter-Congolese dialogue in Sun City, South Africa, by which Kabila would serve as president and Bemba as his prime minister.

Last week, Museveni briefed Bemba on the new initiative; however, sources told The New Vision that Bemba had not yet accepted it.

[ENDS]

## **UR Annex 82**





Associated Press Newswires  
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Wednesday, July 31, 2002

Zimbabwe pledges troop withdrawal from Congo  
By MICHAEL HARTNACK  
Associated Press Writer

HARARE, Zimbabwe (AP) - Zimbabwe pledged Wednesday to withdraw its troops from Congo if a new peace deal between the Congolese and Rwandans aimed at ending the four year long war was implemented.

The agreement, signed Tuesday, was hailed as a key step in efforts to end a war that has embroiled six African nations, including Zimbabwe, and has and left 2.5 million people dead.

"As soon as the Lusaka Agreement is fulfilled we will certainly withdraw our troops immediately," Foreign Minister Stan Mudenge told journalists.

The new agreement is considered an extension of another peace accord signed by all warring parties in the Zambian capital Lusaka in 1999.

Both accords call for Rwanda to pull out its estimated 30,000 soldiers if the Congolese government agreed to round up, disarm and repatriate thousands of Rwandan rebels who have used the country as a base for attacks on Rwanda.

Mudenge would not comment on how many Zimbabwean soldiers were currently in Congo but about 8,000 troops are estimated to be there.

Their presence has been a drain on the already crippled Zimbabwean economy.

War broke out in Congo in August 1998 when Rwanda and Uganda backed Congolese rebels seeking to oust then-President Laurent Kabila, accusing him of supporting rebels who threatened their security. Angola, Zimbabwe and Namibia sent troops to support the government.

An estimated 2.5 million people have died - mainly from war-induced hunger and disease - in the conflict in Congo, a resource-rich central African nation about the size of Western Europe.

In another development in Zimbabwe Wednesday, a small group of independent journalists said they were challenging a harsh new media law in the Supreme Court.

The Independent Journalists Association said the regulations of the media law breached constitutional rights of free expression and association, said the group's spokesman, Abel Mutsakani.



## **UR Annex 83**



Friday August 30 11:37 AM EST

## Heritage Delays Maiden Uganda Oil Drilling to Sept

By Raj Rajendran

LONDON (Reuters) - Canadian independent Heritage Oil Corp (Toronto:[HOCa.TO](#) - [news](#)) has delayed its maiden exploratory drilling in frontier western Uganda to September, its chief executive officer said on Friday.

The drilling, which the company hopes will live up to seismic findings and turn into a world class wildcat strike, was originally scheduled to start earlier this month.

"We haven't started drilling...it's been delayed by a couple of bits of equipment. Internally we are talking about the first week or second week of September," Heritage CEO Michael Wood told Reuters in a telephone interview.

"Everything we now need is in the country."

Woods said the company's work schedule was also hit by wet weather after early rains slowed down trucks carrying equipment to the drilling site.

The onshore drilling site is about 265 kms (165 miles) west of the capital Kampala on Block 2 which straddles part of Lake Albert. The rig will hit a secondary target first at 1,200 meters and than the main target at 2,500 meters.

Heritage is the operator of the block which it co-owns 50:50 with South Africa's Energy Africa (ENRJ.J). Uganda has plotted out five blocks along its western border and only one other block has been farmed out.

Woods said the company was still in talks with neighboring Demoractic Republic of Congo (DRC) to finalise a production sharing contract in the country's former rebel-held eastern region, one of Africa's most lawless areas.

The East African Rift basin covers a large area on either side of the Uganda/Congo border. Further north, a world-class discovery was made in Sudan several years ago by a Talisman (Toronto:[TLM.TO](#) - [news](#)) led consortium and currently 230,000 barrels of oil is pumped out daily.

One well was drilled in Lake Albert by Shell (RD.AS)(SHEL.L) back in 1938 when it found traces of oil but this was not pursued further.

Woods said the drilling site was not very far from the violent areas in the DRC but emphasized that the company has a good security set-up. The latest skirmish involving local tribes took place about 50 kilometers away.

"We have extremely good close cooperation and liaison with the Ugandan People's Defense

army," he said.

Woods said the Ugandan army has a big deployment in the area and the local brigade has daily briefings and weekly meetings with the drilling team.

"Nothing has happened to give any concern but it's a bit like having an insurance policy," he said.

The long-running war in the Congo, which involved troops from several neighboring African states including Uganda and Rwanda, is slowly coming to end but localised fighting continues to plague the region.

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**UR Annex 83**

## **UR Annex 84**





**AGREEMENT BETWEEN THE GOVERNMENTS OF THE  
DEMOCRATIC REPUBLIC OF THE CONGO AND THE  
REPUBLIC OF UGANDA ON WITHDRAWAL OF UGANDAN  
TROOPS FROM THE DEMOCRATIC REPUBLIC OF THE  
CONGO, COOPERATION AND NORMALISATION OF  
RELATIONS BETWEEN THE TWO COUNTRIES**

**PREAMBLE**

The Government of the Democratic Republic of the Congo (hereinafter referred to as "the DRC") and the Government of the Republic of Uganda (hereinafter referred to as "the GOU"), both hereinafter referred to as "the Parties", under the facilitation and auspices of the Government of the Republic of Angola;

Reiterating the principle of respect for national sovereignty, territorial integrity, non-use of force against each other, peaceful resolution of conflicts, and non-interference in the internal affairs of States, guided by the United Nations and the African Union (AU) Charters;

Considering that Article 52 of the United Nations (UN) Charter provides for the pursuit of regional initiatives, with a view to uphold these principles in enhancing relations among States and the establishment of a peaceful atmosphere of security and stability along common borders;

Reaffirming all pertinent resolutions of the United Nations Security Council on the DRC.

Conscious of the need to give impetus to the stalled implementation of the Lusaka Cease-fire Agreement;

Further considering the need to normalize relations, build confidence and bring about good neighbourliness in order to contribute to the speedy pacification of Central Africa and the Great Lakes Region and put an end to insecurity and instability;

Conscious of the potential their joint action can contribute towards removing obstacles to the full normalization of relations between the two countries;

  
1





Convinced that peace, security and stability of the Parties constitute essential factors for their development;

Hereby agree as follows:

## ARTICLE 1

### WITHDRAWAL OF UGANDAN TROOPS

1. The GOU commits itself to the continued withdrawal of its forces from the DRC in accordance with the Implementation Plan marked Annex 'A' and attached hereto.
2. The GOU has unilaterally and unconditionally issued orders to her troops in Gbadolite, Beni and their vicinities to immediately withdraw from DRC.
3. The Parties agree to put in place, with the assistance of the United Nations Organisation Mission in the Democratic Republic of the Congo( MONUC), a Joint Pacification Committee on Ituri consisting of the Parties, political, military, economic and social forces active in the Bunia area, and the inhabitant grassroots communities. In addition thereto, Uganda re-affirms her readiness to withdraw her troops from Bunia as stipulated in Annex 'A'.
4. The Parties agree that the Ugandan troops shall remain on the slopes of Mt. Ruwenzori until the Parties put in place security mechanisms guaranteeing Uganda's security, including training and coordinated patrol of the common border.
5. The DRC and the GOU undertake to keep the Government of the Republic of Angola informed on the progress of the withdrawal of Ugandan troops.

## ARTICLE 2

### SECURITY CONCERNS

In order to respect national sovereignty, territorial integrity, political independence as well as international borders, the parties agree as follows:

UR Annex 84



1. To work towards the restoration of the dignity and sovereignty of the DRC as well as address Uganda's security concerns.
2. To refrain from all types of military and logistical support including the provision of bases and sanctuary to the armed groups, inter-ethnic militia, subversive organisations and all rebel movements against the interests of the Parties.
3. To work closely together in order to expedite the pacification of the DRC territories currently under the Uganda control and the normalization of the situation along the common border.
4. To exchange intelligence on all matters of security interest among them.

### ARTICLE 3

#### DIPLOMATIC COOPERATION

The Parties agree to cooperate in efforts to restore full diplomatic relations.

### ARTICLE 4


#### LEGAL RELATIONS

The Parties agree to find a mutually acceptable formula of resolving any existing or arising legal issues between them.

### ARTICLE 5

#### DEFENCE AND SECURITY COOPERATION

The Parties agree to cooperate in the areas of defence and security including training, coordinated border patrols, exchange of intelligence and liaison work.



A large, stylized handwritten signature in black ink, consisting of a large loop followed by several vertical strokes.



A smaller, more cursive handwritten signature in black ink.



A small, handwritten mark or signature in the bottom left corner, consisting of several intersecting lines.

## ARTICLE 6

### SOCIAL / ECONOMIC COOPERATION

The Parties agree to re-establish the Joint Ministerial Commission for cooperation in the various areas, including trade and investment, infrastructure, transport, communications and cultural exchange.

## ARTICLE 7

### CONFLICT RESOLUTION

The Parties agree to resolve any future differences between them through dialogue and any other peaceful means.

## ARTICLE 8

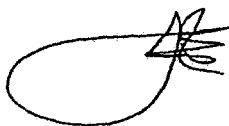
### IMPLEMENTATION/REVIEW MECHANISM

1. The Parties will, among others, implement this Agreement as stipulated in Annex 'A'.
2. The Parties in collaboration with the Republic of Angola, agree to have regular review for the effective implementation of this Agreement.

## ARTICLE 9

### AMENDMENTS

This Agreement may be amended by the mutual written consent of the Parties.



ARTICLE 10

COMMENCEMENT

This Agreement shall come into force upon signature.

In witness whereof, the Parties have signed this Agreement in the Portuguese, English and French languages, all texts being equally authentic.

DONE AT LUANDA, ANGOLA, THIS SIXTH DAY OF SEPTEMBER 2002.

FOR THE GOVERNMENT  
OF THE DEMOCRATIC  
REPUBLIC OF THE CONGO:

  
H E JOSEPH KABILA  
PRESIDENT

FOR THE GOVERNMENT OF  
THE REPUBLIC OF UGANDA

  
H E YOWERI K. MUSEVENI  
PRESIDENT

WITNESS

FOR THE GOVERNMENT OF THE  
REPUBLIC OF ANGOLA

  
H E JOSE EDUARDO DOS SANTOS  
PRESIDENT

## Annex A

**PLAN FOR THE IMPLEMENTATION OF THE AGREEMENT BETWEEN THE GOVERNMENTS OF THE DEMOCRATIC REPUBLIC OF CONGO AND THE REPUBLIC OF UGANDA ON THE WITHDRAWAL OF UGANDAN TROOPS FROM THE DEMOCRATIC REPUBLIC OF CONGO, COOPERATION AND NORMALISATION OF RELATIONS BETWEEN THE TWO COUNTRIES.**

Date	EVENTS	RESPONSIBILITIES
D Day -	Signing of the agreement	DRC, Uganda, Angola
D+ 3 days-	Detailed Withdraw Plan of Ugandan troops from DRC.	Uganda
D-5 days-	Completion of Ugandan troops withdrawal from Beni and Gbadolite.	Uganda
D - 7 days	Experts meet to work out mechanisms for securing the western slopes of Mt. Rwenzori.	DRC, Uganda.
D-10 days-	Meeting of technical teams for the constitution of the Ituri Pacification Committee (IPC).	DRC, Uganda, MONUC
D -14 days	Meeting of Joint Technical Committee on resolution of legal issues	DRC, Uganda
D + 14 days	Meeting of technical teams in Kinshasa on the opening of the Uganda Embassy in DRC.	DRC, Uganda
D-20 days-	Inauguration of IPC in Bunia.	DRC, Uganda, MONUC
D + 30 days-	The IPC starts work.	DRC, Uganda, MONUC
D - 30 days	Meeting of technical teams on defence and security cooperation.	DRC, Uganda.

D + 32 days	Ministerial meeting on defence and security cooperation.	DRC, Uganda.
D+40 days-	Decision on a mechanism to maintain law and order in Ituri Province.	IPC
D+45 days-	Establishment of Administrative authority in Ituri Province.	IPC
D+70 days-	Installation of law enforcement mechanism to replace UPDF.	IPC
D + 70 days-	Beginning of withdrawal of Ugandan troops from Bunia.	Uganda.
D + 74 days	Handover and official opening of the Uganda Embassy premises in Kinshasa.	DRC, Uganda.
D+100days-	Completion of the establishment of alternative law enforcement mechanism.	IPC
D-100days-	Completion of the withdrawal of UPDF Troops from Bunia.	Uganda

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## FINAL COMMUNIQUE

At the invitation of His Excellency Jose Eduardo dos Santos, President of the Republic of Angola, their Excellencies Yoweri K. Museveni, President of the Republic of Uganda, and Joseph Kabila, President of the Democratic Republic of the Congo, met in Luanda, Republic of Angola on 6<sup>th</sup> September 2002 in the presence of the Special Representative of the United Nations Secretary General to the DRC, Mr. Amos Namanga Ngongi, in order to proceed with the signing of an agreement between the Governments of the Democratic Republic of the Congo and Uganda on the withdrawal of Ugandan troops from the Democratic Republic of the Congo, cooperation and normalization of relations between the two countries.

The Heads of State reviewed the situation prevailing in Central Africa and in the Great Lakes Region, in particular the conflict in the Democratic Republic of the Congo.

The two guest Heads of State had a fruitful discussion in the presence of their host, on the means of putting to an end to the conflict, the total withdrawal of Ugandan troops from the DRC, cooperation and the normalisation of relations between the two countries.

At the end of their discussion, President Yoweri Museveni and President Joseph Kabila signed the agreement in the presence of President Jose Eduardo dos Santos.

The two Heads of State expressed their gratitude to their host, the Government and the people of the Republic of Angola, for the warm welcome and hospitality accorded to them and their respective delegations during their stay in Luanda, Angola.

Done, in Luanda 6<sup>th</sup> September 2002.

## **UR Annex 85**



NAMES: HAJJI ABUBAKAR LUMUKINOBE alias HAJJI  
SIDAT.

AGE: 36 yrs.

TRIBE: MWANDA.

NATIONALITY: UGANDAN.

RESIDENCE: KAWEMPE.

FORMER APPI: AG. SEC. GENERAL & DIRECTOR OF  
RECORDS.

DATE: 17 Sept 2002.

### STATEMENT:

I am of the above particulars and do  
hereunder state as follows:

It was around 1990 when I  
joined the UPDF in Kampala.

I came back from the bush in the year  
~~2001~~ April voluntarily and surrendered to  
the UPDF at Mutwanga in Eastern DRC.

In 1994, the UPDF attacked a tramp camp  
in Busenka and overran it causing  
Survivors to disperse into areas of Lake  
Albert in the Eastern part of Uganda  
and later on regrouped in the Eastern  
Part of Congo.

The group later surrendered to the local  
authorities in Bunia who later handed  
the same group over to the provincial  
heads.

In Bunia the group allied with allied  
with the Congolese army which later  
introduced them to the Central government  
which then ordered D. L. It is in this

After some time the group (Busemka survivors) made contacts with Kampala whereby higher level contacts were arranged between the two ~~contacts parties~~. Contacts were mostly held in Buni, Beni, and Ndisi.

In the talks on the Zairean (Congolese) government were Gen. Eteki and Col. Ibamba.

While on the ADF side were Lubinga Moses, the Cobra, (A.D. ABANTALLAH BIRWAZI) and Kinewa Kasungaki (SWAB KAZZI).

From these contacts and meetings the following resulted:-

- The Kasindi border post was to be used as the entry point for the recruits from Kampala who would be heading to the ADF bases in Zaire (Congo). The post was manned by military personnel and immigration officials who could arrange for the safe passage to the mountains.
- Ground bases were provided in the northern Kivu region in areas like Beni, Kasindi, Lugete among others.
- Also provided was the security to officers and equipment which could be moving north from one place to another especially between Kampala and Beni. Others could be from Sudan to the DRC.
- The Zairean army

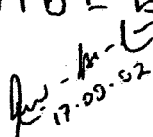
- Funds from the Zairean government for the ADF were also released to the external wing mainly in Nairobi
- An assortment of arms was also despatched by the Zairean government for the ADF.

Even after the fall of Mobutu the same arrangements were maintained for example in October and September 1997 two flights were allowed to originate from DRC and drop arms to ADF bases.

Also arms under the same arrangements were from Sudan through the DRC up to the ADF bases.

Also an office was put in place in Kuchasha to cater specifically for the ADF operations against the Ugandan government.

The Kuchasha government had also organised for recruits for ADF from Somalia who would pass through Kuchasha and then be passed over to the ADF bases.

Signed  17.09.97

A. B. KINOBÉ  
alias HAJI SADI.



## **UR Annex 86**





NAMES: MOHAMMED KIGGUNDU  
 FORMER APTI: CHAIRMAN UNFM/A.  
 AGE: 38 Yrs.  
 TRIBE: UGANDA  
 NATIONALITY: UGANDAN  
 RESIDENCE: MAKINDYE, MUBARAK ZONE.  
 DATE: 27 Sept 2002.

### STATEMENT:

I am of the above particulars and do  
 hereunder state as follows:-

It was around 1994 when I joined  
 the UNFM/A in Sudan

I came back from Nairobi after talks with  
 the government in the year 2000.

In the year 1998 we (UNFM/A) made  
 an alliance with the ADF in  
 Nairobi and Sudan.

Having made an alliance with the ADF  
 in 1998, I came to understand the  
 following terms under which we were  
 in alliance with the Congo.

The Congo government had provided  
 uninterrupted passage through the  
 Congo to the ADF bases.

The Congolese government also provided  
 space for purposes of delivery of  
 equipment and manpower to  
 the ADF bases. (Bein, Lugetsi)

The Congolese government also provided funds for purposes of camping and training.

Funds were also remitted in the specified amounts from the Congolese government for the ADF.

The following were the contacts who helped link the ADF to the Kinsasa government

KABEBA, ABBOT MUEBI, an In-law to Idi Amin, who also served in the state research bureau. These two helped link up the Kabila government in search of the presentation mentioned above.

GEN. MBOKA, GEN. ELUKI, and GEN. BALAMOTO.

The Sudan government also helped alot in linking the ADF to the Kinsasa government which later agreed to provide Javali birds as base for the ADF operations.

This was agreed up on after the Banyankole attack in Eastern Congo (Kenya). The forces that were concerned in Kinsasa include the LRA, ADF, UNBF, the HUKU (Rwandese) and the Sudanese forces.

Kinsasa was however attacked <sup>after</sup> before all the forces had converged with the

Kudu had been chosen basically for  
the air base and the mineral potential  
which would be exploited to finance  
and further the ADF cause.

Signed *M. J. J. J.*  
17-9-02

MORTIMER KUCUNDO.



**UR Annex 87**



THE OF REPUBLIC UGANDA  
IN THE MATTER OF THE STATUTORY DECLARATIONS ACT, 2000  
AND  
IN THE MATTER OF  
THE INTERNATIONAL COURT OF JUSTICE  
CASE CONCERNING ARMED ACTIVITIES ON THE TERRITORY OF THE CONGO  
(DEMOCRATIC REPUBLIC OF THE CONGO VS UGANDA)

**AFFIDAVIT**

I, Dr. Kamanda Bataringaya Cos, do hereby solemnly make oath and state as follows:

1. That I am an adult male Ugandan of sound mind.
2. That I have a doctorate in medicine; I received my medical training at Khakav Medical School.
3. That I hold a Doctorate in Human Medicine from Khakav Medical School.
4. That I am also currently Uganda's Minister of State for Energy and Mineral Development, and am also a Member of Parliament of the Republic of Uganda.
5. That in addition to the above portfolios, I officially retain the status of Uganda's Ambassador to the Democratic Republic of the Congo (DRC).
6. That I have, however, not been in residence in Kinshasa since August 1998.
7. That I initially assumed the post of Ambassador to the DRC (then Zaire) in November 1996 during the reign of President Mobutu Ssesse Seko.
8. That during August 1998, I and other Ugandan personnel were forced to flee Kinshasa due both to the generally prevailing climate of insecurity, and to various attacks on our embassy and Ugandan Nationals by soldiers of the Congolese Armed Forces (FAC).
9. That as a result of the haste of our departure from Kinshasa, and because the FAC specifically refused to allow us to take documents with us, we were forced to leave behind many documents and other items in the Ugandan Embassy in Kinshasa.



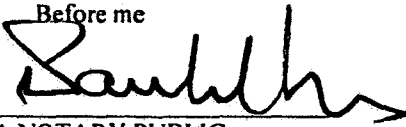
10. That as of this date, neither I nor any other member of the Ugandan Government has returned to our embassy in Kinshasa, which was ransacked by members of the FAC in September and October 1998.
11. That among the documents left behind in locked file cabinets in our embassy in Kinshasa were certain classified intelligence documents about which I alone among our embassy personnel was aware.
12. That to the best of my knowledge and belief, at least some of these documents are located nowhere else.
13. That among these documents are documents that clearly demonstrate that during the reign of President Mobutu of then-Zaire, the Zairian government -- in conjunction with Sudan - - was actively supporting and collaborating with anti-Ugandan insurgents operating from Eastern Zaire.
14. That for example, I specifically recall a document, signed by President Mobutu, calling for the assassination of President Museveni of Uganda.
15. That after the fall of the Mobutu government in 1997, President Laurent Kabila's regime in the now-renamed DRC initially offered Uganda cooperation in dealing with the long-standing problem of anti-Ugandan insurgents operating from the territory of the DRC.
16. That indeed, there were efforts towards joint military operations between the Uganda Peoples Defiance Forces and the FAC targeting the insurgents.
17. That in mid-1998, however, the degree of President Kabila's cooperation that I observed began to decline. Although the DRC's nominal policy remained one of cooperation right up until August 1998, the actual cooperation dwindled to zero.
18. That prior to August 1998, President Kabila and other elements of the DRC regime began actively supporting and collaborating with anti-Ugandan forces including insurgents known as the Allied Democratic Forces (ADF) as well as Sudan.
19. That also among the intelligence documents located in the Ugandan embassy in Kinshasa are documents evidencing these facts as well.
20. That for example, I recall a document concerning the fact that the Sudanese government was supplying ADF rebels operating out of Eastern Congo with arms and ammunitions the knowledge and consent of the DRC government.
21. That if given a chance to return to Kinshasa, I would know precisely where to find these documents as my memory is sufficiently specific that I can even remember in which drawer of which file cabinet they are located.
22. That given the facts that the embassy was ransacked, and that it has been outside the control of the Ugandan government for over four years, however, I can, of course, no longer guarantee the documents remain where I left them.

- 23. That it has come to my attention that the DRC claims to have captured Ugandan soldiers who allegedly participated in the attack launched by Rwanda in Western Congo in early August 1998. As Uganda's Ambassador to the DRC at that time, it was my duty to know about all such matters.
- 24. That there were no Ugandan military prisoners taken at the time of Rwanda's early August push towards Kinshasa. The only Ugandans of which I am aware who were made prisoner at the time were two Ugandan businessmen. But these were categorically not Ugandan military personnel.
- 25. That in addition to the above facts, I am also familiar with many of the circumstances surrounding the treatment of Ugandan nationals, including diplomatic personnel, and attacks on our embassy in Kinshasa during August, September and October of 1998.
- 26. That in that connection, I have reviewed paragraphs 397-401 of Uganda's Counter-Memorial submitted to the Court in April 2001. I state without hesitation that to the best of my current recollection, knowledge and belief that the facts stated therein are true.
- 27. That what is stated hereinabove is true to the best of my knowledge and belief

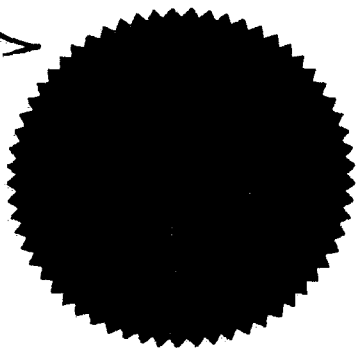
SWORN at Kampala by the said Dr. Kamanda Bataringaya Cos.

This ..... day of ..... 20/09/ 2002 )

  
 \_\_\_\_\_  
 DEPONENT

Before me  
  
 \_\_\_\_\_  
 A NOTARY PUBLIC

PAULO SEBALU  
 ADVOCATE  
 COMMISSIONER FOR OATHS  
 & NOTARY PUBLIC  
 BOX 2255, KAMPALA



UR Annex 87



## **UR Annex 88**



Status report.**Concerning the official residence of the ambassador and Chancery of the Republic of Uganda in the Democratic Republic of Congo**

Year two thousand and two, the twenty eighth day of the month of September, a joint delegation Uganda-Congolese, visited the Chancery and the official residence of the ambassador of the Republic of Uganda in the Democratic Republic of Congo.

The delegation was composed as follows:

- For Uganda :
  - M. ENOS B. KAWESA, Ambassador / Ministry of Foreign Affairs;
  - M. Emmanuel MALE, Ir /Ministry of the Works;
  - M. J.B. OCANA, Counselor/Ministry of Foreign Affairs;
  - Major Chris BBOSA, Joint Military Commission.
- For DRC :
  - M. Charles KALANGILA, Ir /Counselor Ministry TPAT-UH;
  - M. Patrick ITUNEME, Ir / Counselor Ministry TPAT-UH;
  - M. DIAMPAVA TANDU, Head Division / Ministry TPAT - UH;
  - M. Omer INGWALA, Head Division / Ministry TPAT-UH
  - M. KISALAY NIKISA, Chief of Office / Ministry TPAT-UH.

Following this visit the delegation noted the following:

**1. CHANCERY**

Situated at number 17, Tombalbaye Avenue in the township of the Gombe, the complex is enclosed and comprises of a main building and an annex.

**1.1. The main building**

This building has three (3) levels comprising of:

- offices on the Ground floor
- Two apartments on the 1<sup>st</sup> floor
- An apartment and an accessible open terrace on the 2<sup>nd</sup> floor

**1.2. The Annex**

This building has two (2) levels consisting of:

*Handwritten signature/initials*

*Handwritten signature/initials*

- garages, toilets and store on the ground floor,
- and an apartment with an open terrace on the first floor .

The following defects were observed:

- cracks of the joints of the tiles on the roof
- damage to the parapet wall of the main building
- faulty plumbing and the sanitary fittings
- missing electrical fittings, switches, distribution boards, lamp holders and air conditioning
- lack of locks, window fasteners, one way locks, glasses and mosquito gauze
- missing wooden and metallic doors
- worn paint both inside and outside
- broken down pipes and some are choked
- channel of waste and rain water not working
- court yard in poor state

## 2. OFFICIAL RESIDENCE

Situated at No 12, avenue de l'Ouganda in the Gombe, the residence is enclosed in with a fence and comprises of a main building and an annex.

2.1 The main building has two levels comprising:

- an open garage on the ground floor
- The main residence on the 1<sup>st</sup> floor

2.2 The annex has one level consisting of staff quarter and toilet.

The general condition of the building is good. however, the following repairs are necessary.

- painting both outside and inside
- painting of the perimeter wall
- improvement of the driveway and main entry cover, storm water channel and the compound in general
- repair of joinery for windows and doors, electricity, plumbing and sanitary fittings
- improvement of carpets, doors curtains, windows and repair of cracks, ceramic tiles of the rear entrance, air conditioning, etc.

## 3. GENERAL OBSERVATIONS

- i) At the time of the inspection, both premises were occupied;
- ii) The joint delegation did not find any movable property belonging to the Uganda embassy or its former officials;

4. RECOMMENDATION

The present report constitutes a preliminary inspection only. A detailed survey of the work including quantities, sketches, costs and duration of rehabilitation will be undertaken later by the Congolese side and a report made to the next meeting in Kampala.

• For Uganda :

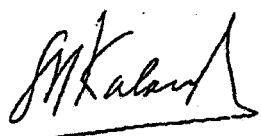
ENOS B. KAWESA, Ambassador, 

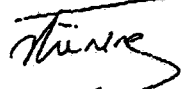
Emmanuel MALE, Engineer, 


J.B. OCANA, to Counselor,

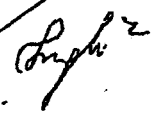
Major Chris BBOSA, Joint Military Commission.


• For DRC :

Charles KALANGILA, civil Engineer, 

Patrick ITUNEME, civil Engineer, 

DIAMPAVA TANDU, Engineer, 

Omer INGWALA, Engineer BTP, 

KISALAY NIKISA, Engineer, 





## **UR Annex 89**





## **Uganda completes troop withdrawal from DRC town**

September 28, 2002, 03:23 PM

The Ugandan military said it had completed withdrawing its troops from the town of Gbadolite in the north of the neighbouring Democratic Republic of Congo (DRC), where they had been backing rebels over the past four years.

"A final contingent of about 120 soldiers was flown from Gbadolite to Uganda's northern Gulu region on Friday evening," said Colonel Potel Kivuna, the overall commander of Ugandan forces in the DRC. "We now have no soldiers in Gbadolite."

He said the only Ugandan forces now in the DRC were in the troubled northeastern town of Bunia, where they had remained at the request of the UN observer mission to the DRC (Monuc).

"Those will also be withdrawn when the UN finds a force to enforce law and order in that area," said Kivuna.

About 1 000 Ugandan troops were stationed in Gbadolite, the home town of Mobutu Sese Seko, the late Zairean dictator and now the headquarters of the rebel Congolese Liberation Movement (MLC), which is backed by Kampala.

Another 1 000-strong Ugandan force remains in Bunia, which has seen weeks of fighting among various ethnic groups.

Uganda deployed some 10 000 soldiers in eastern DRC in August 1998, ostensibly to defend itself against Ugandan rebels who were operating from rear bases in the DRC. However, the troops ended up fighting alongside the MLC, one of two rebel groups fighting the Kinshasa government led first by assassinated president Laurent Kabila and then his son Joseph.

Uganda and Rwanda accused Laurent Kabila of supporting rebel groups threatening their own security. Uganda backed the MLC and Rwanda supported the rebel Congolese Rally for Democracy (RCD).

Kabila responded by calling in troops from Angola, Namibia and Zimbabwe to help his government stem a rebellion that was poised to overrun Kinshasa.

Rwanda and Zimbabwe began pulling their troops out of Congo a week ago, while Namibia has already withdrawn its small contingent and Angola has only a small number of troops still operating in the vast central African nation. - Sapa-AFP

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Article printout courtesy of the South African Broadcasting Corporation.  
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## **UR Annex 90**





## **15,312 Foreign Forces Withdrawn So Far, Says UN**

IRIN/All Africa Global Media

Kinshasa, Oct 02, 2002 (UN Integrated Regional Information Networks/All Africa Global Media via COMTEX) -- So far, 15,312 foreign troops have withdrawn from the Democratic Republic of the Congo (DRC), Maj-Gen Mountaga Diallo, force commander of the UN Mission in the DRC, said on Wednesday.

He told reporters at a news conference in the Congolese capital, Kinshasa, that the departed troops numbered 10,233 Rwandans, 2,287 Ugandans, 2,092 Zimbabweans and 700 Burundians.

The UN mission, known as MONUC, reported that there had been about 23,400 Rwandan troops in DRC. Zimbabwe had the second-largest contingent of forces in the DRC, with some 12,000, followed by Angola with about 8,000.

Meanwhile, as MONUC was announcing that the withdrawal of foreign troops from the DRC was nearing its conclusion, the Association Africaine de Defense des Droits de l'Homme (ASADHO), a national human rights NGO, reported the redeployment of Rwandan troops in South Kivu Province of eastern DRC.

In a communique issued on Wednesday, ASADHO cited witnesses who reported that between 16 and 20 September, some 250 well-armed Rwandan soldiers re-entered the DRC via the city of Bukavu, and headed inland toward Walungu and Kalehe in South Kivu.

"We saw new units cross the border at Rizizi 2 [a river] to enter South Kivu via Bukavu," ASADHO quoted one witness as saying.

MONUC did not confirm this information, but instead noted its satisfaction with the ongoing withdrawal of all foreign forces. "Our observers are everywhere and have verified the withdrawal. In any event, we will revisit all locations occupied by various forces to verify the status of pull-outs," Diallo said in response to the ASADHO account.

For his part, the MONUC head and Special Representative of UN Secretary-General Kofi Annan, Amos Namanga Ngongi, said he had confidence in all parties to the withdrawal process. "Now is not the time to make accusations against any party, as the process is progressing and the parties are respecting and honouring their commitments," Ngongi said.

He added that the Rwandan withdrawal could be completed before the end of next week, ahead of the agreed deadline. Rwanda has announced that the final stage of its withdrawal from the DRC was under way, from South Kivu Province. Zimbabwe made a similar declaration, announcing that the final withdrawal of its troops would begin on Friday, from the southeastern DRC city of Lubumbashi.

War in the DRC erupted more than four years ago when Rwanda and Uganda sent forces into the DRC to back Congolese rebels seeking to topple the government of President Laurent-Desire Kabila - who received the backing of forces from Angola, Namibia and Zimbabwe to halt the offensive.

After Kabila's assassination in January 2001, his son Joseph became president and entered into negotiations with Rwanda and Uganda. The withdrawal of their forces has come in the wake of recent bilateral agreements Kabila reached with the two countries.

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## **UR Annex 91**



## **Rwanda Completes Troop Withdrawal**

### **UN Integrated Regional Information Networks**

NEWS

October 7, 2002

Posted to the web October 7, 2002

Nairobi

Rwanda completed its troop withdrawal from the Democratic Republic of the Congo (DRC) on Saturday, with the final group of 1,152 soldiers departing from Goma in the east of the country, Madnodje Mounoubai, a spokesman for the United Nations Mission in the DRC, known as MONUC, told IRIN.

A final verification process would begin shortly to check each location where the soldiers had been stationed, and which would allow MONUC to certify that Rwanda had completed its pull out, he added on Monday.

The Rwandan army chief, Maj-Gen James Kabarebe, said that in return for the withdrawal, his country now expected the UN and the DRC government to disarm the Rwandan Hutu extremists still hiding in the DRC, BBC reported.

Francois Grignon of the International Crisis Group think-tank told IRIN that by completing the withdrawal so speedily; the Rwandan government had successfully reclaimed the political initiative in the Rwandan-Congolese conflict. "Since the withdrawal, no-one can say anything against them," he said.

The Rwandan government has faced intense international criticism over its exploitation of natural resources in the DRC, coupled with political pressure to withdraw its forces from DRC territory. Under the Pretoria agreement, signed on 30 July, presidents Joseph Kabila of the DRC and Paul Kagame of Rwanda agreed on the withdrawal of the Rwandan troops in exchange for the DRC's disarmament, demobilisation and repatriation of former Rwandan soldiers and of their Interahamwe Hutu extremist militia, together generally held responsible for the 1994 genocide in Rwanda.

The DRC government is now under pressure to honour its side of the agreement. To date, it has banned the Forces democratiques de liberation du Rwanda (FDLR) and other Rwandan armed rebel groups, arrested an FDLR leader and transported him to the International Criminal Tribunal for Rwanda, and sent an "exploratory mission" of 66 Rwandan ex-combatants to Rwanda, Mounoubai said.

Meanwhile, Zimbabwe repatriated over 2,000 soldiers with their equipment from Lubumbashi in southwestern DRC on Friday, Maj Alphonse Makotore, the spokesman for the forces of the Southern African Development Community (SADC), told IRIN. A ceremony is due to be held on Friday in the DRC capital, Kinshasa, to mark the complete withdrawal of Zimbabwean forces from the DRC, he added. Zimbabwe together with other SADC countries Angola and Namibia sent troops to bolster the Kinshasa government's unsuccessful effort to defeat Ugandan and Rwandan backed anti-government

forces.

The chairman of a joint Military Commission monitoring implementation of an accord on troop withdrawals, Brig-Gen Mwanike Nuke, has said that Zimbabwe has already withdrawn at least 80 percent of its 12,000; Uganda and Angola 90 percent of their 8,000 each.

In a separate development, two European consortiums of NGOs - Concertation chretienne pour l'afrique centrale and Reseau Europeen Congo - have called for the immediate reinforcement of MONUC in order to protect the DRC population, to verify the complete withdrawal of foreign troops, and also to complete the process of disarming the militia groups. MONUC currently has a maximum capacity of 5,537 soldiers in a country about the size of Western Europe.

## **UR Annex 92**



United Nations

S/2002/1169

**Security Council**Distr.: General  
18 October 2002

Original: English

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**Letter dated 17 October 2002 from the Permanent Representative of Zimbabwe to the United Nations addressed to the President of the Security Council**

I refer to the presidential statement dated May 2001 (S/PRST/2001/13) in which the Security Council of the United Nations extended the mandate 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 have reason to believe that the report of the Panel of Experts in question should be out soon. In the meantime, it has come to the attention of the Government of Zimbabwe that the international conspiracy and alignment of forces against Zimbabwe continues unabated, as exemplified by the grotesque fabrication of false evidence being presented to the Panel by our detractors through the Western media.

In my intervention to the Security Council on the preliminary report on the addendum 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, I had reason to refer to what I called the absurdity of the report's contents and the pre-set wishes "on which the Panel based its methodological framework". I castigated its sources of information and said it was *full of hearsay*, and constant reference to unverifiable sources, "the so-called credible sources (journalistic parlance), which are not identified". The Minister of Foreign Affairs of Zimbabwe, Dr. I. S. G. Mudenge, in his address to the Security Council on the addendum to the April report on 14 December 2001, equally castigated the report. He referred especially to paragraph 76 of the report which, in his words, "Imports, lock stock and barrel, the caricatures and grotesque and false misrepresentations of the situation in my country as peddled daily on the Internet and the media by those dedicated to demonize, vilify and ostracize my country". Dr. Mudenge appropriately pointed out that this abuse of trust as exemplified in the report of the Panel was "unworthy of a United Nations document".

Mr. President, the grotesque and malicious interference by enemies of my country in what should be a professional investigation by the Panel continues to this day.

In Harare, and indeed given today's information highway, *the media* is awash with the contents of a fraudulent document purported to be a letter from Zimbabwe's Minister of Defence to President R. G. Mugabe seeking the latter's intervention on behalf of Zimbabwean companies to remove obstacles to further progress in the implementation of economic cooperation between the Democratic Republic of the



Congo and Zimbabwe. The document is supposed to be a leak from sources to Mr. Walker, diplomatic correspondent of The Sunday Times, 1 Pennington Street, London E98 1ST. The document was, in typical British propaganda style, leaked to a member of the Panel, Mr. Taylor.

You may of course want to think that in the interest of investigative journalism the leak is normal. But who is this Hannah Taylor? Surely in the interest of transparency and objectivity any important information would have been referred to the Chairman of the Panel. More importantly for the integrity of the United Nations, the Chairman of the Panel should have made attempts to verify the report with the Zimbabwe Government or this Mission.

Mr. President, let me state categorically that the four-page document in the possession of Mr. Walker is fraudulent. Mr. Walker strangely seeks Mr. Taylor's opinion on the fraudulent document, implying therefore that Mr. Taylor might be part of this shenanigan. If this assumption is correct, then God bless the Security Council. We know that so-called diplomatic correspondents of British major papers are agents of MI6. If United Nations panellists have become covert agents of major powers, then the Security Council is completely compromised. The reference by Mr. Walker to "my sources in Zim" and the fact that a fraudulent document is being looked at "by American diplomats" is a clear affirmation of the collaborative efforts of some permanent members of the Council with what should be an independent panel of experts. My Government hopes that none of the fabricated material will find its way into the Panel's report. If the British media's so-called "secret" document is in any way used or referred to by the Panel, the Security Council will have become party to the conspiracy against my country by the West.

Mr. President, you no doubt realize the quintessential nature of the United Nations and the Security Council as organs for the salvation of humanity. My Government demands that the present note be acknowledged by the Council and that it become an official document of the United Nations. By the same token, this Mission will distribute it to all permanent missions for the record.

(Signed) T. J. B. Jokonya  
Ambassador  
Permanent Representative

## **UR Annex 93**





## RWANDA: Kigali slams UN panel report



© IRIN

**Rwandan President Paul Kagame**

NAIROBI, 24 Oct 2002 (IRIN) - The Rwandan government described on Wednesday the latest UN report on the illegal exploitation of natural resources of the Democratic Republic of the Congo (DRC) as "poorly researched" and "grossly unprofessional".

An official government response to the report released in the Rwandan capital, Kigali, questioned the document's credibility while denying "the deplorable allegations" that any of its institutions or public officers, civilian or military, had in any way exploited the natural resources of the Congo "or benefited

from Rwanda's presence in that country".

The Rwandan government challenged the authors of the report to give specific information about the identity of the criminal groups that allegedly had links with the Rwandan army; the Rwandan businessmen who had been appointed to replace Congolese as heads of public enterprises; and the Rwandan troops who had stayed in Congo or been integrated into the RCD-Goma forces fighting the Congolese government.

The government also asked how the use of Rwandan currency constituted "economic exploitation" whereas the widespread use of the US dollar did not.

The report, the government added, gave "a distorted picture" of trade links in the Great Lakes region, failed to differentiate between legal and illegal business activities in the Congo, and ignored various bilateral and multilateral treaties between Rwanda and the Congo.

Furthermore, some of the allegations concerning the mistreatment of Rwandan Hutus, such as the abandonment of Hutu members of the Rwandan army in Congo, "can only be intended to incite Hutus to violence against Tutsis", the Rwandan government said.

"The government of Rwanda condemns the use of a UN panel or of the UN itself to be a conveyor of incitement to ethnic, racial or religious violence whatever the excuse," it added.

It called on the UN Security Council to reject the report in its entirety, and suggested that the acceptance of such a "prejudiced and unprofessional" document could only serve to tarnish the Council's own image.



## **UR Annex 94**



## **Kinshasa to Open Inquiry Into UN Report On Resource Pillage**

### **UN Integrated Regional Information Networks**

#### **NEWS**

October 25, 2002

Posted to the web October 25, 2002

Kinshasa

The public prosecutor of the Democratic Republic of the Congo is to open an inquiry into allegations made earlier this week in a UN report on the illegal exploitation of the natural resources of the DRC.

"We are going to begin an investigation that could lead to legal action being taken, if possible," Luhonge Kibinda Ngoyi, the DRC public prosecutor, told IRIN on Friday.

Kibinda said that he would not automatically accept the UN report as correct, and wanted to make his own inquiries to ensure that justice was served. "This inquiry is aimed at enabling us to verify if what the report said is true," he added.

The DRC government spokesman, Kikaya Bin Karubi, said it was necessary to give people cited in the report the opportunity to defend themselves.

The UN report accused several DRC government figures of involvement in illegal exploitation, including Minister of National Security Mwenze Kongolo; Director of the National Intelligence Agency Didier Kazadi Nyembwe; Minister of Presidency and Portfolio Augustin Katumba Mwanke; the president of the state diamond company, Societe miniere de Bakwanga (MIBA), Jean-Charles Okoto; Planning Minister and former Deputy Defence Minister Gen Denis Kalume Numbi; the director general of Sengamines, Yumba Monga; and former Minister of the Presidency Pierre Victor Mpoyo.

Overall, however, Kikaya said he thought the UN report was quite favourable for the DRC.

"This report has enabled the world to understand that Rwanda did not come to the Congo simply for reasons of security, as it has claimed," he said at a news conference on Thursday. "It is in our country primarily to pillage, in collaboration with those responsible for the genocide" of 800,000 ethnic Tutsis and politically moderate ethnic Hutus in Rwanda in 1994.

The UN report assigned guilt both to members of the DRC government and its allies - Zimbabwe military figures, in particular - as well as to Uganda and Rwanda, who have backed rebel movements during the past four years of war in the DRC.



Rwanda has issued an official denial of any involvement in the illegal exploitation of DRC resources. Uganda and Zimbabwe have yet to issue official replies.

The humanitarian consequences of the financially driven conflict had been horrific: in the five eastern provinces of the DRC alone, the number of excess deaths directly attributable to the Rwandan and Ugandan occupation since the outbreak of war up to September 2002 was estimated to be between three million and 3.5 million people, the panel said.

## **UR Annex 95**



United Nations

S/2002/1202

**Security Council**Distr.: General  
28 October 2002

Original: English

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**Letter dated 25 October 2002 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 transmit herewith a statement dated 23 October 2002 by the Government of Uganda (see annex) on the final 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/2002/1146, annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

*(Signed)* Semakula Kiwanuka  
Ambassador Extraordinary and Plenipotentiary/  
Permanent Representative of Uganda to the United Nations

**Annex to the letter dated 25 October 2002 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council**

**Statement by the Government of Uganda on the final 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**

1. The Government of the Republic of Uganda has welcomed the release on 21 October 2002 of the final 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 has noted a number of positive aspects.

(a) The report recognizes that Uganda established the Porter Judicial Commission of Inquiry in accordance with the Security Council's recommendation as an internal mechanism to address the allegation of illegal exploitation of the natural resources of the Democratic Republic of the Congo.

(b) The report maintains that neither the Uganda Government nor any of its companies are involved in the illegal exploitation of natural resources of the Democratic Republic of the Congo.

(c) It acknowledges Uganda's position that a moratorium on exports from the Democratic Republic of the Congo would be counterproductive to the people of the Democratic Republic of the Congo.

(d) The final report has improved the scope of investigation to cover all parties involved in the alleged illegal exploitation of natural resources of the Democratic Republic of the Congo, including the transit countries and end-users of such resources.

(e) It recognizes the importance of the implementation of the Lusaka Ceasefire Agreement, including the establishment of an all-inclusive transitional Government capable of administering the territory and protecting the sovereignty of the Democratic Republic of the Congo.

**Areas of concern**

2. The Government of Uganda, however, wishes to note with concern the following flaws and areas of concern in the final report of the United Nations Panel.

(a) Unlike the addendum report of November 2001 (S/2001/1072), the final report completely ignores Uganda's legitimate security concerns as recognized in the Lusaka Ceasefire Agreement (1999) and the Uganda/Democratic Republic of the Congo bilateral agreement signed on 6 September 2002 in Luanda, Angola.

(b) The allegations that the UPDF presence in the eastern Democratic Republic of the Congo is the cause of instability designed to create conditions for the continued illegal exploitation of resources of the Democratic Republic of the Congo is not consistent with the following facts:

- (i) The invitation by the United Nations Secretary-General of May 2001 for UPDF to remain in the Bunia area as a stabilizing force in support of the Lusaka Ceasefire Agreement;
  - (ii) The spirit and intent of the 6 September 2002 Uganda Democratic Republic of the Congo bilateral agreement on the total withdrawal of UPDF and the establishment of the Ituri Pacification Commission;
  - (iii) The long history of the Hema-Lendu conflict in Ituri;
  - (iv) Facts on the ground that clearly demonstrate that the security situations in all the other areas where UPDF has withdrawn, such as Gbadorite, Gemena, Buta and Beni, there is relative peace. Many of these areas have more natural resources and population than Bunia, where there has been persistent Hema-Lendu ethnic conflict over land.
- (c) Contrary to the Panel's assertion that it relied purely on documentary and corroborated evidence/information, the United Nations Panel continues to rely on hearsay/uncorroborated information. Indeed, the final report of the Panel contains a number of serious factual errors. For example:
- (i) The Protocole d'Accord allegedly signed on 22 February 2002 between RCD/ML leadership and Col. Mayombo on behalf of the Uganda Government, whereby UPDF was promised \$25,000 and an exemption for Ugandan companies from import tax, does not exist (para. 122).
  - (ii) All available evidence to date has proved that Victoria Group and Trinity Investments are not Uganda-registered companies. Evidence to this effect was given to the United Nations Panel (paras. 111 and 112).
  - (iii) The Panel misrepresents the mandate of the Porter Commission of Inquiry with regard to the scope of investigation of army officers, and its relationship with the Minister for Foreign Affairs and the President. The truth of the matter is that the Porter Commission has the judicial powers of the High Court and is independent of the Executive. Indeed, the Commission has the power to summon documents and audits from everybody, including the President, the Minister of Defence and UPDF (para. 137).
  - (iv) The report refers in paragraph 116 to "parliamentarian" Sam Ngola. Mr. Ngola, who is a Ugandan businessman, has never been a member of any Uganda parliament.

#### **Concerning allegations against UPDF military officers and other individuals**

3. The Government of Uganda has noted with concern the allegations of continued involvement of Ugandan military officers and businessmen in the illegal exploitation of natural resources, diversion of taxes and other revenue generation activities in eastern Democratic Republic of the Congo.
4. The Government of Uganda established the Judicial Commission of Inquiry into the illegal exploitation of natural resources of the Democratic Republic of the Congo in May 2001, under the chairmanship of Justice Porter (United Kingdom). Other members of the Commission are Justice Berko (Ghana) and Mr. John Rwambuya, a retired Ugandan senior United Nations civil servant (official). The

Porter Commission has cooperated with the United Nations Panel on a number of source materials and elements of evidence.

5. It should be noted that the final Porter Commission report will be released soon. The Government of Uganda reiterates its commitment to the implementation of the recommendations of the report. The Government of Uganda will therefore await the release of the Porter Commission report before making any comments on the allegations against specific Ugandan senior military officers and business people.

#### **Conclusion**

6. The Government of Uganda is convinced that the only guarantee against illegal exploitation of the natural resources of the Democratic Republic of the Congo is the establishment of a new, stable and democratic dispensation which is able to establish effective State institutions and to ensure orderly and sustainable exploitation of the natural resources for the benefit of all the people of the Democratic Republic of the Congo. Uganda will therefore support the recommendations of the United Nations Panel that will strengthen the implementation of the Lusaka Ceasefire Agreement, the Sun City resolutions and the related Pretoria and Luanda Agreements.

7. The Government of Uganda is preparing a detailed response to the final report of the United Nations Panel, which will be presented to the Security Council next week.

**J. F. Wapakabulo**  
Third Deputy Prime Minister/  
Minister for Foreign Affairs  
Kampala

23 October 2002

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**UR Annex 96**





United Nations

S/2002/1199

**Security Council**Distr.: General  
29 October 2002

Original: English

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**Letter dated 25 October 2002 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council**

I should like to refer to the final 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/2002/1146).

The Security Council is aware of the commitment the South African Government has made towards achieving a peaceful resolution of the conflict in the Democratic Republic of the Congo, as well as in the Great Lakes Region as a whole. My Government believes that the achievement of peace in the Democratic Republic of the Congo is essential for contributing to the renewal of the African continent and the achievement of the goals of the New Partnership for Africa's Development, a programme of the African Union.

Furthermore, South Africa has taken all possible measures to implement Security Council decisions on the Democratic Republic of the Congo. We have taken every step to assist panels that have been created by the Security Council with regard to conflicts in Africa.

However, we would like to inform the Security Council that South Africa is disappointed with the content of the final report presented to the Council by Ambassador Mahmoud Kassem; the methodology the Panel used in gathering its information and the conclusions and recommendations the Panel makes in its report. South Africa would urge that the Security Council instruct the Panel to investigate further and substantiate its allegations and recommendations made in the report. The Panel's report contradicts the aims and intentions of the Security Council.

We are particularly disappointed because the South African Government welcomed the Panel when it visited our country and arranged for the Panel to meet with various senior officials from departments and agencies that were ready to assist the Panel in its work. The Council will notice that the examples cited later in my letter are contrary to the Panel's claim of having "made every effort to fairly and objectively evaluate the information it has gathered". A difficulty that we experienced was the quality and extent of the information that the Panel made available to the South African authorities. The information upon which South African authorities were expected to conduct the necessary follow-up investigations was either incomplete or never given.

We would like to address some of the specific issues that have been raised by the Panel with regard to South Africa, South African-based companies and individuals.

In paragraph 31, the report states that "Also working with ZDF is a convicted criminal based in South Africa, Nico Shefer, who has arranged for Zimbabwean officers to be trained in diamond valuation in Johannesburg. Mr. Shefer's company, Tandan Holdings, has a 50 per cent stake in Thorntree Industries, a joint venture diamond-trading company with ZDF". On 14 June 2002, the South African Government was requested by the Panel to provide information concerning the trading, whether openly or clandestinely, of Congolese diamonds in South Africa or the transport of Congolese diamonds through South Africa, by the Minerals Business Company (MBC). It was stated by the Panel that the South African-owned or -based company Thorntree (or Thorntree) reportedly has an agreement with MBC to trade its shipments of Congolese diamonds. On 31 July 2002, the South African Government informed the Panel that it had no information to verify the allegation concerning the transportation of diamonds, bought by Thorntree, through South African territory. It should also be noted that the issue of Mr. Shefer arranging for Zimbabwean officers to be trained in diamond valuation in Johannesburg has never been raised by the Panel with the South African Government. The question of Mr. Shefer and Thorntree Industries is similarly raised in paragraph 58 of the report.

In paragraph 52, the report states that "Mr. Al-Shanfari instructed his security chief to smuggle diamonds from the Sengamines concession to Johannesburg, South Africa, and deliver them to Ken Roberts, the chief executive of Serengeti Diamonds". This information has never been shared with the South African Government nor was this ever the subject of an enquiry addressed to the South African Government by the Panel.

In paragraph 139, the report identifies South Africa as one of 11 African States through whose territory goods originating in the Democratic Republic of the Congo are likely to pass. The Panel further states that it submitted questions to all of these countries and held substantive discussions with government representatives from five countries. The Panel enquired about relevant legislation, investigations into the flow of the commodities, measures taken to curb those flows, other possible action to be taken and those Governments' needs for assistance. According to the report, virtually none of the countries that responded to the Panel's questions had conducted any investigations or adopted any specific procedures for the identification or inspection of the transiting of commodities from the Democratic Republic of the Congo. The report goes on to state that South African officials confirmed the seizure of a sizeable clandestine shipment of diamonds from the Democratic Republic of the Congo, but provided no details. Also stated is that none of the authorities in these countries gave any indication that Congolese resources traded through their territories should or could be regarded as conflict goods and that almost none of the countries proposed any meaningful measures to help curb trade in Congolese commodities that are tainted by criminality and militarization.

In September 2001, the Panel approached South Africa regarding procedures followed by South African law enforcement agencies in combating smuggling activities and organized crime, as well as a chart clarifying the division of authorities and responsibilities of the different authorities. On 14 June 2002, the South African Government provided a detailed description of the role and functions

of law enforcement agencies in South Africa. In addition, the Government provided the Panel with details of the relevant legislation utilized in curbing smuggling and organized crime. The Government, however, stated that the South African law enforcement agencies were not aware of any significant or organized groups that were engaged in smuggling or other illegal activities involving diamonds, gold, coltan and other natural resources originating from the Democratic Republic of the Congo. The Panel had requested the South African Government for examples of actual cases of smuggling made by the South African law enforcement agencies originating from the Democratic Republic of the Congo and countries involved in the conflict. The information that was provided by the South African authorities confirmed that a national of the Democratic Republic of the Congo was arrested at Johannesburg International Airport in December 2001 with 13 diamonds in his possession. The Panel was informed that the individual had appeared in court, but that the case had been postponed until June 2002. It was further explained to the Panel that since the court case was still pending (sub judice), no additional information could be provided. This was the only information that was provided to the Panel regarding the seizure of diamonds that had a connection to the Democratic Republic of the Congo. In the information provided to the Panel it was not possible to indicate the origin of the diamonds.

In annex III to the report, the Panel lists those business enterprises that it considers to be in violation of OECD Guidelines for Multinational Enterprises. Twelve South African companies are listed under annex III. Although no substantiating evidence for these listings is provided, the report states that "Countries which are signatories to those Guidelines and other countries are morally obliged to ensure that their business enterprises adhere to and act on the Guidelines". With regard to the specific companies mentioned:

- South Africa has never been approached by the Panel regarding a company by the name of African Trading Corporation.
- Anglovaal, Banro Corporation, Carson Products, Mercantille CC, Saracen, Swanepoel, Track Star Trading 151 (Pty) Ltd. Zincor, Iscor and Orion Mining Inc. have never been mentioned in any of the Panel's previous reports, nor has any information related to their business activities or conduct ever been shared with the South African Government, nor was any of these companies ever the subject of an enquiry addressed to the South African Government by the Panel.

On 14 June 2002, the South African Government was requested by the Panel to provide a list of all South African, and South African registered companies operating in or with the Democratic Republic of the Congo. During the meeting with the Panel, the South African authorities specifically raised their serious concerns with the Panel about its queries regarding South African companies operating in the Democratic Republic of the Congo, without any indication as to their participation in the illegal exploitation of the natural resources of the Democratic Republic of the Congo. South Africa underlined the fact that unsubstantiated queries by the Panel about the activities of companies operating legally and above board in the Democratic Republic of the Congo could be interpreted as casting unwarranted aspersions on their activities.

In this context also, I should also like to note the fact that South Africa is not a signatory to the OECD Guidelines. Although we support its objectives, we don't understand how the Panel can use this mechanism as a means of accountability.

The report's statements about South Africa, South African companies and South African individuals consequently do not appear to be substantiated by hard evidence or information. Nor does the Panel draw any distinction between legal and illegal activities of companies in its report. In their interaction with the Panel, the South African authorities underlined the difficulties that are experienced when dealing with the vagueness of certain queries received. It was pointed out that the provision of more detailed and accurate information would assist the South African authorities to address the issues raised.

I understand that the views conveyed in this letter are critical of the final report and that they bring into question the approach and methodology that has been adopted in the report's compilation. It is our hope that the Council will take these concerns into account in its consideration of this report and of any new mandate that may be given to the Panel. We suggest that the Council should provide clear and specific guidelines on the functioning, approach and operating standards of any future mechanism it may decide to establish with regard to the Democratic Republic of the Congo.

The Council will understand that South Africa regards this in a serious light, not only because of its imputations, but also because of the role that South Africa continues to play, both in its national capacity and as the Chair of the African Union, in achieving lasting peace, security, stability and prosperity for the Democratic Republic of the Congo and its people.

It would be appreciated if the letter could be circulated as a document of the Security Council.

*(Signed)* Dumisani S. Kumaio  
Ambassador and Permanent Representative

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## **UR Annex 97**



## **DRC: Government, rebel groups continue talks**

NAIROBI, 29 Oct 2002 (IRIN) - The government of the Democratic Republic of the Congo (DRC) and country's two main rebel groups, currently holding talks on power-sharing in the South African administrative capital, Pretoria, could reach an agreement "by today or tomorrow", diplomatic sources told IRIN on Tuesday.

The mediation team, led by UN Special Envoy Moustapha Niasse, was meeting the government delegation and the country's two main rebel groups, the Rassemblement congolais pour la democratie (RCD-Goma) and the Mouvement pour la liberation du Congo (MLC), for separate consultations on Tuesday, which "may bring the three together", one source said.

A key issue is whether MLC will accept a proposed agreement which will allow President Joseph Kabila to continue to rule the country during an interim period of two years, with four vice-presidents. MLC says it wants only two vice-presidents.

The MLC's secretary-general, Olivier Kamitatu, told AFP that his movement was rejecting the proposal because one of the vice-presidents would be drawn from government ranks, thus giving President Joseph Kabila too much power. The other three would come from RCD-Goma, the unarmed opposition and MLC.

Other sticking-points are reportedly the question of amnesties, the allocation of parliamentary seats, power-sharing in the provinces, and security for rebels returning to the DRC capital, Kinshasa.

Delegations representing RCD-Nationale, RCD-Mouvement de liberation, civil society, the Mayi-Mayi and the unarmed opposition were in the process of arriving in Pretoria on Tuesday to take part in the talks the following day, diplomatic sources confirmed. It is hoped that by Thursday evening, all consultations will have finished.

On 25 October, Presidents Paul Kagame of Rwanda and Kabila of the DRC were due to travel to Pretoria to review progress made since the signing of the Pretoria peace agreement on 30 July, the media liaison officer for the South African presidency, David Hladane, told IRIN.

[ENDS]



## **UR Annex 98**



## **UN envoy discusses power-sharing agreement on DR of Congo**

*29 October* – The Movement for the Liberation of the Congo (MLC) would accept, with certain conditions, a new power-sharing agreement for the Democratic Republic of Congo (DRC), the Secretary General's Special Envoy to the country said today in Pretoria, South Africa, where he is holding informal consultations with various DRC parties on an acceptable transitional arrangement.

The formula announced by Mustapha Niasse involves having one president and four vice presidents for the DRC.

The envoy told journalists that he would be holding follow-up meetings with the MLC, as well as the Congolese Rally for Democracy-Goma and the DRC Government later this week.

In the meantime, starting tomorrow, Mr. Niasse plans to meet in separate sessions with other Congolese groups, including the Mai- Mai, the RCD National, the RCD-Kisangani/Liberation Movement and representatives of civil society and the unarmed political opposition.

**UR Annex 99**

# IRINNEWS.ORG

## **DRC: Breakthrough in power-sharing talks**

NAIROBI, 30 Oct 2002 (IRIN) - The Mouvement pour la liberation du Congo (MLC) rebel group said on Tuesday it would accept, with certain conditions, a power-sharing agreement with the government of the Democratic Republic of Congo (DRC) and the Rwanda-backed rebel Rassemblement congolais pour la democratie (RCD-Goma).

The agreement would allow President Joseph Kabila to remain president of the DRC with four vice-presidents. These would be chosen from RCD-Goma, MLC, the unarmed opposition and the current government.

"In the interests of the Congo, we have decided to accept the principle of four vice-presidents, but we have attached some conditions to this. The government must now respond," Olivier Kamitatu, the MLC secretary-general, told AFP.

The MLC is reportedly demanding that the government negotiate on precisely how power will be shared at each level of government.

UN Special Envoy to the DRC Moustapha Niasse told reporters in the South African administrative capital, Pretoria (where the informal talks are taking place), that he would hold follow-up meetings with the MLC and RCD-Goma on Friday. Meanwhile, he began separate consultations on Wednesday with other Congolese groups, including the Mayi-Mayi, RCD-Nationale, RCD-Kisangani/Mouvement de liberation and the unarmed political opposition.

Speaking on the BBC's Focus on Africa radio programme, the DRC ambassador to South Africa, Ben Mpoko, said a lot of progress had been made with the deal.

"The delegations were very happy, everybody was elated," he said. "My feeling is that the political will is there, the Congolese people are tired of fighting, tired of suffering."

Once transitional arrangements for the country had emerged from the talks, the inter-Congolese dialogue would formally endorse them, the UN said last week.

Niasse and South African President Thabo Mbeki, with the support of the African Union and the South African government, are brokering the talks.

[ENDS]



## **UR Annex 100**



## **Belgian Minister Criticises Exploitation Report**

### **UN Integrated Regional Information Networks**

NEWS

October 31, 2002

Posted to the web October 31, 2002

Brussels

While the report of the UN Panel on the exploitation of natural resources of the Democratic Republic of the Congo "undeniably underlines the link" between the foreign troops that were there and economic exploitation of the country, it failed to propose ways of distinguishing the legal from the illegal, Belgian Deputy Foreign Minister Annemie Neyts said on Wednesday.

"Immoral doesn't mean illegal, and this point is still unclear," she added.

She was speaking at a Brussels news conference concluding a seminar she initiated on "doing business in conflict areas: ethical and legal challenges". Almost 160 participants attended, representing official bodies such as Belgian ministries, the EC, the Organisation for Economic Cooperation and Development (OECD), the UN, embassies, European companies, international NGOs and universities.

"We haven't reached a common approach, but the exchange was open and constructive", she told reporters.

The main point of difference, she said, was of participants who favoured sanctions against "non-ethical" companies, and those in favour of self-regulation and the application of codes of conduct.

In further criticism of the UN panel report, she said "many companies" included in its annex were not mentioned in the body of the text. An analyst said that 21 of 85 Belgian companies were cited in the list of "business enterprises considered by the Panel to be in violation of the OECD Guidelines for Multinational Enterprises".

However, Neyts said, Belgium would comply with the UN Panel's recommendations, after the Security Council reviewed them on 6 November. "We shall obviously apply its recommendations," she said.

Belgian NGOs at the seminar warned of a potential "burying" of the recommendations of the UN Panel.

"Belgium should now be prepared to implement the sanctions proposed by the experts," Indra Van Gisbergen, a member of an umbrella body of Flemish NGOs, said. "The need for further investigation cannot be a pretext for a wait-and-see attitude. To promote only a code of conduct is insufficient".





## **UR Annex 101**



NAME: EDWARD KATUMBA-WAMALA  
ARMY NO: RO/1392  
RANK: MAJOR GENERAL  
APPOINTMENT: INSPECTOR GENERAL OF POLICE  
FORMER APPOINTMENT: OPERATIONS COMMANDER-  
OPERATION SAFE HAVEN (DRC)  
AGE: 46 YEARS  
DATE: 31 OCTOBER, 2002

## STATEMENT

I am of the above particulars and hereunder state as follows:

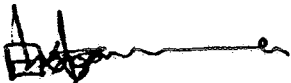
I was appointed Operations Commander, Operation Safe Haven in the Democratic Republic of Congo (DRC) in August, 2000 and was based in Gbadolite. My responsibility was Command and Control of the Uganda People's Defense Forces (UPDF) bases in the Eastern side of Congo. The area of responsibility stretched from Beni and Bunia close to the Ugandan border with Congo to Gbadolite. All the units in Congo at this time were mainly stationed at either the airports or at strategic landing sites on River Congo.

At the time of my posting to Congo and during my stay there, there were no clashes between UPDF forces and the Congolese troops or any other force which was involved in the war in Congo. The main

efforts were directed towards denying use of vital grounds like Gbadolite Buta Bunia and Beni airports access to any forces control which could jeopardise the security of our borders. The facilities at Gbadolite in particular plus the size of the airport and its proximity to the then belligerent countries included among others Sudan and Chad, demanded that it be physically occupied by our own troops. This particular area had earlier on during clashes with the Chadian troops acted as the withdraw route and the possibility of it being put to use again was very apparent.

The Gbadolite airport could easily be used as a striking base for an aircraft with an endurance of up to 3 hours. Such an aircraft could easily strike Uganda's western towns and since our forces could not disable the airport the most logic move was to occupy it and control its use.

This is all I can state on the relevance of Gbadolite airport to UPDFs operations in Congo.



Maj. Gen. Katumba Wamala  
INSPECTOR GENERAL OF POLICE

## **UR Annex 102**





"Excellent, inexpensive  
reference work..."

**AFRICA  
2003**

## **Saleh to Give Wife's Accounts to UN Probe**

**The Monitor (Kampala)**

**NEWS**

October 31, 2002

Posted to the web October 31, 2002

By Elizabeth Kameo

Kampala

Reserve Force Commander Lt. Gen. Salim Saleh (Caleb Akandwanaho) has promised that his wife would release her foreign accounts for investigation to the UN panel.

He again dismissed the UN report on illegal exploitation of Congo's natural resources "as imaginative on the part of the UN panel".

Saleh was yesterday appearing before the Porter Commission to clarify on matters raised in the recently released UN panel report at Nile Hotel. He was accompanied by his wife Jovia Akandwanaho.

Justice David Porter heads a government commission looking into the alleged looting of Congo resources by Ugandan military officers.

"If you find any money I have taken from Congo, you should take it," Saleh said after submitting two foreign accounts. "I have not yet paid school fees for my daughters in America and I am being accused of looting in Congo."

In response to Justice Porter's query on whether he (Saleh), through Saracen Uganda, was training a force to replace the UPDF in Congo, Saleh dismissed it as untrue.

"It is not true that I am training a paramilitary force. I am a peace builder trying to bring about peace between Uganda and Congo and I am doing this as a special assignment from the president."

He said what he is doing is re-organising rebel deserters at Namboole so that they can be taken back to Kinshasa. "That is the only force I am in touch with currently and I don't think it is paramilitary or against the Congolese government. I categorically deny this," Saleh said.

In response to the part of the report which says he is involved in the manipulation of the money supply and the banking sector in Congo, Saleh once again submitted his foreign accounts to the UN through the Commission for investigations.





## **UR Annex 103**



**THE REPONSE  
BY THE GOVERNMENT OF THE  
REPUBLIC OF UGANDA**

TO

**THE FINAL REPORT OF THE PANEL OF EXPERTS ON THE  
ILLEGAL EXPLOITATION OF NATIONAL RESOURCES AND OTHER FORMS OF WEALTH  
OF THE DEMOCRATIC REPUBLIC OF THE CONGO (DRC)**

**MINISTRY OF FOREIGN AFFAIRS  
KAMPALA, UGANDA**

**1<sup>st</sup> November 2002**

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**VIII: Way Forward**

**I: INTRODUCTION**

1. On request of the UN Security Council on 2 June 2000, the Secretary General of the UN established the 1<sup>st</sup> UN Panel on the Illegal Exploitation of the Natural Resources and other forms of Wealth in the DRC, chaired by Mme Ba N'Daw of Ivory Coast. The UN Security Council discussed the report of the UN Panel, which accused Uganda of involvement in the illegal exploitation of the natural resources of the DRC on 3 May 2001. The Security Council agreed with the presentation by Uganda (S/2001/458) that the Mme Ba N'Daw report was based on hearsay and lacked corroborative evidence to back its conclusions and recommendations. It welcomed the decision by Uganda to set up an independent Judicial Commission of Inquiry into the allegations of illegal exploitation of the natural resources of the DRC.
2. The UN Security Council mandated the 2<sup>nd</sup> UN Panel chaired by Ambassador Kassem (Egypt) to prepare an addendum to the report containing, *inter alia*, a more in-depth analysis based, as far as possible on corroborated evidence on allegations and conclusions raised and to the comments and reactions of states and actors cited in the report of the panel. The Addendum report of December 2001 acknowledged Uganda's legitimate security concerns in the DRC and concluded that neither the Uganda Government nor its companies were involved in the illegal exploitation of natural resources in the DRC. The Addendum report and Uganda's response (document S/2001/1163) were discussed in the UN Security Council on 14 December 2001.
3. The UN Security Council requested the UN Secretary General to renew the mandate of the Kassem Panel to prepare a report that would include, *inter alia*:
  - (a) An update of relevant data and analysis of further information from relevant countries, including in particular from those countries that had not provided the UN Panel with requested information.
  - (b) An evaluation of the possible actions that could be taken by the Council in order to help bring to an end the plundering of natural resources of the DRC, taking into account the impact of such actions on the financing of the conflict and potential impact on the humanitarian and economic situation of the DRC.
  - (c) Recommendations on specific actions that the international community, in support of the Government of the DRC, might take, working through existing international organizations, mechanism and the UN bodies, to address the issues in the report and its addendum;
  - (d) Recommendations on possible steps that might be taken by transit countries as well as end users to contribute to ending illegal exploitation of the natural resources of the DRC.
4. The UN Security Council also urged Governments named in the previous reports to conduct their own inquiries and to cooperate fully with the UN Panel.

5. The UN Panel chaired by Ambassador Kassem<sup>1</sup> visited Uganda from 3<sup>rd</sup> - 6<sup>th</sup> March 2002, and was given maximum cooperation by government. The Panel met Hon. E Kategaya, 1<sup>st</sup> Deputy Prime Minister/Minister of Internal Affairs; Hon. Amama Mbabazi, Minister of Defense; Hon Tom Butime, Minister of State for Foreign Affairs; Hon. Muluri Mukasa, Minister of State for Security; the Directors General of the External and Internal Security Organizations; and a group of technical officials. The Panel also held meetings with members of the Porter Commission. Subsequently the Porter Commission and the Kassem Panel exchanged information and visits.

#### **Key Elements of the Response to the Final Report of the UN Panel**

6. The response of the Government of the Republic of Uganda to the Final Report as contained in the document covers the following chapters:

Introduction: background to the Final Report of the UN Panel.

The positive aspects and flaws of the Final Report

Response to allegations against the Government of Uganda/UPDF

Response to allegations against Ugandan individuals and companies

Comments by the Uganda Government on the observation, conclusion and recommendations of the UN Panel

Recommendations by Uganda on the way forward

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**Other members of the Panel included: Mr Jim Freedman (Canada); Mr Mel Holt (USA); Mr Bruno Schiemsy (Belgium); Mr Moustapha Tall (Senegal); Mr Gilbert Barthe (Technical Advisor -Switzerland); Ms Elodie Cantier-Aristide (France - Political Assistant); and Ms Hannah Taylor (USA - Political Assistant)**

## II. POSITIVE ASPECTS OF THE FINAL REPORT

7. As pointed out in the press statement of 23 October 2002, in Kampala, the Government of Uganda noted that the Final report of the UN Panel contains a number of positive elements, which are:

- A more balanced scope of investigation covering the end-user countries outside Africa and strong support for the building of state institutions, capable of administering the natural resources and territorial sovereignty of the DRC.
- Recognition of the fact that the Republic of Uganda established the Porter Judicial Commission of Inquiry<sup>2</sup> as an internal mechanism to address the allegations of illegal exploitation of the natural resources of the DRC, in accordance with the UN Security Council recommendations of 4 May and 19 December 2001. The UN Panel also made a positive effort to cooperate and share information with the Porter Commission, in spite of the marked difference between the Panel and Commission on methods of investigation.
- Confirmation of the fact that neither the Uganda Government nor any of its companies are involved in the illegal exploitation of the natural resources of the DRC. Indeed, the Addendum Report of the UN Panel (November 2001), concluded that Uganda's involvement in the DRC was based on (a) a bilateral protocol between Kampala and Kinshasa of 26 April 1998 and (b) the legitimate security concerns emanating from the threat posed by the negative forces operating in Eastern DRC i.e. the ADF, WNBK, UNRF II and the more recently formed PRA.
- Sharing the view by Uganda that an embargo or moratorium on exports of natural resources from the DRC 'would not be a viable means of helping the situation of the Country's Government, citizens or the natural environment'. As Uganda stated in the Response to the Addendum Report (S/2001/1163), such a moratorium would not only be difficult to enforce, but would hugely hurt the Congolese small scale farmers and artisan miners whose livelihood entirely depends on earnings from the traditional cross-border trade.
- By covering the end-user countries, the Final Report brought in the missing link and improved the scope of investigation to cover all parties involved in the DRC. Indeed, a deeper historical analysis of the companies and criminal organizations based outside Africa would definitely help us to understand the failure to build viable state institutions and structures in the DRC since the era of King Leopold II of Belgium.

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<sup>2</sup>Terms of reference for the Porter Commission, contained in Legal Notice No> 5/2001 of 5 May 2002, are reflected in UNSC document S/2001/1163.



- Recognizing the importance and centrality of the urgent implementation of the Lusaka Ceasefire Agreement including the DDRR, withdrawal of foreign forces, and the establishment of an all-inclusive transitional Government in Kinshasa. It underscores the fact that the establishment of a new and stable political dispensation which has the necessary state institutions and structures for administering the territory is the only guarantee to (a) guarding against the any illegal exploitation by local or international criminal organizations, (b) ensuring that the territory of DRC does not harbor terrorist groups against regional neighbors.
- Focus of the recommendations in the Final Report is on creating conditions and incentives for (a) encouraging all parties to implement their obligations in the Lusaka Ceasefire Agreement, the related Pretoria and Luanda Agreements as well as the Sun City resolutions, (b) deepening regional integration, (c) strong international financial support for building state institutions in the DRC (d) post-conflict reconstruction in the DRC and regional neighbors, (e) deterring international organized crime syndicates from continued illegal activities in the DRC.

### III: MAJOR FLAWS IN THE FINAL REPORT

#### Downplaying Uganda's Security Concerns in Eastern DRC

8. Unlike the Addendum Report of November 2001, the Final Report completely ignores Uganda's legitimate security concerns as recognized in the Lusaka Ceasefire Agreement (1999), the relevant UN Security Council resolutions and the Uganda/DRC Bilateral Agreement of 6 September 2002 in Luanda, Angola.
9. Uganda got involved in the DRC as a result of the genuine security concerns. These included the operations of the terrorist groups including ADF, WNBFF, UNRF II, NALU, the recently established PRA and other negative forces such as the genocidal Ex-FAR and the Interahamwe. These groups have used the territory of the DRC to launch persistent and indiscriminate terrorist attacks on the people of Uganda. Examples include the grisly Mpwondwe (1996), Kichwamba (1998) and Bwindi terrorist massacres in Uganda (1999). Persistent Interahamwe attacks in Kisoro District continue. A bilateral protocol between Uganda and the DRC of April 1998 allowed the Uganda Peoples Defense Force (UPDF) to pursue the terrorist groups.

#### APPLICATION OF AN INVALID HYPOTHESIS ON UGANDA

10. The central concept or hypothesis of the alleged 'elite networks', which are claimed to have carved out separate self-financing areas and are responsible for the continuation of micro-conflicts over natural resources and revenues in the DRC is fundamentally flawed and invalid in the case of Uganda. A simple SWOT/test analysis reveals that while the basic assumptions are wrong the evidence of the existence of Ugandan 'elite networks' is untenable and the motive of the hypothesis is ill intentioned. For example:

The hypothesis makes the wrong assumption that RCD-K/ML and MLC are 'mere facades and "militias" (Para 100.) in the so called 'Ugandan controlled area'. Uganda has since May 2001 withdrawn from the DRC, except for one battalion in Bunia at the request of the UN

Secretary General. Uganda is committed to complete withdrawal under the Lusaka Ceasefire and the Luanda Agreements. MLC and RCD-ML are effectively responsible for administration, economic management and justice in their respective areas of control as recognized under the Lusaka Ceasefire Agreement and by the UN Security Council.

The UN Panel does not appear to be cognizant of the history of the DRC since the King Leopold II era including the fact that Uganda has been a victim of repeated terrorist attacks from DRC territory

The evidence adduced by the UN Panel does not establish the existence of a link between the Ugandan actors cited and any 'elite network' in the so-called 'Ugandan controlled area'.

The UN Panel seems to have been at pains to find any evidence/data that would serve the purpose of down playing Uganda's security concerns and demonizing or tarnishing the image of Uganda.

#### **Methodology**

11. The composition of the UN Panel and their method of investigation do not demonstrate capacity to sift through deliberate falsehoods, war propaganda and political intrigue involved in the conflict in the DRC. In a conflict situation like in the DRC, information from walk-ins, motivated volunteers and traditional enemies (e.g. Lendu/Hema) requires a higher level of proof and corroboration than was apparently applied by the UN Panel. People can only achieve this with expert knowledge about the history and the cultural complexity of the inter-linked conflicts in the Great Lakes Region. It is also unprofessional and dishonest to extrapolate data from surveys from one region in the vast DRC to meaningfully interpret a serious humanitarian situation in another area (Para 131)
- Clarifying the alleged UPDF negative motive in Bunia, the UN panel bases on (Para 123) the claim by RCD K/ML department chiefs - who are Lendu allied chiefs - that the Hema businessmen interests in controlling gold deposits in Gefi was the underlying cause of ethnic conflict in Bunia, yet history shows that neither the Hema, nor the Lendu have kind words for each other.

#### **Poor Corroboration of Evidence**

- 12 The UN Panel asserts in paragraphs 7 & 8 that it relied on well substantiated and independently corroborated evidence by documents and eye-witnesses and that the Panel operated under a reasonable standard of proof with fairness and objectivity. Unfortunately the Final Report still contains statements with serious factual errors, un-corroborated information, contradictions and clear distortions. For example: -

The UN Panel alleges that a Protocol d'Accord was signed on 22 February 2002 between RCD-K/ML leadership and Col. Mayombo on behalf of Uganda Government whereby UPDF was promised a monthly stipend of \$25,000 and exemption of Ugandan companies from duties and import tax. The alleged Protocol d'Accord does not exist (Para 122).

The Panel misrepresents the mandate of the Porter Commission of Inquiry with regard to the scope of investigation on army officers, and its relationship with the Minister of Foreign Affairs and the President. The truth of the matter is that the Porter Commission has the judicial powers of the High Court and is independent of the Executive. As a consequence the Commission has the powers to subpoena witnesses, documents and cause audits.  
**Para 137**

The report in Para 116 refers to 'Parliamentarian' Sam Engola. Mr. Engola, who is a Ugandan businessman, has never been a member of any Uganda Parliament.

The Panel makes rather contradictory observations in their analysis and evaluation of the evidence they relied upon and their collaboration with the Porter Commission as regards the general principles in handling criminal allegations. The Panel does not seem to consider caution of authenticity of sources of information, which are not subject to scrutiny. They do not appear to consider the gravity of indicting people, governments and companies on evidence that may be forged or false.

#### IV: ALLEGATIONS AGAINST GOVERNMENT OF UGANDA/UPDF

13. The U.N panel makes a number of uncorroborated allegations against the Uganda Government/UPDF.

##### 14. False Allegation 1.

That UPDF presence in the Eastern DRC is the cause of the instability designed to create conditions for the continued illegal exploitation of resources of the DRC. For example: -

Para 12 ... Criminal groups linked to the armies of.... Uganda.... [Among other countries]..

Para 14 The Uganda Peoples' Defense Forces continue to provoke ethnic conflicts, as in the past, clearly cognizant that the unrest in Ituri will require the continue presence of a minimum presence of UPDF personnel

Para 101 UPDF and their associated rebel militias have been used as the de facto enforcement arm of the network

Para 102 in anticipation of this withdrawal a paramilitary force is being trained under Lt. Gen. Saleh, which according to the panel's sources is expected to continue to facilitate the commercial activities of UPDF officers after UPDF has left

## 16. Response

The UPDF is a national army with no official or un-official links with criminal groups. It is unfair to make such an allegation against the institution of the UPDF without naming the criminal groups.

The UPDF remains in the DRC at the request of the UN Secretary General in May 2001 as a stabilizing force in Bunia in support of the Lusaka Cease fire Agreement.

Uganda has signed bilateral agreements with the DRC such as the Luanda Agreement of 6 September 2002 on the total withdrawal of UPDF and the Ituri Pacification Commission.

The Hema/Lendu conflict is historical and was triggered off by a fight for land. The late Mobutu compounded it when he took sides with the Hema against the Lendu by giving them land. The UPDF therefore did not create this conflict. Facts on the ground clearly demonstrate that the security situation in all the other areas where the UPDF withdrew such as Gbadolite, Gamena, Buta Beni, etc. There is relative peace. Many of these areas have more natural resources and population than Bunia, where there has been persistent Hema/Lendu ethnic conflict over land.

The U.N Security Council will recall that Uganda has on various occasions appealed for the deployment of a sufficient MONUC force to take care of law and order in Ituri so that UPDF withdraws but MONUC has not been able to do so. Uganda is committed to the total withdrawal of UPDF from Bunia in 100 days from the D-day of 6 September 2002 as stipulated in the Luanda Agreement.

## 17. False Allegation 2

**False allegation that UPDF is maintaining local militias in Eastern DRC to protect the elite network.**

Para 101.... The Uganda Peoples' Defense Forces and their associated rebel militias have been used as the de facto enforcement arm of the network, ensuring the network's pre-eminent commercial position through intimidation and threat and use of force....

Para 108, ... Coltan has been exploited extensively in Orientale Province by various armed groups under the protection of UPDF. ... Armed groups frequently identified with militias under the command of UPDF officers manage site in remote locations where diggers pay a daily fee to exploit an area.

**18. Response**

The Uganda Government through UPDF has never trained any personal militias. The Government of Uganda armies on behalf of their allies, namely MLC and RCD-K/ML. The troops trained and put in the hands of MLC continues to provide effective security and administration in the area under MLC control. Unfortunately RCD-ML/K has suffered numerous divisions in its leadership. As a result some of the troops are under Mbusa Nyamwisi in the Beni-Butembo area of North Kivu. The other group is under the former Minister of RCD-ML, Toma Lubanga in parts of Ituri, who has since formed a political group called Union of Patriotic Congolese (UPC). The confusion in the final report arises from the UN Panel's failure to understand this historical background.

This specific inference to UPDF as running militia groups and that it operates through intimidation is totally untrue. UPDF operates on a strict code of conduct, and where individual officers have misbehaved and there is implicating evidence they have always faced the law.

The Army statute 1989, the UPDF code of conduct, etc. and more recently the Potter Commission are a good testimony how UPDF cannot condone such acts as stated above. The government of the Republic of Uganda reiterates its position that, it is committed to the implementation of the Potter Commission recommendations.

What logic is in an argument that armed groups are protected by UPDF? If the groups were armed would they need any protection, and protected from who and what? Why did the panel not name these groups?

**19. False Allegation 3.**

That UPDF officers have been involved extorting taxes from Congolese.

Para 115 (But increased profit margins from tax-free imports provide only a fraction of the tax-free benefits. Equally lucrative is access to the taxes themselves monopolized by the network that uses the rebels' administration facade...

**20. Response**

The details of this information e.g. which units and officers involved should have been available for scrutiny otherwise the claim remains a rumour

This claim is false as it pretends that there are no rebel groups in the areas mentioned in the Eastern DRC. Both Lusaka and other agreements have recognized the different rebel actors, whose origin can be traced from failure by the Kinshasa administration to exercise effective leadership in the area.

Uganda believes that the war situation, which was provoked by failure of Kinshasa to extend leadership into these places, leading to the presence of marauding ADF rebels and

more recently PRA elements and other negative forces in the DRC are the real problem behind the criminality in the Eastern DRC.

#### 21. Allegation 4

That UPDF has been involved in stealing cattle and forcing the locals to give them hides

117 ... The representatives of Food and Agriculture Organizations of the United Nations in Bunia has reported the more recent UPDF practice of offering protection to ranches against attacks that they themselves have orchestrated.

Para 122...UPDF have created the conditions that require the presence of troops and their continued involvement in the commercial operations. This has entailed giving arms to both sides in the ethnic conflict, the Lendu and the Hema. The consequent increase in ethnic fighting has resulted in the UPDF being urged to assist in furthering the peace process in Bunia

.... This function was formalized in an official protocol d'Accord signed on 22 Feb. 2002 by Mbusa and John Tibasiima as the President and the Vice President of the RCD-K/ML and Col. Mayombo as the official representative of the Government of Uganda...

Para 124... Para 124... UPDF military operations have contributed to the arming of large numbers. UPDF have trained the militia of their Ituri commercial allies...

#### 22. Response

- The allegation that UPDF is involved in stealing of cattle in Bunia is false. However, if individual have been involved, the panel should be able to give the number of cattle stolen, and the officers involved and from which units these officers came for necessary disciplinary action by Government.
- The alleged statement of proof about Col. Mayombo signing a document as an official representative of Uganda Government is not only untrue but also seems to be consistent with the falsehood the panel either decided to swallow or is deliberately peddling itself. The panel had a chance to meet Mayombo but could not raise a question about the claim to him. This method of doing work casts doubt on the transparency of the panel in gathering information.
- Apart from it being a lie, it creates an impression that UPDF units in the DRC could depend on \$25,000 a month. It is ridiculous to state that UPDF depends on \$25,000 to stay in the DRC.

#### 23. Allegation 5

Paras 102, 103,121,122 contain a muddled analysis of the power play in Eastern DRC resulting into some important conclusion:

That Lt. Gen. Saleh is training private militia ... made up of RCD, Congo  
 That UPDF officers are intent on breaking up MLC in order to boost members from Red-Congo  
 That there is an attempt to replace Mbusa Nyamisi with Roger Lumbala of RCD Nationale  
 Thomas Lubanga is replacing Mbusa Nyamisi in Ituri etc.

#### 24. Response

- RCD Congo is a splinter group from RCD Goma and is allied to Kinshasa following the Sun City Agreement and is therefore not anybody's personal militia.
- Roger Lumbala of RCD Nationale is allied to MLC of Jean Pierre Bemba. RCD Nationale has been in conflict with RCD K/ML. So its leader is not being groomed by any party to replace Mbusa Nyamwisi.
- There is no evidence adduced to suggest that UPDF officers are in the process of undermining Bemba, to bring about his downfall.
- RCD K/ML is allied to the Kinshasa government and has been receiving military and other support from the Kinshasa government
- RCD K/ML has been arming and training the Lendu against the Hema in Ituri region. So Hema elements within RCD K/ML have consequently deserted to form the UPC under former RCD K/ML Defence Minister Thomas Lubanga.
- The UPC has sought alternative sources of arms citing refusal of UPDF to arm them.
- The Hema Lendu conflict is historical and is about land is there not a result of arrival of UPDF in Ituri.
- Ituri is not the most resource rich area where UPDF has been in Congo. The other areas vacated by UPDF are devoid of ethnic strife. That UPDF is fanning ethnic conflict to maintain criminal elite networks is therefore preposterous.

#### 25. Allegation 5.

That 165 children between 14-16 years of age were recruited and trained at a UPDF military camp at Kyankwanzi in Uganda. (Para 129)

#### 26. Response

Kyankwanzi is a National Leadership Institute and not a military training camp. The children were rescued from a mutiny by Mbusa Nyamwisi and John Tibasiima against the

leadership of RCD-K under Prof. Wamba dia Wamba in Bunia and taken to the Kyankwanzi leadership Institute for care and counseling in 2001. The children were subsequently handed over to UNICEF Uganda and the Red Cross, which in turn put the children under the care of World Vision at Kiyandongo in Uganda. UNICEF, Kinshasa arranged to receive and re-unite the children with families after the conflict had eased. The unspecified numbers of recruits being trained in unstated location for the extremist Hema militia, 60% of who are supposed to be under 18 have nothing to do with Uganda.

#### **V: ALLEGATIONS AGAINST UGANDAN MILITARY OFFICERS AND OTHER INDIVIDUALS**

27. The Government of Uganda has noted with concern the allegations of continued involvement of Uganda military officers and businessmen in the illegal exploitation of natural resources, diversion of taxes and other revenue generation activities in Eastern DRC.
28. The Government of Uganda established the Judicial Commission of Inquiry into the Illegal Exploitation of Natural Resources of the DRC, May 2001, under the chairmanship of Justice Porter (UK). Other members of the Commission are Justice Berko (Ghana) and Mr. John Rwambuya, a retired Ugandan Senior UN Civil Servant (official). The Porter Commission has cooperated with the UN Panel on a number of source materials/evidence.
29. It should be noted that the final Porter Commission Report will be released soon. The Government of Uganda reiterates its commitment to the implementation of the recommendations of the Report. The Government of Uganda will, therefore, await the release of the Porter Commission Report, before making any comments on the allegations against specific Ugandan senior military officers and business people.

#### **Individual Liability Vs Official Liability:**

30. However, we feel that there is need to comment on the issues where official liability and individual liability have been mixed up. It is not clear from the UN Panel Report to discern allegations of illegality/illicit activities of the individual UPDF offices done in personal capacity from those activities considered illegal/illicit committed while acting in official capacity. For example:

- a). In Para 102 the Report alleges that in anticipation of the withdrawal from DRC by UPDF a paramount force is being trained by Lt. Gen. Saleh which is being prepared to continue to facilitate the commercial activities of UPDF officers after UPDF has departed.

#### **Comment:**

- As a matter of policy and law, Uganda Government does not allow, encourage, or condone the establishment of personal armies in this context, it is important to note that the alleged personal para military force does not exist as explained in paragraph above.
- (b) In Para 122 --- the Panel claims that in order UPDF to formalize the condition for its continued presence, Col. Mayombo (CMI) signed a protocol of Accord with RCD/ML as an official representative of the Government, for a monthly stipend of \$ 25,000 and all. Uganda enterprises approved by UPDF would be exonerated all duties and taxes.



**Comment:**

- The alleged Accord does not exist in government records.
- Col. Mayombo as Chief of Intelligence had opportunity to meet the Panel, and if this Accord existed, the issue should have been raised with him or government of Uganda in order to provide a fair hearing, as required by the Panel's mandate (S/PRST/2001/13).

**VI: OBSERVATIONS OF THE UN PANEL OF EXPERTS**

30. The Uganda Government agrees with the following observations of the UN Panel of experts:

(a) That the situation in the DRC is a consequence of the lack of a central government with the authority and capacity to protect its citizens and resources (Para 149). However it should be noted that this situation is not a new phenomenon, but has been a feature of the recurring history of the DRC from the time of King Leopold of Belgium to the establishment of the predatory state of the late President Mobutu. The four years of war have only exacerbated the already existing situation.

(b) That the early establishment of an all inclusive transitional Government in the DRC would be a positive step towards halting the exploitation of Natural Resources (Para 151). This has been the consistent view of signatories of Lusaka Cease Fire Agreement. However the key to the issue of continued monitoring should be with the new political dispensation in the DRC.

32. Uganda, however disagrees with the following observations:

- a). That the withdrawal of foreign forces will not end the illegal exploitation of natural resources because of the existence of networks to continue with the exploitation there after.(Para 150). In the case of Uganda, there is no proof of the existence of such networks.
- b). That it is the political will of those involved with the networks that would halt the illegal exploitation of resources in the DRC and that the Lusaka, Pretoria and Luanda Agreements do not address the economic component of the conflict (Para 152) The whole observation is incorrect given the following facts:
    - The Lusaka Cease fire agreement and the Luanda agreement are strong and clear statements of political will and commitment.
    - The Lusaka agreement establishes a framework for the building a strong state able to inter-alia create conditions for economic developments.
    - The Sun City resolutions include a chapter addressing financial and economic issues.
    - Article 6 of the Luanda agreement addresses the social economic issues of trade and

investment, which are to be implemented through a Joint Permanent Commission for Cooperation between Uganda and the DRC.

#### CONCLUSIONS OF THE UN PANEL OF EXPERTS

33. Uganda welcomes the conclusion that an Embargo or a moratorium banning exports of raw materials originating in the Democratic Republic of the Congo is not viable because it would hurt the citizens, government and the natural environment.
34. We also welcome the principle of punitive measures to be taken against those who are involved in the illegal exploitation of the natural resources (Para 155). However, any sanctions against individuals or companies should be applied as a result of a judicial process
35. Uganda also agrees with the conclusion that disincentives be enacted to put pressure in case of non-compliance with the Lusaka Cease fire, Pretoria and Luanda Agreements signed (Para 159). This has long been the lacking component to expedite the implementation of these agreements.
36. On the proposal to hold a Regional International Conference on peace, security democracy and sustainable development in the Great lakes region (Para 160). Uganda reiterates it's view that this conference should be held after implementing the Lusaka Cease fire Agreement. This would avoid undermining the regional consensus encapsulated in this agreement and the current momentum of troops withdrawal provided for under the Pretoria and Luanda Agreements. Economic Regional Integration is welcome idea and can be achieved within the framework of African Union/NEPAD.

#### VII: RECOMMENDATIONS OF THE UN PANEL OF EXPERTS

37. Uganda would like to make comments on the following recommendations:

Panel's Recommendation in (Para 162)

Regional economic integration and trade could be the focus of an agreement or set of agreements that could emerge from discussions regionally, including at the International conference on peace, security and sustainable development.

#### Comments:

The International Conference on the Great Lakes Region should be held after the implementation of the Lusaka, Pretoria and Luanda Agreements. However, to avoid duplication and waste of resources the international conference should be held within the framework of the African Union/NEPAD

38. Panel's Recommendation (Para 163)

**Reconstructing and reforming the state institutions of the Democratic Republic of Congo, particularly the state's capacity to secure its territory and borders.**

**Comments:**

- Uganda welcomes the idea of a strong Government in the DRC able to control the country's natural resources and borders so that its territory is not used to destabilize her regional neighbors.

39. Panel's Recommendation (Para 170)

**The Governments of the countries where the individuals, companies and financial institutions that are systematically and actively involved in these activities are based should assume their share of the responsibility.**

**40. Comment**

Uganda welcomes the idea of governments taking responsibility to use the evidence adduced by the panel to subject to trial and conviction of individuals and entities operating within their respective borders. Uganda has established a Judicial Commission of Inquiry headed by Justice Porter and would encourage others, especially the end-user countries to do likewise

41. Panel's Recommendations (paras 174-176)

Restrictions on business enterprises and individuals: Travel bans, Freezing Personal assets of persons involved in illegal exploitation and barring selected companies and individuals from accessing banking facilities and other financial institutions from receiving funding. Comments

- Uganda supports the above measures to be taken provided that the individuals and companies implicated by the UN Panel of experts are first subjected to a judicial process.

42. Panel's Recommendation (Para 179:)

Promotion of post-conflict peace-building programs including regional integration, capacity-building...

**Comments:**

- Uganda strongly supports and endorses the recommendation for the strengthening of regional integration and capacity building as part of the post- conflict peace building program. These should be the priority areas for the UN and the international community to assist Africa in the implementation of NEPAD.

**43. Panel's Recommendations (Para186 &187:)**

There is need for a monitoring process to scrutinize the situation in the Great Lakes region to ensure that those exploitation activities are significantly curbed.

**Comments:**

- Uganda is of the view that after the establishment of a strong and capable central Government in the DRC under the Lusaka Cease fire Agreement and beyond the idea of continued monitoring will not be necessary. In any case the decision on this should be the responsibility of the new political dispensation in the DRC.

**VIII. WAY FORWARD**

44. Uganda remains convinced that the UN Security Council should put priority emphasis on the speedy implementation of the Lusaka Cease-fire Agreement and the supporting agreements made in Pretoria and Luanda. This will lead to the establishment of a new transitional government and state capacity to guarantee against the illegal exploitation of the natural resources and other forms of wealth of the DRC.
45. The speedy implementation of disarmament, demobilization reintegration, repatriation and resettlement (DDRRR) still remains key to peace and Security in the Great Lakes region. Uganda therefore calls upon the UN Security Council to strengthen MONUC and support capacity building programs for peace-keeping/building by African countries in order to implement DDRRR.
46. The way forward for Ituri is through the implementation of Luanda Agreement that provides for the Pacification Commission. The international Community should provide adequate material support for the Ituri Pacification Commission. The UN Security Council at this stage should assume its responsibility and provide adequate deployment of MONUC for the purpose of maintaining law and order in the area, given the fact that UPDF is committed under the Luanda Agreement to complete withdraw from Bunia by 15 December 2002.

47. The proposed international conference on peace, security and sustainable development should take place under the auspices of the UN and AU soon after the establishment of the transitional governments in Burundi and the DRC. Issues to be discussed at the international/regional conference for the Great Lakes should include:

- Post-conflict rehabilitation, reconstruction and development in the Great Lakes Region
- Measures to support the deepening of regional/economic integration especially in infrastructure and human resources development,
- Capacity-building for peace-keeping/building and conflict resolutions.
- Strengthening AU capacity to monitor the post-conflict reconstruction in the context of NEPAD

48. Uganda calls upon the countries cited in the Final Report including the end-user countries, to establish independent Judicial Mechanisms to investigate and recommend appropriate actions on allegations of illegal exploitation of the natural resources of the DRC. The UN Secretary General should cooperate and share information with the member states who wish to establish such judicial mechanisms. Uganda would be happy to share experience from the work of Porter Commission of Inquiry in the illegal exploitation of the natural resources and other forms of wealth of the DRC. It is in the context that individual and companies/entities mentioned can be fairly tried and punished.

Kampala, Uganda.

November 2, 2002

## **UR Annex 104**





## Saleh Given New DRC Assignment

New Vision (Kampala)

NEWS

November 1, 2002

Posted to the web November 1, 2002

By Alfred Wasike

Kampala

PRESIDENT Yoweri Museveni and his Congolese counterpart, Joseph Kabila, have assigned Lt. Gen. Salim Saleh the duty to organise the repatriation of Congolese rebels and government soldiers living in Uganda.

Saleh, a UPDF MP and commander of the National Reserve Force, told the Porter probe into the DRC plunder that he had just returned from Kinshasa for talks with Kabila about his new task.

Saleh, who described his 14-month-long job as "a Great Lakes Region peace-building mission", said the deserters were camped at the Pan African Centre at Namboole, awaiting repatriation.

Saleh trashed the UN panel's report that he leads an intricate network to pillage the former Zaire. He handed over his bank accounts in London and Geneva to prove he was broke and urged Porter to investigate and send his findings to the UN.

"I have not even paid school fees for my two daughters in the USA yet I am being accused of looting the Congo. By the way, what people don't know is that Uganda has more wealth," Saleh, accompanied by his wife, Jovia, said.

He opened his brown leather document folder, yanked out a white piece of paper and gave it to Justice Porter and said, "My lord, these are my foreign accounts. I request that you check. You can see all the transfers since the war in Congo started. If you find any money, let them take it. I want you to help them not to waste time. Let them freeze whatever they find there."

Porter said Saleh must allow the probe to check his wife's accounts, to which Saleh consented.





**UR Annex 105**



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## **Kabila Sacks Leaders of State Mining Company**

### **UN Integrated Regional Information Networks**

NEWS

November 4, 2002

Posted to the web November 4, 2002

Nairobi

President Joseph Kabila has dismissed the leaders of the state diamond mining company, two weeks after its head, Jean-Charles Okoto, was named in a UN expert panel report on the illegal exploitation of the natural resources of the Democratic Republic of the Congo (DRC), news agencies reported over the weekend.

The government, however, denied that the dismissal of Okoto and colleagues at the Miniere de Bakwanga (Miba) was linked to UN report. "This measure by the president has nothing to do with the report of the UN panel," the DRC government spokesman, Kikaya Bin Karubi, was quoted as telling AP on Saturday.

"These managers were appointed by [late President] Laurent [-Desire] Kabila in 1997, during a time of war, but now that the war is over, we want to appoint a new board of directors and change the management structure," Kikaya was quoted as telling Reuters on Sunday.

The report, released on 21 October, said that despite the withdrawal of foreign forces from the DRC, "elite criminal networks" had become so deeply entrenched that continued illegal exploitation of the country's natural resources was assured, independent of the physical presence of foreign armies. It named Okoto as one of the chief figures in the "elite network" of the DRC government and allied Zimbabwe forces.

[For the complete report, go to <http://daccess-ods.un.org/doc/UNDOC/GEN/N02/621/79/pdf/N0262179.pdf?OpenElement>]

In a related development, several parties named in the UN report have denied involvement in the illegal pillage of DRC resources.

The government of Uganda has largely rebuffed the latest report from the United Nations Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC, but said it would await the results of its own independent judicial inquiry before making any comments on allegations against specific Ugandan senior military officers and business people.

"Contrary to the Panel's assertion that it relied on documentary and corroborated

evidence/information, the United Nations Panel continues to rely on hearsay/uncorroborated information," Ugandan Foreign Minister James Wapakhabulo said on 23 October. He added that the report contained numerous flaws and factual errors, observing that it had ignored "Uganda's legitimate security concerns" for being present in the DRC.

He added that the government of Uganda was preparing a detailed response to the report, and that Uganda's own judicial commission of inquiry would soon be releasing its own report.

Meanwhile, two other parties named in the UN report, DRC Minister of National Security Mwenze Kongolo and a Belgian businessman, George Forrest, offered their own rebuttals.

In a letter to UN Secretary-General Kofi Annan at the end of October, Kongolo said the panel had never spoken with him and requested copies of all documentation allegedly linking him to illegal activity. Along with Okoto, Kongolo was named as one of the chief figures in the "elite network" of the DRC government and allied Zimbabwe forces. "I reserve the right to use all means made available under the law so that my dignity, reputation and my honour, which have been seriously tarnished by this report, be restored," he said.

In a five-page news release issued at the end of October, Forrest and his associated companies offer a detailed denial of charges levied against them, accusing the panel having failed to produce any evidence. The statement also demanded to know why the panel never met with them, nor offered the Forrest Group an opportunity to respond to the many allegations the panel made against them.

"The Group of experts has undoubtedly wished to hit hard, but by refusing to meet with the Forrest Group and to listen to them, the experts have intentionally committed very serious negligences, causing at an international level the devastation of the commercial reputation of the Forrest Group and endangering its economical survival, for which, without any possible discussion, the responsibility lies on the group of experts," the statement said.

It called upon Annan "to intervene urgently within his Organisation in order to put an end to the defamation and the assault on the honour and commercial reputation suffered by the Forrest Group without any known reason".

[The complete communique, available in French and English, can be found at <http://www.forrestgroup.com/>]

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**UR Annex 106**



United Nations

S/PV.4642



# Security Council

Fifty-seventh year

Provisional

## 4642<sup>nd</sup> meeting

Tuesday, 5 November 2002, 10 a.m.  
New York

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<i>President:</i>	Mr. Zhang Yishan .....	(China)
<i>Members:</i>	Bulgaria .....	Mr. Tafrov
	Cameroon .....	Mr. Tidjani
	Colombia .....	Mr. Valdivieso
	France .....	Mr. Levitte
	Guinea .....	Mr. Traoré
	Ireland .....	Mr. Corr
	Mauritius .....	Mr. Jingree
	Mexico .....	Mrs. Arce de Jeannet
	Norway .....	Mr. Strømme
	Russian Federation .....	Mr. Konuzin
	Singapore .....	Mr. Mahbubani
	Syrian Arab Republic .....	Mr. Atieh
	United Kingdom of Great Britain and Northern Ireland .....	Sir Jeremy Greenstock
	United States of America .....	Mr. Williamson

## Agenda

The situation concerning the Democratic Republic of the Congo.

Letter dated 15 October 2002 from the Secretary-General addressed to the President of the Security Council (S/2002/1146).

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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.



*The meeting was called to order at 10.15 a.m.*

#### **Expression of thanks to the retiring President**

**The President** (*spoke in Chinese*): As this is the first meeting of the Security Council for the month of November, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Martin Belinga-Eboutou, Permanent Representative of Cameroon to the United Nations, for his service as President of the Security Council for the month of October 2002. I am sure I speak for all members of the Council in expressing deep appreciation to Ambassador Belinga-Eboutou for the great diplomatic skill with which he conducted at 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 15 October 2002 from the Secretary-General addressed to the President of the Security Council (S/2002/1146)**

**The President** (*spoke in Chinese*): I should like to inform the Council that I have received letters from the representatives of Belgium, Denmark, the Democratic Republic of the Congo, Oman, Rwanda, South Africa, Uganda and Zimbabwe, 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 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.

On behalf of the Council, I welcome the Third Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Uganda, His Excellency The Honourable James W. Wapakhabulo.

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

*At the invitation of the President, Mr. Ileka (Democratic Republic of the Congo) took a seat at the Council table; Mr. De Ruyt (Belgium), Ms. Løj (Denmark), Mr. Al-Hinai (Oman), Mr. Gasana (Rwanda), Mr. Kumalo (South Africa) and Mr. Muchetwa (Zimbabwe) took the seats reserved for them at the side of the Council Chamber.*

**The President** (*spoke in Chinese*): 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 His Excellency Mr. Mahmoud Kassem, Chairman of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo.

It is so decided.

I invite Mr. Kassem to take a seat at the Council table.

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

I should like to call the attention of members to the following documents: S/2002/1187, letter dated 23 October 2002 from Rwanda, transmitting a statement and the reply by its Government on the final report of the Panel of Experts; S/2002/1199, letter dated 25 October 2002 from South Africa; S/2002/1202, letter dated 25 October from Uganda, transmitting a statement by its Government on the final report of the Panel of Experts; S/2002/1207, letter dated 28 October 2002 from Rwanda; and photocopies of a letter dated 4 November 2002 from Rwanda, which will be issued as a document of the Security Council under the symbol S/2002/1221.

I give the floor to the Honourable James Wapakhabulo, Third Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Uganda.

**Mr. Wapakhabulo** (Uganda): It is a great pleasure for me to address members of the Council on the final 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/2002/1146). I am particularly happy to see you, Sir, presiding over the proceedings of the Council. Africa

will always remember the commitment and support extended by the People's Republic of China to our people in the struggle for independence, justice, peace and sustainable development. I can assure you of my delegation's continued cooperation in the search for peace and stability in the Great Lakes region. Allow me also to congratulate your predecessor, Ambassador Belinga-Eboutou of Cameroon, for the excellent manner in which he guided the work of the Council in October.

I would also like to thank the Secretary-General for his commitment to conflict resolution and peace-building in Africa and for his dedication to a broad, sustained and global fight against terrorism. His Special Representative for the Democratic Republic of the Congo, Ambassador Namanga Ngongi, and his Special Envoy, His Excellency Mr. Moustapha Niasse, have traversed the Great Lakes region and beyond to ensure progress in the implementation of the Lusaka Ceasefire Agreement and of the related Pretoria and Luanda Agreements, and the finalization of the inter-Congolese dialogue on the establishment of an all-inclusive transitional government in the Democratic Republic of the Congo.

Thanks to the support of the Security Council and the Governments of South Africa, Kenya, Gabon and Tanzania, prospects for peace in the Great Lakes region seem greater than ever before. We are most obliged to all members of the Council for the interest and commitment they have collectively shown on issues relating to the maintenance of peace and stability in Africa. Indeed, the annual visits by Council members to the Great Lakes region since 2001 are a clear demonstration of the Council's commitment.

The Government of Uganda has welcomed the release of the final 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 wish to thank the Security Council for giving us the opportunity to respond to the contents of the final report.

We have prepared a detailed response to the final report, which has already been circulated in document S/2002/1202. It covers the strengths and critical weaknesses of the report. It responds to the major categories of allegations against the Uganda People's Defence Forces and outlines Uganda's views on the overall picture and on the challenges before the

Security Council in the search for peace in the Great Lakes region.

With respect to Uganda's position on the principle of investigation, the Council will recall that in 2000 His Excellency President Yoweri Museveni gave his personal and strong support to the proposal to establish a United Nations panel to investigate allegations of illegal exploitation of natural resources of the Democratic Republic of the Congo. Since 2001, Uganda has extended its maximum cooperation to Panel members, during their visits to Kampala in November 2000, August 2001 and March and September 2002.

With the endorsement of the Security Council, Uganda established in May 2001 the Porter Judicial Commission of Inquiry to investigate allegations against Ugandan military officers, individuals and companies in connection with the illegal exploitation of the natural resources of the Democratic Republic of the Congo. As stipulated by our Commission of Inquiry Act, the Porter Commission has the judicial powers of the High Court of Uganda, including the power to subpoena witnesses and documents and to perform audits. I should say here that the Porter Commission has cooperated with the United Nations Panel, including through the exchange of information and materials.

The final report of the Porter Commission is expected by the middle of this month. Its mandate expires on 15 November, so it should be reporting any time now. The Government of Uganda will therefore await the release of the Porter Commission report before making any comments on allegations against specific Ugandan senior military officers and business people that are contained in the final report of the United Nations Panel. The Government of Uganda reiterates its commitment to the implementation of the recommendations of the report. Uganda — and this is important — will without doubt keep the United Nations security Council advised of whatever measures it takes in implementation of the recommendations of the Porter Commission.

Uganda is a country that became involved in the Democratic Republic of the Congo out of genuine security concerns. We believe that, in the interest of promoting peace in the Great Lakes region, there should be transparency in the activities of parties involved directly or indirectly in the Democratic Republic of the Congo.

I will now comment on the positive aspects of the Panel's final report. As pointed out in my press statement of 23 October 2002, the Government of Uganda has noted that the final report contains a number of positive elements.

The report recognizes the fact that the Republic of Uganda established the Porter Judicial Commission of Inquiry as an internal mechanism to address the allegations of illegal exploitation of the natural resources of the Democratic Republic of the Congo, in accordance with the Security Council recommendations contained in the presidential statements of 3 May (S/PRST/2001/13) and 19 December 2001 (S/PRST/2001/39). The United Nations Panel also made a positive effort to cooperate and share information with the Porter Commission, in spite of the marked differences between the Panel and the Commission on methods of investigation.

The report also confirms the fact that neither the Ugandan Government nor any of its companies are involved in the illegal exploitation of the natural resources of the Democratic Republic of the Congo. Indeed, the addendum to the previous report of the United Nations Panel (S/2001/1072) concluded that Uganda's involvement in the Democratic Republic of the Congo was based on, first, a bilateral protocol between Kampala and Kinshasa of 26 April 1998 and, secondly, the legitimate security concerns emanating from the threat posed by the negative forces operating in eastern Democratic Republic of the Congo: the Allied Democratic Forces, the West Nile Bank Front, the Ugandan National Rescue Front II and the more recently formed People's Redemption Army.

The report also shares Uganda's view that an embargo or moratorium on exports of natural resources from the Democratic Republic of the Congo would not be a "viable means of helping to improve the situation of the country's Government, citizens or natural environment" (S/2002/1146, para. 155). As Uganda stated in its response (S/2001/1163) to the addendum to the first report, such a moratorium not only would be difficult to enforce but, in a very large measure, would hurt the Congolese small-scale farmers and artisan miners whose livelihood depends entirely on earnings from the traditional cross-border trade.

The report also positively covers more, and a wider range of, participants by covering the end-user countries. By doing so, the final report provided the

missing link and, in our view, improved the scope of the investigation to cover all parties involved in the Democratic Republic of the Congo. Indeed, in our view, a deeper historical analysis of companies and criminal organizations based outside Africa would have definitely helped create a proper understanding of the failure to build viable State institutions and structures in the Democratic Republic of the Congo since the era of King Leopold II of the Belgians.

Also positively, the report also focuses on recommendations that will create conditions and incentives for encouraging all parties to implement their obligations under the Lusaka Ceasefire Agreement, the related Pretoria and Luanda Agreements and the Sun City resolutions. They relate also to deepening regional integration; calling for strong international financial support for building State institutions in the Democratic Republic of the Congo; post-conflict reconstruction in the Democratic Republic of the Congo and regional neighbours; deterring international organized crime syndicates from continued illegal activities in the Democratic Republic of the Congo.

We in Uganda found these to be positive aspects of the Panel of Expert's report. But we also had difficulties, and we have areas we consider to be of concern to us. I will outline these. The first is the downplaying of Uganda's security concerns in the eastern Democratic Republic of the Congo. Unlike the addendum report of November 2001 (S/2001/1072), the final report completely ignores Uganda's legitimate security concerns as recognized in the Lusaka Ceasefire Agreement, the relevant Security Council resolutions, and the bilateral agreement between Uganda and the Democratic Republic of the Congo signed on 6 September 2002 in Angola.

Let me reiterate that Uganda got involved in the Democratic Republic of the Congo as a result of genuine security concerns. These included the operations of the terrorist groups I mentioned earlier and other forces such as the genocidal members of the former Rwandan Armed Forces (ex-FAR) and Interahamwe. Those groups have used the territory of the Democratic Republic of the Congo to launch persistent and indiscriminate terrorist attacks on the people of Uganda.

I will cite a few examples. This included the grisly incidents at Mpondwe in 1996, when more than

1,000 troops invaded Uganda from the Democratic Republic of the Congo at a border point called Mpondwe and at Kichwamba in 1998, where more than 100 college students were locked up in their dormitory and killed. I would also cite the Bwindi terrorist massacres of 1999, in which foreign tourists — from Britain, the United States, Australia and New Zealand — were killed, together with Ugandans. Bwindi forest is one of the last gorillas sanctuaries in the world. There continue to be persistent Interahamwe attacks in the Kisoro district of Uganda on the border with Democratic Republic of the Congo.

Another area of concern to us is the application of an invalid hypothesis to find Uganda guilty. There is the hypothesis of the elite networks, which are claimed to have curved out separate self-financing areas and to be responsible for the continuation of microconflicts over natural resources and revenues in the Democratic Republic of the Congo. This hypothesis, to us, is fundamentally flawed and invalid. A simple analysis will show that the basic assumptions of the hypothesis are wrong: the evidence of the existence of Ugandan elite networks is untenable and the motive of the hypothesis, to us, is ill-intentioned. I will elaborate on this.

The hypothesis makes the incorrect assumption that the Rassemblement Congolais pour la Démocratie-Mouvement de Libération (RCD-K/ML) and the Mouvement de libération Congolais (MLC) are mere façades and militias in the so-called Ugandan-controlled area. Since May 2001, Uganda has withdrawn from the Democratic Republic of the Congo; recently we withdrew from Beni and Gbadolite. We are left with one battalion, which remains in Bunia at the request of the Secretary-General, conveyed in his letter of May 2001, and also in accordance with the provisions of the Luanda Agreement between the Democratic Republic of the Congo and Uganda. My country is still committed to complete withdrawal, even from Bunia itself, and I will comment on this later. But I would like to say that the MLC and the RCD are right now effectively responsible for the administration of the areas under their respective control, and are not just façades; they actually control territory and are recognized under the Lusaka Ceasefire Agreement and by the Security Council.

The Panel of Experts does not appear to be cognizant of the history of the Democratic Republic of the Congo since the time of King Leopold II —

including the fact that Uganda has been a victim of repeated terrorist attacks from that country's territory — when it says that Uganda really went there to loot. Furthermore, we find no evidence of the creation of an elite network in the so-called Uganda-controlled area.

We find the composition of the Panel of Experts and their method of investigation not to demonstrate a capacity to sift through deliberate falsehoods, war propaganda and political intrigue involved in the conflict in the Democratic Republic of the Congo. This may be due to the fact that membership of the Panel constantly changed, which also created some weakness.

But in a conflict such as that in the Democratic Republic of the Congo, one has to be careful when listening to or believing any evidence. For instance, the Panel believed the testimony of some Lendu chiefs that the Hema are responsible for protecting mineral-rich areas for purposes of exploitation. What we know is that it is not wise to believe what a Lendu says about a Hema, and vice versa. We also found it professionally dishonest to extrapolate data from one area of the vast Democratic Republic of the Congo to try to prove that, in the area where Uganda is, similar situations, such as deaths, are of the same magnitude. Even in my own country, one part of Uganda cannot be used to extrapolate for another.

More so, it is contrary to the mandate issued by the Council that the Panel elected in most cases to overlook the requirement for the inclusion of comments and reactions from States and other actors cited in the report. That was a major weakness in the work of the Panel. We can illustrate this by citing a number of examples. In paragraphs 102, 103 and 122, the Panel makes a muddled analysis of the recent power play in the eastern Democratic Republic of the Congo, and wrongly concludes that General Saleh, a retired Uganda People's Defence Forces (UPDF) officer, is training a private militia, that Uganda is intent on breaking up MLC to boost the Rassemblement Congolais pour la Démocratie (RCD-Congo), and that there is an attempt to replace Mbusa Nyamwisi with Roger Lumbala of the Rassemblement Congolais pour la Démocratie-Nationale (RCD-N).

Those who know the Congo can explain that the politics of the area is as follows: RCD-Congo is a splinter group of RCD-Goma; they disagreed with each other following the Sun City agreement, signed in

South Africa. Roger Lumbala is actually allied to Jean-Pierre Bemba and the MLC. There is no evidence to suggest that UPDF officers are in the process of undermining Bemba to bring him down. To the contrary, Bemba remains a close ally of Uganda. RCD-ML is allied to the Kinshasa Government and has been receiving military and other support from it in an attempt to open a rear front against Bemba; hence the fight between Mbusa Nyamwisi and Lumbala in the Isiro area. RCD-ML has been arming and training the Lendu against the Hema in the Ituri region. So, Hema elements have consequently deserted to form their own army under former RCD-ML Defence Minister Thomas Lubanga. The Union des Patriotes Congolais (UPC) has been seeking alternative sources of arms because we have refused to give them arms. Importantly, the Hema-Lendu conflict is historical, and not a result of the fact that UPDF went to Ituri.

The allegations that the UPDF is involved in commercial operations (para. 122) and that the Chief of Military Intelligence, Colonel Mayombo, signed a Protocol d'Accord on 22 February 2002 in exchange for a monthly stipend of \$25,000 and exemption from taxes are, in our view, based on forged documents. The Panel had a chance to meet Colonel Mayombo in Kampala, but it never took advantage of this to clear this sort of material. It should have met authorities of the Uganda Government if they were in doubt. But there is no such Protocol d'Accord, as alleged in the report. And when you look for the evidence, there is no corroborating evidence. The Panel claimed that its findings would be based on the testimony of eyewitnesses and that it would operate under reasonable standards of proof, with fairness and objectivity. Unfortunately, the final report still contains serious factual errors, uncorroborated information, contradictions and clear distortions. The uncorroborated allegations against UPDF and those against the Government of Uganda could have been checked up on if the Panel had cared to do so. Let me comment on some of them to illustrate the point that I am making about serious errors.

In paragraphs 12, 14, 101 and 102, the Panel alleges that the UPDF presence is the cause of the instability in the Ituri area and that it is designed to create conditions for the continued illegal exploitation of the resources of the Democratic Republic of the Congo. I wish to point out that the UPDF remains in the Democratic Republic of the Congo at the request of

the Secretary-General. We could have moved out completely, because we gave notice in July last year that we would do so. It remains there as a stabilizing force. Otherwise the process of the Lusaka Cease-fire Agreement in that area would have collapsed.

We were requested by the Secretary-General to withdraw UPDF from the area in the context of the Kampala disengagement plan. Through a special envoy, Uganda had notified the Secretary-General of its withdrawal from the Lusaka process and, therefore, of the unilateral withdrawal of its forces from the Democratic Republic of the Congo. Uganda has signed bilateral agreements with the Democratic Republic of the Congo, such as one signed in Angola; that will provide for the total withdrawal of UPDF and the creation of the Joint Pacification Committee on Ituri. I will return to that after I have addressed a number of other issues.

The Hema-Lendu conflict is historical and was triggered by a fight over land. The late Mobutu Sese Seko sided with the Hema and gave land to them, to the annoyance of the Lendu. We found this conflict there when we went into Bunia. We did not create the conflict, as seems to be alleged by the Panel. In fact, the situation is that, where Uganda has withdrawn — as in Gbadolite, Gémena, Buta and Beni, — there is relative peace. Many of those areas have more natural resources and larger populations than Bunia, where there has been persistent Hema-Lendu ethnic conflict over land. In other words, why should we leave Buta and Gémena and come to set up business operations and networks in a conflict-prone area? Right now, Uganda is prospecting for hydrocarbons and other minerals in areas adjacent to Ituri. What we need when we do this is peace in the neighbourhood, not confusion.

I will clarify that we are drilling for oil in the area on the floor of the Rift Valley, with very good prospects. We do not want war or conflict in the neighbourhood so that we spend our time managing refugees instead of drilling in our area as we are doing right now. As proof of the creation of conditions for the continued presence of UPDF for commercial operations, the Panel alleges that a Protocol d'Accord was signed on behalf of Uganda; as I said, that Protocol does not exist.

The Panel then alleges that UPDF is maintaining local militias in the eastern Democratic Republic of the

Congo to protect elite networks. I should point out that Uganda, through UPDF, has never trained any personal militias. But what we can say is that the Uganda Government has trained armies on behalf of its allies, namely the MLC and the RCD. The trained troops in the hands of the MLC continue to provide effective security and administration in the area under MLC control. Unfortunately the RCD has suffered numerous divisions in its leadership. As a result, some of the troops are under Mbusa Nyamwisi, in North Kivu, in the Beni-Butembo area. Others are under the former Defence Minister, Thomas Lubanga, who has since formed his own political group. The confusion in the report arises from the fact that the Panel did not understand those political situations in the area.

The fact that reference is made to UPDF as running militia groups that operate through intimidation is totally untrue. We operate on a very strict code of conduct, and many of our development partners here have complained to us that we are sometimes too strict in our application of our statute on the code of conduct. In fact they call it harsh, to say the least.

The United Nations Panel tries to hit a soft target by making a false allegation that 165 children between the ages of 14 and 16 were recruited and trained at a UPDF military camp at Tchakwanzi, in Uganda. The Council may wish to know the facts regarding this allegation, because it is serious and it involves children. Tchakwanzi is not a UPDF camp. It is a political school where we take our children for education in political matters. The children in question were rescued from a mutiny by Mbusa Nyamwisi and John Tibasima against Professor Wamba dia Wamba in Bunia, and we took them to Kampala or to Entebbe, complete with their weapons, and disarmed them as a way of assuring that there would be no deaths. I was in charge of that school because I was then national political commissar and we took those children to that place for counselling and for care. The children were subsequently handed over to the United Nations, which processed them and sent them back to their parents. No other training of children is known to us.

What is the way forward? Uganda remains convinced that the Security Council should put priority emphasis on the speedy implementation of the Lusaka Cease-fire Agreement and the supporting agreements made in Pretoria and Luanda. That would lead to the establishment of a new transitional government and a State capacity to guarantee against the illegal

exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo.

Uganda believes in the speedy implementation of programmes for disarmament, demobilization, reintegration and repatriation or resettlement (DDRRR) which remain key to peace and security in the Great Lakes region. We have sorted out our programmes but, as I said earlier, Interahamwe continues to harass our territory in Kisoro. Therefore, Uganda calls upon the Security Council to strengthen MONUC and to support capacity-building programmes for peacekeeping and peace-building by African countries in order to implement DDRRR programmes.

The way forward for Ituri is through the implementation of Luanda Agreement, which provides for the creation of the Joint Pacification Committee on Ituri. The international community should provide adequate material support to the Committee. At this stage, the Council should assume its responsibility and provide adequate deployment of MONUC for the purpose of maintaining law and order in the area, given that UPDF is committed under the Luanda Agreement to complete withdrawal from Bunia by 15 December 2002.

This is a very serious matter. Under the Agreement we signed in Luanda, we said that on D-day — 6 September — plus 50 days Uganda was to submit a detailed plan of how we propose to withdraw from Bunia, and I will check whether we have done so. On D-day plus 70, which is next week, Uganda begins to withdraw troops from Bunia. And on D-day plus 100, which is 15 December, Uganda completely withdraws UPDF troops from Bunia. So, under the Agreement, the Council has to tell us what to do, because very soon, by virtue of the agreement, we shall be going out; this is to be completed by 15 December.

In our view, the proposed international conference on peace, security and sustainable development should take place under the auspices of the United Nations and the African Union (AU) soon after the establishment of a transitional government in the Democratic Republic of the Congo and a ceasefire in Burundi. Issues to be discussed at the conference, in our view, should be: post-conflict rehabilitation, reconstruction and development in the Great Lakes region; measures to support the deepening of regional economic integration, especially in the areas of infrastructure and human resources development; capacity-building for peacekeeping and

conflict resolution; and strengthening African Union capacity to monitor post-conflict reconstruction in the context of the New Partnership for Africa's Development (NEPAD).

Uganda calls upon the countries cited in the final report, including the end-user countries, to establish independent judicial commissions of inquiry to investigate and recommend appropriate measures on allegations of illegal exploitation of the Democratic Republic of the Congo. The Secretary-General should cooperate and should share information with Member States who wish to establish such judicial mechanisms. Uganda would be happy to share with other countries the experience of our Porter Commission of Inquiry in this respect. It is in such a context that individual companies and entities mentioned can, in our view, be fairly tried and punished.

In conclusion, let me say that we should focus on the big picture. Today, as I said earlier, we stand at the crossroads of a major breakthrough for peace in the Democratic Republic of the Congo, Burundi and in the Sudan through the Machakos process. The prospects for peace in the Great Lakes region have never been greater. The ongoing inter-Congolese dialogue in Pretoria has finalized agreement on a power-sharing arrangement for a transitional government in the Democratic Republic of the Congo. The intransigent Burundi rebels are expected to join the transitional government sometime in the near future, as far as we can see from what is going on in Dar es Salaam. And for the first time in history, President Al-Bashir of the Sudan and General Garang of the Sudan People's Liberation Army (SPLA) met in Kampala in mid-2002. In our view, the challenge before the Council, therefore, is to seize the moment and focus on the big picture, establishing the necessary conditions for peace, stability, regional integration and development in the Great Lakes region.

In our view, the Security Council should, therefore, while protecting the wealth of the Democratic Republic of the Congo, focus on five key elements of the big picture. The first is to strengthen United Nations Security Council support for the implementation of the Lusaka Ceasefire Agreement, the related Pretoria and Luanda Agreements and the inter-Congolese dialogue resolutions which were arrived at with a view to establishing an all-inclusive transitional government in Kinshasa. In my capacity as incoming Chairman of the Political Committee of the

Lusaka Agreement, I promise to work closely with the Council on this issue.

Secondly, we would like to see support for regional and subregional integration in the framework of the African Union and NEPAD. In our case, the East African Community will soon agree on a customs union to pave the way for the admission of Rwanda and Burundi. As Chairman-in-Office of the East African Council of Ministers, I must applaud Ambassador Kassem's Panel in respect to this question of regional integration, which is supposed to help resolve some of the issues in our area.

Thirdly, we advocate strengthened cooperation among the United Nations as a whole, the Security Council, the African Union and the subregional security mechanisms in the resolution and prevention of conflict at the regional and continental levels in Africa as a solid basis for the implementation of NEPAD. Uganda will soon assume the leadership of the Intergovernmental Authority on Development (IGAD), a very important regional body. I can assure the Council that the efforts of my President as head of IGAD and mine as Chairman of the Council of Ministers of that body will be applied towards the realization of peace in Sudan and Somalia.

Fourthly, we would like the United Nations to encourage all countries cited in the Panel's report to establish independent judicial commissions of inquiry and to report back to the United Nations on measures to implement the relevant recommendations.

Finally, we call again on the Council to find immediate ways to ensure adequate MONUC deployment in Ituri for the maintenance of law and order as the Uganda People's Defence Forces withdraw from Bunia by 15 December 2002.

I apologize for having taken so long, but this is a very important matter, and I thank the Council for having given me the opportunity to make a contribution to this very important body of the United Nations, the Security Council.

**The President** (*spoke in Chinese*): I thank the Third Deputy Prime Minister and Minister for Foreign Affairs of Uganda for the kind words he addressed to me and, especially, to my country.

I should like to inform the Council that I have received a letter from the representative of Canada, 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. Heinbecker (Canada) took the seat reserved for him at the side of the Council Chamber.*

**The President** (*spoke in Chinese*): The next speaker on my list is the representative of South Africa. I invite him to take a seat at the Council table and to make his statement.

**Mr. Kumalo** (South Africa): I thank you, Mr. President, for allowing us to participate in this important debate. I would like at the outset to thank the Permanent Representative of Cameroon, the Council President for October. We were proud of the way he steered the work of the Council. We welcome you, Sir, as President for this month and wish you the best as you proceed with your work.

My delegation affirms its support for the work of the Security Council, together with its subsidiary bodies, such as the sanctions Committees, monitoring mechanisms and expert panels. We consider these bodies to be mechanisms for contributing to peace by following up on the mandatory implementation of Security Council resolutions.

We believe that the work of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo complements peace efforts in the Great Lakes region. The report of the Panel of Experts (S/2002/1146) is useful in highlighting the impact of the illegal exploitation of the natural resources of the Democratic Republic of the Congo in fuelling the conflict in the Great Lakes region. All the agreements reached in resolving the conflict in the Democratic Republic of the Congo will not be implemented as long as there is a belief that war is more profitable than peace.

The Security Council is well aware of the commitment the South African Government has made towards achieving a peaceful resolution of the conflict in the Democratic Republic of the Congo, as well as that in the wider Great Lakes region. My Government

believes that the achievement of peace in the Democratic Republic of the Congo is essential for contributing to the renewal of the African continent and the achievement of the goals of the New Partnership for Africa's Development (NEPAD).

However, we would like to inform the Security Council that South Africa is disappointed with the content of the final report presented to the Council by Ambassador Mahmoud Kassem. We are disappointed in the methodology the Panel used in gathering its information and in the conclusions and recommendations the Panel sets out in its report. South Africa would urge that the Security Council require the Panel to further investigate and substantiate the allegations and recommendations made in the report. We believe that the Panel's report contradicts the aims and the intentions of the Security Council.

As a matter of principle, my delegation is of the view that, when the Security Council establishes bodies to assist in the follow-up work of the Council, those bodies must follow clearly established guidelines in conducting their work. These should include close cooperation and consultations with Governments. It is therefore not acceptable that an expert panel, given an opportunity to meet with Government authorities, withholds information on matters that are of concern to the Governments involved. Yet Governments are supposed to further investigate allegations of interest to panels without being given basic information. In other words, we would hope that panels are there to assist Governments in carrying out the requirements of relevant Security Council decisions.

The South African Government met several times with the Panel. The Panel expected the South African authorities to conduct further investigations and to undertake any steps that might be necessary. However, South African Government authorities were expected to conduct an investigation with either little or no information. The Panel's report shows that the Panel had in its possession much information that could have been of assistance to further investigations. However, the Panel chose not to divulge that information, other than to use it as supposed evidence in its report.

I should like to use this opportunity to address some of the issues that have been raised by the Panel with regard to South Africa, to South African-based companies and to individuals. In paragraph 31, the report states:



“Also working with ZDF is a convicted criminal based in South Africa, Nico Shefer, who has arranged for Zimbabwean officers to be trained in diamond valuation in Johannesburg. Mr. Shefer’s company, Tandan Holdings, has a 50 per cent stake in Thorntree Industries, a joint venture diamond-trading company with ZDF.”

On 14 June 2002, the South African Government was requested by the Panel to provide information concerning the trading — whether openly or clandestinely — of Congolese diamonds in South Africa or the transport of Congolese diamonds through South Africa by the Minerals Business Company (MBC). It was stated by the Panel that the South-African-owned or -based company Thorntree Industries reportedly has an agreement with MBC to trade its shipments of Congolese diamonds. On 31 July 2002, the South African Government informed the Panel that it had no information to verify the allegation concerning the transport through South African territory of diamonds bought by Thorntree Industries. It should also be noted that the issue of Mr. Shefer’s arranging for Zimbabwean officers to be trained in diamond valuation in Johannesburg has never been raised with the South African Government by the Panel. The question of Mr. Shefer and Thorntree Industries is similarly raised in paragraph 58 of the report.

In paragraph 52, the report states:

“Mr. Al-Shanfari instructed his security chief to smuggle diamonds from the Sengamines concession to Johannesburg, South Africa, and deliver them to Ken Roberts, the chief executive of Serengeti Diamonds.”

That information has never been shared with the South African Government, nor has it ever been the subject of an inquiry addressed to the South African Government by the Panel.

In paragraph 139, the report identifies South Africa as one of 11 African States through whose territory goods originating in the Democratic Republic of the Congo are likely to pass. The Panel further states that it submitted questions to all of those countries and held substantive discussions with government representatives from five of them. The Panel inquired about relevant legislation, investigations into the flow of the commodities, measures taken to curb those flows, other possible action to be taken and those Governments’ needs for assistance. According to the

report, virtually none of the countries that responded to the Panel’s questions had conducted any investigations or adopted any specific procedures for the identification or inspection of the transiting of commodities from the Democratic Republic of the Congo.

The report goes on to state that South African officials confirmed the seizure of a sizeable clandestine shipment of diamonds from the Democratic Republic of the Congo, but it provides no details. Also stated is that none of the authorities in those countries gave any indication that Congolese resources traded through their territories should or could be regarded as conflict goods, and that almost none of the countries proposed any meaningful measures to help curb trade in Congolese commodities that are tainted by criminality and militarization.

In September 2001, the Expert Panel approached South Africa regarding procedures followed by South African law enforcement agencies in combating smuggling activities and organized crime, as well as a chart clarifying the division of authority and the responsibilities of various authorities. On 14 June 2002, the South African Government provided a detailed description of the role and the functions of law enforcement agencies in South Africa. In addition, the Government provided the Panel with details of relevant legislation utilized in curbing smuggling and organized crime. The Government stated, however, that the South African law enforcement agencies are not aware of any significant or organized groups that are engaged in smuggling or other illegal activities involving diamonds, gold, coltan or other natural resources originating from the Democratic Republic of the Congo. The Panel had asked the South African Government for examples of actual cases of smuggling made by the South African law enforcement agencies originating from the DRC and countries involved in the conflict. The information provided by the South African authorities confirmed that a national of the Democratic Republic of the Congo had been arrested at Johannesburg International Airport in December 2001 with 13 diamonds in his possession. The Panel was informed that the individual had appeared in court, but that the case had been postponed until June 2002. It was further explained to the Panel that, since the court case was still pending, no additional information could be provided. That was the only information provided to the Panel regarding a seizure of diamonds with a connection to the Democratic Republic of the Congo.

In the information provided to the Panel, it was not possible to indicate the origin of the diamonds.

In annex III to the report, the Panel lists those business enterprises that it considers to be in violation of the Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises. Twelve South African companies are listed under annex III. Although no substantiating evidence for those listings is provided, the report states that

“Countries which are signatories to those Guidelines and other countries are morally obliged to ensure that their business enterprises adhere to and act on the Guidelines.”  
(S/2002/1146, para. 177)

With regard to the specific companies mentioned, South Africa has never been approached by the Panel regarding a company by the name of African Trading Corporation. Anglovaal, Banro Corporation, Carson Products, Mercantile CC, Saracen, Swanepoel, Track Star Trading 151, Zincor, Iscor and Orion Mining Inc. have never been mentioned in any of the Panel's previous reports, and no information related to their business activities or conduct has ever been shared with the South African Government, nor has any of those companies ever been the subject of an inquiry addressed to the South African Government by the Panel.

On 14 June 2002, the South African Government was requested by the Panel to provide a list of all South African and South-African-registered companies operating in or with the Democratic Republic of the Congo. During the meeting with the Panel, the South African authorities specifically raised with the Panel their serious concerns about its queries regarding South African companies operating in the Democratic Republic of the Congo, without any indication as to their participation in the illegal exploitation of the natural resources of the Democratic Republic of the Congo. South Africa underlined the fact that unsubstantiated queries by the Panel about the activities of companies operating legally and above board in the Democratic Republic of the Congo could be interpreted as casting unwarranted aspersions on their activities. In this context, I should also like to note the fact that South Africa is not a signatory to the OECD Guidelines. Although we support the objectives of the OECD, we do not understand how the Panel can use this mechanism as a means of accountability when we are not signatories to the Guidelines.

The report's statements about South Africa, South African companies and South African individuals consequently do not appear to be substantiated by hard evidence or information, nor does the Panel draw any distinction between legal and illegal activities of companies in its report. In our interaction with the Panel, the South African authorities underlined the difficulties that are experienced when dealing with the vagueness of certain queries received. It was pointed out that the provision of more detailed and accurate information would assist the South African authorities in addressing issues raised.

I understand that my statement is critical of the final report and that it brings into question the approach and methodology that have been adopted in its compilation. It is our hope, however, that the Council will take these concerns into account in its consideration of this report and of any new mandate that may be given to the Panel. We suggest humbly that the Council provide clear and specific guidelines on the functioning, approach and operating standards of any future mechanism it may decide to establish with regard to the Democratic Republic of the Congo.

The Council will understand that South Africa regards this in a serious light, not only because of its imputations, but also because of the role that South Africa continues to play, both in its national capacity and as the Chair of the African Union, in achieving lasting peace, security, stability and prosperity for the Democratic Republic of the Congo and its people.

Perhaps one of the most sweeping statements in the Panel's report is contained in paragraph 65. In the last sentence of that paragraph, the Panel dismisses the fundamental premise on which the Lusaka Agreement is based — the security concerns of parties to the Agreement — and which the Security Council itself has welcomed as a basis for peace in the Democratic Republic of the Congo. This misconception of the peace process in the Democratic Republic of the Congo, which is based on the Lusaka Agreement and which continues to preoccupy this Council, raises questions about some of the equally ambitious conclusions this Council is being asked to endorse.

Finally, it gives us no pleasure to come and contradict a Panel that the Security Council has appointed. However, we believe that it is important for the Council to act on facts, rather than on incomplete or even false information. When the Security Council

speaks, the whole world listens. For this reason, it is important that the Council rely on accurate and factual information when it makes its decisions.

**The President** (*spoke in Chinese*): I thank the representative of South Africa for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Denmark. I invite her to take a seat at the Council table and to make her statement.

**Ms. Løj** (Denmark): I have the honour to speak on behalf of the European Union (EU). The countries of Central and Eastern Europe associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus, Malta, Turkey, as well as the country of the European Economic Area that is a member of the European Free Trade Association — Iceland — align themselves with this statement.

First permit me to congratulate you, Sir, on China's assumption of the presidency of the Security Council. Allow me also to commend the presidency of the Security Council on convening this open meeting on the important final 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 EU would like to underline the importance of discussing the economic aspects of conflicts in general and especially the connections between political and economic dynamics in conflict situations. We therefore welcome an open and transparent debate regarding the problems of resource exploitation. The European Union welcomes the final report and commends the Panel of Experts for its investigations and recommendations. The EU is looking forward to the outcome of the debate in the Security Council on the report.

The situation described in the report is most disturbing. The economic aspects of the conflict, and especially the illegal exploitation of natural resources, have fuelled the conflict and increased the human suffering. The conflict has dramatic consequences for the civilian population of the Democratic Republic of the Congo, especially in the eastern parts. The continuation of these illegal economic activities constitutes a serious obstacle to a peaceful resolution

of the conflict. This is unacceptable by all moral, ethical and political standards.

Parties to the conflict at all levels have, according to the report, taken part in the illegal exploitation. Governments, Government officials, including army officers, local administrations, individuals, armed groups and companies have been involved. The report claims that elite networks continue the illegal exploitation of the Democratic Republic of the Congo despite the positive political and military dynamic created by the agreements of Pretoria and Luanda and despite the two previous reports from the United Nations Panel of Experts. We therefore welcome the fact that the Governments accused of this can take the floor here to defend themselves. If the claims are true, however, this activity must be strongly condemned from all sides and stopped.

Evidently, combating such well-organized exploitation will not be simple. It will require consolidated action by the international community and national Governments, both in the Great Lakes region and elsewhere, based on a process of thorough consideration and analysis. The conclusions and recommendations of the Panel's report will be an important input into this process.

The report suggests the creation of forceful incentives and disincentives to change the present patterns of illegal exploitation. Investments and exploitation of resources in a legal and sustainable way should be encouraged, thereby contributing to the economic stability of the whole region and benefiting the population at large. The European Union agrees that the international community must undertake efforts to fight those illegal practices and put pressure on those involved in these activities.

We must focus on how to control the utilization of natural resources. Securing the national borders of the Democratic Republic of the Congo is an important step in this regard. Furthermore, the European Union will closely examine the recommendations listed in the report regarding putting financial and technical measures in place, the need for institutional reform and ensuring a peace dividend. Full implementation of the Lusaka Agreement will create an environment conducive to international investments and further development assistance.

The EU echoes the report's call on national Governments of all countries where individuals,

companies and financial institutions involved in illegal activities are based to assume their part of the responsibility. They should ensure that those individuals and entities are made accountable, while ensuring them the right and the opportunity to defend themselves against the accusations.

The European Union considers it important that Governments urge private enterprises to adhere to the Organisation for Economic Cooperation and Development Guidelines for Multinational Enterprises. The EU stresses the importance of the Kimberley Process, which aims at organizing the certificates of origin system in the diamond sector.

Restrictions on certain business enterprises and individuals may be necessary to curb the illegal exploitation of the natural resources of the Democratic Republic of the Congo. The European Union is ready to assist the Security Council in that regard.

The European Union shares the analysis that the establishment of an inclusive, transitional Government in Kinshasa is very important. The EU has continuously called upon all Congolese parties to reach an all-inclusive agreement on power-sharing and transitional institutions.

The EU also supports the conclusion that all rebel groups in the Democratic Republic of the Congo should be disarmed and all foreign forces withdrawn, in accordance with existing peace agreements. The EU has constantly reminded all parties to the conflict of their obligations in that regard.

The EU is considering the Panel's call to hold an international conference on peace, security, democracy and sustainable development in the Great Lakes region. Such a conference could provide a platform for addressing a number of the cross-border challenges of importance to the conflict. Furthermore, it could address issues concerning the future stability and development of the region, including strengthened regional integration and cooperation. The European Union stands ready to discuss cooperation with the countries of the region, the United Nations and the African Union on such a conference.

The EU supports the recommendation to establish a monitoring mechanism.

Allow me to conclude by reaffirming the commitment of the European Union to contribute to bringing an end to the illegal exploitation of the

resources of the Democratic Republic of the Congo. The EU will continuously engage in cooperation with the countries of the region and the international community to secure peace, stability, democracy and sustainable development in the Great Lakes region.

**The President** (*spoke in Chinese*): I thank the representative of Denmark for her congratulations to China on its assumption of the presidency of the Council.

The next speaker inscribed on my list is the representative of Belgium. I invite him to take a seat at the Council table and to make his statement.

**Mr. De Ruyt** (Belgium) (*spoke in French*): Allow me at the outset to congratulate the representative of Cameroon for the effective way in which he presided over the work of the Council during the month of October, and to congratulate you, Sir, on your assumption of the presidency of the Council. I am convinced that, under your competent leadership, the Council will be in a position to successfully assume its important responsibilities for the month of November.

I also wish to thank you for taking the initiative of holding an open discussion on this important report (S/2002/1146), to which Belgium attaches special importance. I hope this debate will enable us to better understand this complex material and to give a more detailed response to the questions it raises. My statement supplements the one made by the presidency of the European Union, which we fully endorse.

I wish to commend the efforts made by Ambassador Kassem and other members of the Panel in drawing the attention of the international community to the illegal exploitation of natural resources of the Democratic Republic of the Congo and to their disastrous effects on the peace process, as well as on the opportunities to rebuild the country.

This report is also an important contribution to the consideration of the causes and stakes involved in the illegal exploitation of resources in general.

Belgium welcomes the special attention paid by the report to the economic dimension of the search for peace in the Democratic Republic of the Congo. Therefore, we strongly support the Panel of Experts' first recommendation, that:

"a set of agreements or initiatives on reconstruction and sustainable development are

needed to address the economic dimension of the Lusaka peace process and provide incentives for continuing progress." (S/2002/1146, para.161)

We also support the Panel's suggestion whereby economic integration and regional trade should be the subject of regional consultations aimed particularly at organizing the conference on peace, security and sustainable development in the Great Lakes region.

As members know, the Belgian Government, particularly the Deputy Prime Minister and Minister for Foreign Affairs, Mr. Louis Michel, have spared no effort to encourage internal political dialogue in the Democratic Republic of the Congo and respect for the commitments made by all the parties in the Lusaka, Pretoria and Luanda Peace Agreements. But in order for current progress to be consolidated and to lead to lasting peace and for democratic institutions in the Democratic Republic of the Congo to be gradually established, it is absolutely necessary that the economic pillaging of the country, as described in the Kassem report, be denounced and all efforts be made to put an end to it.

Belgium is convinced that the re-establishment and reform of institutions of the Democratic Republic of the Congo are crucial in order to enable the transitional government to control the country's natural resources. Belgium supports the recommendation of the Panel of Experts in that regard, and, in fact, it has made that objective a priority of its bilateral cooperation, advocating greater substantial official development assistance in that respect.

Addressing problems of illegal exploitation of resources requires first and foremost a structural approach. The Security Council should thus, and above all, seek normative solutions that make possible the continuation of legitimate economic activity in the region by establishing well-defined criteria. Those criteria should allow, for example, for a better definition of the term illegality and should avoid a situation whereby companies would find themselves, *ex post facto*, faced with ill-defined concepts of morality and legitimacy.

Such a normative framework would also enable us to clarify the scope of criticism levelled by the Panel against individuals, companies or Governments. Respect for those norms and possible controversial differences in that regard could therefore be evaluated on a more thorough and objective basis. In that regard, it is

regrettable that the right to be heard and to defend oneself has not been respected in the cases of cited individuals and companies, and for which sanctions are proposed. Therefore, the criteria and the evidence on the basis of which individuals and companies are included on the annexed list are not clear. Moreover, in some cases they are not contained in the body of the report.

The Kimberley Process of certification could serve as an example of a structural approach such as the one I have just mentioned. From the outset, Belgium firmly committed itself to that process in order to find exhaustive arrangements regarding the diamond sector. In fact, we hope that the Security Council will assume its responsibilities in that regard by supporting that process in due course.

Above and beyond the normative approach, there are other ways of reacting to the situations described in the report. The establishment of a sanctions regime is a possibility. There are also broader options with regard to their coverage, but they must all be applied judiciously. That is true in the case of reducing official development assistance, which runs the risk of having negative consequences, particularly for people who are often innocent victims.

For a possible sanctions regime, as well as for other options, it is essential that the actions decided upon be part of a framework of a peace process and that they not affect it negatively. Indeed, the Panel was established primarily to contribute to restoring peace and stability in the Democratic Republic of the Congo.

At the national level, the Belgian Government has firmly committed itself to the resolution of the problems stemming from the illegal exploitation, and the economic situation, of countries in conflict. My Government adopted in July a plan of action in this regard. Our Minister for External Trade, Ms. Annemie Neyts-Uyttebroeck, came to New York in October to consult with the Chairmen of the sanctions Committees established by the Security Council, as well as with the Chairmen of the Monitoring Mechanisms.

Belgium overall advocates greater uniformity in the expert panel system as well as the establishment of clear-cut rules for professional conduct and confidentiality. In this context, it held, on 30 October in Brussels, a seminar aimed at an in-depth consideration of the issue at the national level and at consolidating the initiatives taken by our country in the

context of the Organization for Economic Cooperation and Development.

Regarding the specific case of the Great Lakes region, Belgium has set up a Senate Committee on the situation in the Great Lakes and the illegal exploitation of the natural resources of the Democratic Republic of the Congo, which is investigating the problems related to the illegal exploitation of natural resources in that region. The work of that Commission is under way, and its members will soon be going to the Democratic Republic of the Congo and to Rwanda. The Commission's conclusions are expected by the end of the year. Along with the Security Council's conclusions on the report of Ambassador Kassem, they will enable Belgium to fine-tune its own plan of action.

In conclusion, we fervently hope that the Security Council will give in-depth consideration to this report and remain seized of these problems, as there is so much at stake for the Democratic Republic of the Congo and for the region as a whole.

We are therefore in favour of the recommendation of the expert panel that a monitoring body be created that could report to the Security Council on a regular basis about developments on the ground and make whatever recommendations it deems appropriate. Such a body should, *inter alia*, continue the group's investigative efforts and update the relevant lists of individuals and companies, once it has heard all those who wish to be heard. It seems to me that this should be done before more concrete measures are taken in this respect. The monitoring body should also take into account the new context created by the withdrawal of foreign troops from the Democratic Republic of the Congo and focus on those situations that continue to present obstacles to the return of peace and to the success of the inter-Congolese dialogue.

**The President** (*spoke in Chinese*): I thank the representative of Belgium for the kind words he addressed to me.

The next speaker inscribed on my list is the representative of Rwanda. I invite him to take a seat at the Council table and to make his statement.

**Mr. Gasana** (Rwanda) (*spoke in French*): My Government warmly congratulates you, Sir, on your assumption of the presidency of the Security Council during the month of November 2002, and also for the acumen that you have always shown in guiding the

work of the Council whenever you have presided over it. We wish also to congratulate your predecessor, Ambassador Martin Belinga-Eboutou, Permanent Representative of the sister Republic of Cameroon, for his outstanding leadership of the Council last month.

My delegation would like also to welcome the Third Deputy Prime Minister and Minister for Foreign Affairs of the sister Republic of Uganda.

You were wise, Sir, to convene this open debate of the Security Council 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.

My Government would like to take this opportunity to reject entirely what is stated in the report with respect to the false accusations against Rwanda and the Rwandese people, as we stated in the written response of the Rwandese Government, transmitted officially in a letter addressed to the President of the Security Council dated 23 October 2002.

It was a tremendous shock for us to see it stated in the Panel's report that the Rwandese defence forces went to the Democratic Republic of the Congo merely for economic reasons. This is truly shocking and unacceptable. I myself was in the Government as Minister for Foreign Affairs in 1996, when we decided to commit troops to the Democratic Republic of the Congo. Therefore I know exactly why and in what circumstances we went there in 1996, and not before.

The ministries in Kigali, United Nations agencies and non-governmental organizations were passing around handmade maps of Rwanda, with bright red shading along the Rwandese provinces bordering on the Democratic Republic of the Congo, telling everyone in the international community never again to enter into any of the four provinces bordering the Democratic Republic of the Congo. This was because the former Rwandan Army (ex-FAR) forces and the Interahamwe militia were carrying out savage attacks, and innocent people were being murdered, including women, the elderly and children.

I remember that the last straw was the assassination by the ex-FAR and the Interahamwe militia of a woman who was the Mayor of one of the districts of Cyangugu province, which borders on the South Kivu province of the Democratic Republic of the

Congo. It was at that point that we decided to pursue them in the Democratic Republic of the Congo.

The second stage of our departure for the Democratic Republic of the Congo — which was motivated by security imperatives with respect to our country, our people, and foreign residents on Rwandese territory — was triggered by the massacre of young girls in a secondary school in Nyange, in Kibuye province, which borders on North Kivu province in the Democratic Republic of the Congo. The ex-FAR and Interahamwe attacked the school during the night. They ordered the girls to split up into two groups — Hutu and Tutsi — in order to spare the Hutu and massacre the Tutsi. But the Hutu girls refused to leave their Tutsi compatriots alone, so they were all shot on the spot by the ex-FAR and Interahamwe. Today those young girls have been declared national heroes in our country.

Another event that triggered the departure of our troops for the Democratic Republic of the Congo in pursuit of the genocidal rebels was, unfortunately, the assassination by the ex-FAR and Interahamwe of a Chinese expert who was working on the Kigali-Gitarama-Kibuye road — again in a province bordering the Democratic Republic of the Congo — in the context of a road-building programme financed by the World Bank.

The foreign community living in Kigali was an eyewitness to these events, if not their victim. How can the Panel of Experts now deny in its report the security concerns of Rwanda and of its people? How can we explain this revisionist attitude? It can only be manipulation and political motivations, the underlying reasons for which we do not know.

My Government would like to remind the members of the Council that in 1994 the ex-FAR and Interahamwe — the planners and perpetrators of the Rwandese genocide — after having massacred more than a million Rwandese, fled, taking all of their weapons, to the Democratic Republic of the Congo under the cover of a military operation — “Operation Turquoise” — which had set up its headquarters in the Democratic Republic of the Congo, in the cities of Goma and Bukavu.

The international community, which neither prevented nor put an end to the genocide in Rwanda, was not able to disarm the genocidal ex-FAR and Interahamwe, who took shelter in refugee camps in the Democratic Republic of the Congo. On the contrary,

some members of what is called the international community continued, with the complicity of the then Kinshasa Government, to arm and provide political and financial support to the ex-FAR and Interahamwe — the authors of the genocide in Rwanda. That was proved clearly and unambiguously in the Kassem report — the report of the International Commission of Inquiry on the sale and flow of arms to the ex-FAR and Interahamwe in the Democratic Republic of the Congo — contained in document S/1998/1096. We do not understand how the second Kassem report can deny both the findings and the conclusions of the first. We cannot make sense of that contradiction, but it is very revealing: it shows that anything is possible when reports are the result of partisan political motives rather than of a firm will to resolve existing problems such as those that we have just described.

The ex-FAR and Interahamwe are present in great numbers in the Democratic Republic of the Congo, having taken with them a huge arsenal of weapons from Rwanda and having purchased new weapons with public funds stolen from Rwanda's commercial banks, including the Central Bank. Have they, perchance, been confused with the natural resources of the Democratic Republic of the Congo?

General Augustin Bizimungu, Chief of Staff of the ex-FAR forces; Colonel Renzaho Tharcisse, former mayor of Kigali; Major-General Ntiwiragaba, who recently participated in a joint meeting between the Congolese Armed Forces and the ex-FAR and Interahamwe at Lubumbashi, under the direction of President Kabila himself; Colonel Rwarakabije, Commander of the ex-FAR; Colonel Bigaruka; Colonel Gasake, who was a member of President Kabila's protection battalion; Major Mpiranyi Protais, former Commander of the presidential guard; and many others: do they constitute the coltan of the Democratic Republic of the Congo? Is it truly believed that pursuing those planners and authors of the genocide is the same as searching for coltan?

The Rwandan Government refutes categorically any allegation that it sent its army to exploit the mineral resources of the Democratic Republic of the Congo. Our army had a clear and precise mission: to combat the ex-FAR and Interahamwe so as to enable the people living in the four Rwandan provinces bordering the Democratic Republic of the Congo and elsewhere to enjoy peace and public order once again and to enable the members of the foreign community working in Rwanda to carry out

their development assistance activities in those provinces. We were successful, because our army never deviated from its primary mission. The exploitation of mineral wealth has never been a motivating factor for our armed forces.

The final report adds almost nothing new to earlier reports; it merely repeats unsubstantiated allegations that we refuted on 3 May 2001, after the first report was issued. The report is politically motivated. Those who promote the idea that there should be a Panel of Experts decided in advance, as is well known, that Rwanda should be a target.

The Panel of Experts finished its work on the ground four months before we withdrew from the Democratic Republic of the Congo, and it has not returned since our complete withdrawal on 5 October 2002. How, then, can it be in a position to write page after page of the final report claiming that our withdrawal from the Democratic Republic of the Congo was not complete? That fact alone discredits its claim to expertise — a true expert would avoid making statements about an issue about which he did not have all the facts and the truth of which he had not corroborated. Our complete withdrawal was supervised by the United Nations Organization Mission in the Democratic Republic of the Congo, the Joint Military Commission and members of the diplomatic corps accredited to Kigali, and was properly verified by the third-party verification mechanism.

We fear that reports such as the one before the Council today, which any informed analyst or reader would judge to be politically motivated, have a hidden agenda: to perpetuate the war between my country and the Democratic Republic of the Congo. You may recall, Mr. President, that the sceptics were not happy when the Pretoria Peace Agreements were signed between my Government and the Democratic Republic of the Congo, calling them unrealistic, too ambitious and a fool's game. President Kagame of Rwanda addressed the Security Council on 13 September 2002. Four days later, on 17 September 2002, our armed forces began to withdraw from the Democratic Republic of the Congo, as we promised the Council. But the Security Council remained silent during the entire period of our withdrawal, which was completed on 5 October 2002. Unfortunately, that silence encouraged President Kabila to organize a meeting in Lubumbashi bringing together once again the armed forces of the Congo, the ex-FAR and Interahamwe, the Mai-Mai and the Front

for the Defence of Democracy of Burundi, so as to plan the attack on Uvira and other violations of the Lusaka and Pretoria Peace Agreements.

We are concerned, therefore, about the future of the Pretoria Agreements, especially given that President Kabila's main advisers are urging him to place obstacles in the way of their implementation, instead of encouraging respect for them and for their scrupulous and systematic implementation, as Rwanda has done by withdrawing all of its forces from the Democratic Republic of the Congo.

My Government believes that the report before the Council is biased, subjective and unprofessional, because it is not based on genuine and credible facts. Its authors make only unsubstantiated allegations. In order to fool the reader, they keep repeating that they have real and credible facts available to them, but they do not put them at the disposal of the reader to make the determination for himself. Why is that? The Minister for Foreign Affairs of our sister Republic of Uganda and the Permanent Representative of South Africa raised that point earlier, and asked why the Panel had refused to make available the documents in its possession so that Governments could verify their authenticity. They may have such documents, but that does not mean that they are authentic; forgeries exist, as is well known. My Government is therefore seriously concerned about the motivation that underlies the report and about the credibility of its authors.

Although it is clear to us that the intent is to undermine the Pretoria Agreements, my Government remains committed to the Pretoria and Lusaka Peace Agreements, and will do everything in its power to restore peace in the Democratic Republic of the Congo and in the Great Lakes region as a whole. My Government calls upon the international community, in particular the sceptical elements, to accept this, to set aside their national agendas and to help us to fully to restore peace in the Democratic Republic of the Congo.

Finally, my Government firmly opposes the Panel's idea that a so-called monitoring body should be established. Reading about how the Panel would define such a body and its functions, it becomes clear to us that the so-called monitoring body has no purpose. Such a body would, like the Panel, merely foment, rather than reduce, tension and conflict in the region, in particular because it would be vulnerable to competing influences and other forms of foreign manipulation.



Such a body would only paralyse the economies of countries in the region, make transborder trade difficult, if not impossible, and frustrate both business people and the population in the countries of the region. This agrees with the remarks made by the representative of Belgium with regard to the need for a normative approach.

Furthermore, such a body would merely criminalize trade in the region, whereas all regional countries want trade within a legal framework allowing free circulation of goods and people. In this region we have a precious tool available to ensure legal trade in the region, namely the Economic Community of the Great Lakes Countries, which the Panel did not even mention. It is comprised of Rwanda, Burundi and the Democratic Republic of the Congo. Instead of creating one more body, which is manifestly unnecessary, we should work on, rather, financing the revitalization of the Economic Community of the Great Lakes Countries. It dates back to 1970 and provides a common passport for the peoples of the three countries. In other words, a passport issued by the Congolese authorities is valid in the three countries of Rwanda, Burundi and the Democratic Republic of the Congo, and likewise for passports issued in Burundi and Rwanda.

There are also other reliable and independent competent bodies, such as the World Trade Organization and the World Bank Group, which have the capacity to carry out the tasks that the Panel wishes to entrust to what it refers to as a monitoring body. There are also regional organizations such as the Common Market for Eastern and Southern Africa, the Southern African Development Community, the Economic Community of the Great Lakes Countries, to which I have just referred, the Organization for Planning and Development of the Kagera River Basin, the East African Community, which the Minister for Foreign Affairs of Uganda mentioned, and the Economic Community of Central African States. All those existing and operational structures would contribute to stabilizing the situation and would fit in better with the regional integration system, which is one of the key objectives of our African Union.

**The President** (*spoke in Chinese*): The next speaker inscribed on my list is the representative of Oman. I invite him to take a seat at the Council table and to make his statement.

**Mr. Al-Hinai (Oman)**: Allow me, first, to extend my congratulations to you, Mr. President, on your assumption of the Presidency of the Council and to wish you well as you continue to lead the Council in the coming weeks. I would also like to thank Ambassador Belinga-Eboutou of Cameroon for the excellent manner in which he guided the Council's work last month.

We are meeting today to continue consideration of the final 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/2002/1146). My delegation has carefully read the report and listened attentively to Ambassador Mahmoud Kassem when he presented it to the Council on 24 October. My delegation does not wish to enter into the causes that led to the violent conflict and suffering of the past years in the Democratic Republic of the Congo. Suffice it to say that my delegation is encouraged that, since the signing of the Pretoria and Luanda Agreements, much progress has been made towards achieving peace in the Democratic Republic of the Congo. It is through peace that the Government of that country will once again be able to exert its authority over all of its territory, its natural resources and its economic activities.

As I turn to the report of the Panel, I will restrict my comments to those paragraphs pertaining to one company and its chairman. I cannot but express my delegation's strong concerns at the wrongful allegations, factual errors, hearsay and uncorroborated information propagated against Oryx Natural Resources, the most negative of which is that it is a front for the Zimbabwe Defence Forces.

Oryx Natural Resources (ONR) is a private limited company and derives its capital from Arab Gulf countries. Its chairman is an Omani national. ONR established a joint-venture company called Sengamines with the Government of the Democratic Republic of the Congo to explore and exploit a 792 square kilometre concession of land located within the Government-controlled area of the country. ONR is a 49 per cent shareholder in Sengamines, while the Government of the Democratic Republic of the Congo holds the remaining 51 per cent. To date, ONR has invested over \$100 million in that joint venture. It employs 1,200 nationals and affects the lives of 100,000 people living in the concession area. In an area where there was no piped water, the nationals can now

get fresh water right at their doorstep. Where there were no schools, their children can now attend well-constructed schools, with books and uniforms supplied by the company. Where there were no medical facilities, the company has built clinics and is undertaking the refurbishing of a local hospital. Where there were no roads, more than 300 kilometres of roads have been constructed.

In short, Sengamines has created an infrastructure that has delivered significant benefits for the local community and has even won an award for being the pillar of the economy of Kasai Oriental. The benefits to the population were echoed in the statement to the Council on 24 October by Mr. She Okitundu, Foreign Minister of the Democratic Republic of the Congo, who said, "My delegation believes that the natural resources and other forms of wealth of the country must first and foremost benefit its people" (S/PV.4634, pg. 6). By the end of 2003, ONR plans to be producing a significant share of the world's supply of rough diamonds from the Sengamines concession in the Democratic Republic of the Congo.

Unfortunately, its success has brought upon it unfavourable, envious and malicious allegations from its competitors, who have been willing to go to any length to discredit and slander it. After 11 September, the mere imputation of an association with Osama Bin Laden and the Al Qaeda network has the effect of pronouncing a death sentence on the accused. A very reputable broadcasting company did just that. And after it was threatened with a lawsuit, it made an apology on its newscast. Other questionable sources have been the suppliers of wrongful allegations, which, unfortunately, made their way into the report now before the Council.

My delegation wishes to make the following observations. First, having studied the report of the Panel of Experts and its related documents, we could not find any proof to substantiate the allegations made against Oryx Natural Resources (ONR) and its chairman. Secondly, ONR, funded by private Gulf investors, and in joint venture with the Government of the Democratic Republic of the Congo, aims at contributing towards the economic and social development of that country.

Thirdly, we have not heard of any complaints against ONR and its chairman from the Government of the Democratic Republic of the Congo, neither in the statement delivered by its Minister of Foreign Affairs

and International Cooperation, nor in documents submitted to this Council. Surely the Government of the Democratic Republic of the Congo is more competent than any body in determining whether a company operating in its area of jurisdiction is legitimate or not. In addition, ONR has received a letter of support and appreciation from the Government of the Democratic Republic of the Congo.

Fourthly, from what we were able to determine from representatives of countries neighbouring the Democratic Republic of the Congo, there were no serious complaints against ONR that would warrant its inclusion in this report. Fifthly, we fail to find any credible reason why this matter is before the Council in the first place. My delegation calls on the Council to protect and uphold the reputations of the companies and individuals mentioned in Annexes I and II of the report and to close forthwith this file so as not to undermine their legitimate achievements through these false accusations.

It is my delegation's hope that the Council will seriously take into consideration the grave concerns expressed by the delegations that have spoken before me and that the Council will take appropriate action to rectify the damaging and incorrect information contained in the report.

**The President (spoke in Chinese):** I thank the representative of Oman for his kind words addressed to me, and my country. The next speaker on my list is the representative of Zimbabwe whom I invite to take a seat at the Council table and to make his statement.

**Mr. Muchetwa (Zimbabwe):** We congratulate you for assuming presidency of the Security Council for this month and wish you well in your endeavours. We would also like to extend through you, our gratitude to your predecessor, Ambassador Belinga-Eboutou for the sterling work that he did in the Council during the past month.

My Government's comments on the final 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/2002/1146) are as follows:

The final report of the Panel Experts maintains the same approach as that of the Addendum to document S/2001/1372, issued on 13 November 2001. In its contribution to the United Nations Security

Council debate on that Addendum on 14 December 2001, the Government of Zimbabwe, through the Minister of Foreign Affairs, Mr. Mudenge, characterized the Addendum as a "hurriedly drawn Zimbabwe-bashing pamphlet". The final report is no different, in its intent, from the Addendum. Consequently, the observations and comments made on that occasion remain pertinent, even though the final report has shifted the focus of its attention from States to individuals operating the so-called elite networks.

The final report deliberately, for it cannot be otherwise, misdefined the nature and character of the conflict in the Democratic Republic of the Congo. By characterizing the conflict as regional in paragraph 12, the Panel detracts attention from the real causes of the conflict as well as its principal progenitors. Consequently, it now portrays the conflict as being no more than motivated by the greedy desire of African military and security leaders to loot, plunder and profiteer from the riches of Democratic Republic of the Congo.

Zimbabwe has, on innumerable occasions, including at the Security Council and in the presence of the members of the Panel of Experts, gone to great lengths to explain the basis of its involvement in the war of aggression perpetrated by Rwanda, Uganda and Burundi against the Democratic Republic of the Congo. For reasons best known by the Panel, these explanations including, as well, their recognition and acceptance by the Security Council as to the distinction in the character and purpose of the presence of allied troops and those of Rwanda and Uganda in the Democratic Republic of the Congo have not only been ignored but also questioned.

Speaking on this issue, the Minister of Foreign Affairs and International Cooperation of the Democratic Republic of the Congo, Mr. She Okitundu, as recently as October 24 this year, responding to this report, again stated clearly that the allied forces from Angola, Namibia and Zimbabwe, at the invitation of the Democratic Republic of the Congo helped them defend their sovereignty from being over run by the invading forces of Burundi, Rwanda and Uganda. He further stated that since the issuance of the Addendum and final report, there seems to be a desire to attack Zimbabwe for reasons that are well known. It is important to note that the victim of these illegal exploitative activities, the Democratic Republic of the Congo, is at pains to understand why the Panel is

choosing to drag Zimbabwe into the cabal of the uninvited forces.

The final report repeats allegations that have been challenged and discounted in the past without offering any new evidence. For instance, in paragraph 23, there is the repetition of alleged Zimbabwe Defence Forces support for Burundi and Rwandan rebels; in paragraphs 17 and 54, the Panel alleges that the Democratic Republic of the Congo Government repaid Zimbabwe for military services and contributed to the salary payments for Zimbabwe Defence Forces personnel. Either the Panel mistakenly believes that repeating these falsehoods will somehow transform them into accepted truths or it is pursuing a certain agenda whose realization demands that the falsehoods should continue to be peddled in the public domain.

In paragraph 5, the Panel states that it "determined that a central focus of its work should be gathering information about politically and economically powerful groups involved in the exploitation activities ...".

It adds that "the Panel developed the central concept of the elite network ... as an operational thesis".

The report does not privilege us with information on why and on what basis it made such a determination, and how this thesis related to any or all of the components of its mandate. It appears that the Panel, contrary to the Security Council's mandate as reproduced in the final report in paragraph 1 (a-d), decided on a mandate of its own. This propensity towards revising the mandate set by the Security Council can be traced to the addendum of November 2001.

While the original Panel had painstakingly and meticulously defined the key concept of illegality in the mandate, the current Panel fudged the distinction between legal and illegal exploitation. For them, those activities amount to the same thing. Hence, the interchangeable use of the words "exploitation" and "illegal exploitation" throughout the final report.

The new paradigm or operational thesis shifts the focus of attention from the State to the individual. This, of course, fits in comfortably with the characterization of the conflict as a regional conflict perpetrated by individuals whose sole motive is greed and looting. But this paradigm has sinister motives as well. Apart from letting those States who are in violation of international law off the hook, it demeans the legitimate relations between Zimbabwe and the Democratic Republic of the

Congo. Not only does it suggest the privatization of State interests but it also reduces relations between the Democratic Republic of the Congo and Zimbabwe to the level of the so-called elite networks and the individuals allegedly involved therein. It thus criminalizes legitimate State-to-State relations between the Democratic Republic of the Congo and Zimbabwe and, by extension, legitimate activities carried out by duly appointed State representatives in the normal conduct and promotion of mutually beneficial relations between our two countries.

We have no apologies to make for the very close and co-operative relations that exist between Zimbabwe and the Democratic Republic of the Congo. These relations are being conducted in the framework of cooperation agreements signed between our two sovereign and independent States. If activities pursued under legal frameworks signed by sovereign Governments are considered illegal, then the Panel will have to come up with a new definition of legality. There is something fundamentally wrong with an approach that, on one hand, accepts that the Democratic Republic of the Congo is a sovereign and independent State whose affairs are being conducted and managed by a legitimate Government, and, on the other hand, questions the legality of the decisions and agreements taken and signed by that very same Government. The Panel betrays its schizophrenia about the legitimacy of the Government of the DRC; in many instances it refers to that Government in the accepted form but on occasion refers to it as the "Government in Kinshasa" (paragraph 23), an appellation we strongly objected to in December 2001. The Security Council, and indeed all of us, deserve an explanation from the Panel as to who it feels should sign agreements on behalf of the Democratic Republic of the Congo, if it criminalizes the legitimate actions undertaken by the duly appointed Government ministers of the Democratic Republic of the Congo in the conduct of their ministerial responsibilities.

In paragraph 27, the Panel makes a very outrageous and serious allegation that Harare has been turned into "a significant illicit diamond-trading centre" without providing the slightest evidence to support it. Members of the Security Council may wish to note that the regional headquarters of Interpol for Southern Africa is in Harare. This headquarters has been very active in combating criminal activities throughout our region and would certainly have been

aware of the allegation being made by the Panel, as would the Zimbabwe Government. As will be indicated later, only one representative of the Panel, a part-time technical adviser, visited Harare in the course of the compilation of this report and there is no evidence that he visited Interpol or any organization that could have provided him with information to reach such a conclusion.

The character and nature of the joint ventures between Zimbabwe and the Democratic Republic of the Congo are misrepresented, as they are now reduced to mere vehicles for the activities of the so-called elite networks. This is in spite of the explanation given to the Security Council on 14 December 2001 by Minister Mudenge on the genesis and other attributes of the joint ventures. The final report's misrepresentations amount to questioning the veracity and credibility of the Minister's statement, purely on the basis of an operational thesis, for there is no evidence to conclude otherwise.

Trade and commercial relations between Zimbabwe and the Democratic Republic of the Congo are multifaceted and predate the 1998 war there. As with our relations with other countries, Zimbabwe is always endeavouring to reinforce and deepen its relations with the Democratic Republic of the Congo for the benefit of not only our two countries but also of the Southern African Development Community region and of the wider African continent. It is in this context that, following a meeting of the Joint Inter-Ministerial Commission involving Zimbabwe and the Democratic Republic of the Congo, held in Nyanga, Zimbabwe, from 18-22 August 2002, some eight agreements were signed between our two countries. These agreements encompass a wide range of areas of cooperation, including trade, investment, finance and the movement of persons.

We are dismayed at the continued use of the Panel's report to do a hatchet job on Zimbabwe. For instance, paragraph 28 makes a totally irrelevant and uncalled for reference to Zimbabwe's electoral laws. What do the electoral laws of Zimbabwe have to do with the illegal exploitation of the Democratic Republic of the Congo resources? Nothing at all. They are brought in here purely to sully the name of Zimbabwe and its Government. The British project to destabilize Zimbabwe has, in this report, sought to draw attention to our military and security establishments and institutions. The allegations of

criminal behaviour levelled against our military and security institutions, as well as some specific individuals connected thereto, are intended to bring these institutions and individuals into disrepute, ridicule and disrespect. We may wish to note that Patrick Smith, a British national and a part-time technical adviser to the Panel, is a signatory to this report, but Gilbert Barthe, a Swiss national with the same designation, is not. Gilbert Barthe, according to the records, has been with the Panel since at least February 2002. He contributed to and signed the May 2002 interim report. Patrick Smith was not mentioned in that report. Why did Barthe not sign the final report? What exactly was Patrick Smith's role in the compilation of the final report?

It is intriguing that none of the Panel members decided, for whatever reasons, to visit Zimbabwe in the course of compiling this report. What they did, however, was to send Patrick Smith, a British national, to Zimbabwe at a time of heightened suspicions and a much publicized conflict between Zimbabwe and Britain. This can only reflect lack of sensitivity on the Panel's part or insincerity in seeking our cooperation in providing the information sought. Is it by coincidence or by design that Mr. Smith met only with the British High Commission staff, out of all the many foreign State representatives in Harare? What expertise or privileged information, if any, did the British High Commission have in connection with this matter that other foreign State representatives in Harare did not have?

The Panel concludes that certain companies and individuals should be subject to some form of sanctioning as they are engaged in activities deserving of such sanctions. The Panel, however, proposes to treat these companies or individuals unequally on the basis of whether they are located in an Organisation for Economic Cooperation and Development (OECD) or non-OECD member country. Thus, the former group, the home countries, who happen to be European, are deemed competent to censure the erring companies, while the latter group is to be the subject of United Nations Security Council action. Why does the Panel provide for such unequal treatment for similar breaches? This stance smacks of a paternalistic, condescending and discriminatory attitude which has no place in the United Nations, where its Charter principle of the equality of States must not only be professed but must also be promoted and protected.

No information is given on how OECD remedies or measures compare to those of the United Nations Security Council. What assurances do we have that the concerned OECD countries will be able to ensure compliance with the guidelines this time around when it is evident that they have failed to do so in the past?

The final report grudgingly reveals the identity of those that are really behind the exploitation and illegal exploitation of the resources of the Democratic Republic of the Congo. These are the financiers and end-users of the exploitative activities, and they are based in Western countries. Attention, however, is not focused where it should rightly be; rather, it is diverted to insignificant players. Indeed, one may ask who ultimately really benefits from the exploitation of these resources? Who are the arms manufacturers and merchants?

Paragraph 43 of the report is illustrative of the exploitative and unfair business practices perpetrated by some western companies and multinationals in Africa since the colonial era. Those practices persist to this day. It illustrates who the real beneficiaries have been and are in the exploitation of African countries' resources. If the Panel is serious and sincere in wishing to promote "Ethical and transparent business practices", as stated in paragraph 156, so that the people of the Democratic Republic of the Congo genuinely benefit from the exploitation of their country's resources, then it would have paid greater attention to this nefarious practice, rather than dangling a red herring before the Security Council.

In paragraph 154, the Panel states that it "is hoping that this report will contribute to a shift in policies ... that will bring the exploitation of resources back to a legally acceptable level". One may ask, when last was exploitation at that level? Who defines that level? Who decides that that level is now legally acceptable?

On 14 December 2001, our Minister of Foreign Affairs, I. S. G. Mudenge, made a very important statement to the United Nations Security Council in a meeting which was also attended by the Panel members. It is disappointing to note that, though the clarifications he gave have not been reflected in the final report, we participated in that meeting with the expectation that we would be engaged in a meaningful dialogue with the Security Council and the Panel. It appears as if we were talking to ourselves, because we

see in the final report the repetition of innuendoes and allegations that we commented on last time without the submission of new evidence to justify their continued inclusion in this report.

**The President** (*spoke in Chinese*): I thank the representative of Zimbabwe for his kind words addressed to me.

The next speaker on my list is the representative of Canada, whom I invite to take a seat at the Council table and to make his statement.

**Mr. Heinbecker** (Canada) (*spoke in French*): In recent years, Canada has placed a high priority on supporting the efforts of African countries to address the problems that confront Africa, including those relating to peace and security. This year, Canada, as Chair of the G-8, promoted dialogue between the G-8 and African partners who lead the implementation of the New Partnership for Africa's Development (NEPAD). Last June in Kananaskis, Canada, the G-8 leaders adopted an Africa Action Plan specifically designed to respond to the visionary programme of action contained in the NEPAD.

During Canada's recent term on the Security Council, from 1999 to the year 2000, we pioneered the effort to make sanctions more effective in helping to end armed conflicts, notably in Africa. In this context, we also actively supported establishing the original mandate of this Panel of Experts on the Illegal Exploitation of Natural Resources of the Democratic Republic of Congo, the report of which found that this activity was contributing significantly to the continuation of armed conflict in that country. Today we welcome the Panel's final report.

(*spoke in English*)

The Panel of Experts paints an unhappy picture of the destructive effects of unrestrained and illegal traffic in the natural resources of the Democratic Republic of the Congo, on its people and on its economy. The Panel is clearly of the view that there are many actors involved in this pillage, not least officials in the Government and military of the Democratic Republic of the Congo itself, but also foreign Governments and their armed forces, and private individuals and companies from many countries.

We have been encouraged by the progress made in the withdrawal of foreign military forces from the Democratic Republic of the Congo, in accordance with

the Pretoria and Luanda agreements. This is a necessary first step in bringing an end to one of Africa's longest-running and most debilitating conflicts, which has devastated the lives of millions of people in that country and around it. No doubt the Panel's work contributed to this welcome development.

The Panel has made some very important and far-ranging recommendations designed to assist the peace process in the Democratic Republic of the Congo. Those recommendations deserve this Council's serious consideration. In one instance, however, we are disappointed that the Panel has done itself and the process, in our view, a disservice by naming in Annex III as violators of Organisation for Economic Co-operation and Development (OECD) Guidelines companies whose alleged violations, with a few exceptions, are neither specified nor substantiated in the body of the report. In Canada, this unsupported assertion has created controversy for the companies concerned and attracted attention away from the other valuable information and conclusions in the report.

One recommendation is of particular significance — the establishment of a monitoring process to follow up on the report and on its annexes. This body could provide a continuing point of contact, which could engage Governments and other actors, including private companies, in the implementation of its mandate. This recommendation also serves to remind us of the ongoing need for the establishment of a permanent body within the Secretariat to support the work of the teams of experts, act as a contact point for delegations and private companies and be the institutional memory of this Organization.

We urge the Council to take early action on the establishment of the follow-on monitoring mechanism and on other relevant recommendations of the Panel. Doing so will facilitate efforts to bring peace to the Democratic Republic of the Congo so that we all can move forward with full and unbiased information on the economic factors involved.

**The President** (*spoke in Chinese*): I shall now give the floor to Council members. I know that some of my colleagues have very important appointments today. If it is agreeable to members, it is my intention to suspend this meeting at 1 p.m. and to resume it at 3 p.m.

**Mr. Levitte** (France) (*spoke in French*): As this is our first formal meeting in November, I should like to express to you, Sir, France's wishes for every success

as you preside over the Council during this extremely important month for the future of the United Nations. I should like to add to those customary compliments a very particular tribute to the Permanent Representative of Cameroon, who presided over our work last month with effectiveness and distinction. In addition, it is a pleasure to see the Foreign Minister of Uganda, Mr. Wapakhabulo, here at this table once again.

The French delegation has listened attentively to the previous speakers. France initiated the creation 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 on its link with the continuing conflict in that country. The objective was to put an end to such illegal exploitation, not only because the plundering is morally unacceptable, but also because today it constitutes one of the factors driving conflict in the Great Lakes region.

Two years after its creation, the Panel of Experts has kept its promises. It has carried out considerable work, having presented three substantive reports: that of Mrs. Ba-N'Daw, presented in April 2001 (S/2001/357); the addendum to that report, prepared by Ambassador Kassem last November (S/2001/1072); and the report that Mr. Kassem submitted last month (S/2002/1146). Those three studies form one whole. They enable us to approach the peace process from the perspective of economic interests. That aspect is not taken into account in the peace agreements signed by the parties, but it is obviously essential to bear it in mind if we are to put an end to the conflict. The plundering of the Congo has become one of the conflict's principal engines. And it is all the more important to take that into account because, as Ambassador Kassem explained, the plundering is being adapted to developments in the peace process. If we are not careful, it could ruin all the efforts of the various parties finally to restore peace to the Great Lakes region.

The picture that the Group of Experts has painted is worrisome. It implicates all the participants: the foreign, uninvited forces, in particular Rwanda and Uganda; certain invited forces, such as Zimbabwe; the Congolese rebels — the grave accusations against the Mouvement de liberation congolais (MLC) and the Rassemblement congolais pour la démocratie (RCD) in the earlier reports remain valid, if I am to believe what Ambassador Kassem explained to us — and finally, members of the Government of the Democratic Republic of the Congo.

The international community's message to those parties is extremely clear. The natural resources of the Democratic Republic of the Congo cannot and must not be used except to benefit the Congolese; no one has a right to illegally exploit them. In that regard, a distinction must be made among the various actors concerned. What is meant by "illegal exploitation"? Obviously, any exploitation is illegal that benefits entities other than the legal Government of the Democratic Republic of the Congo that are not acting within the framework of Congolese legal provisions. The pillaging carried out by members of foreign forces stationed in the Democratic Republic of the Congo or on their behalf by Congolese agents therefore falls into that category. Along with occupation of the territory of the Democratic Republic of the Congo — which the Council has consistently denounced — it constitutes a violation of Congolese sovereignty and thus of international law. It must cease immediately.

However, measures that the Congolese Government might take with regard to exploiting the country's resources are not inherently illegal. I recall that, for at least four years, the Congolese Government had to deal with conflict situations on its own territory. Illegal actions may have been taken that were motivated, for example, by a desire for personal enrichment. But those constitute a violation of domestic law and should therefore be punished and redressed by the Congolese authorities in respect for the domestic law of the Democratic Republic of the Congo. That distinction, I believe, is necessary and must be taken into account in any study of the linkage between the exploitation of the resources of the Democratic Republic of the Congo and the continuance of the conflict. The entire world recognizes the Democratic Republic of the Congo and its Government. No one intends to equate the legal, recognized Government with other actors in the conflict.

But that distinction should not prevent the Congolese Government from punishing misconduct that might occur when such practices are verified. In that regard, I believe that I reflect the opinions of all my colleagues on the Security Council in emphasizing that strengthening the rule of law and extending it throughout the territory of a reunified Congo are decisive steps in the fight against the plundering of the country's resources. That is one of the reasons why the Council supports the ongoing negotiations among Congolese parties. We hope that they will lead as

quickly as possible to an all-inclusive agreement on the transition.

We are not here today to judge anyone, but we want results. We want an end to the plundering of the Democratic Republic of the Congo and to the conflict that has torn the region apart. To begin with, there must be a dialogue among those who have been implicated by the Ba-N'Daw and Kassem reports and by the Panel's experts. Each of the parties has the right to respond and to have his or her views heard. It would be desirable for the Secretariat to publish, within a month, a technical addendum to Mr. Kassem's most recent report, taking up the elements that all the parties mentioned in the report wish to emphasize. For the most part, those parties have spoken this morning.

In this connection, there are reasons to welcome the positive approach of the Ugandan authorities, who have created the independent Porter Commission — to which the Minister referred at length this morning — to investigate incidents in which Ugandan officials are implicated. We await with interest the report which the Commission is to issue in a few days.

We also welcome the response of the Prosecutor of the Democratic Republic of the Congo, who last week initiated proceedings involving all the members of the Government named in the Kassem report. We invite the other parties concerned to adopt a similar approach. It is through dialogue and by examining evidence — with respect, of course, for the safety of the Panel's sources — that the truth will emerge. Each State implicated in the report is responsible for putting an end to the activities of its citizens or undertaken on its territory that are linked to the illegal exploitation of the resources of the Democratic Republic of the Congo.

The Council has before it a long list of recommendations, all of which are relevant and some of which are quite novel. The Council will meet next week to decide on follow-up action, particularly in the light of the statements we have heard today.

I believe, however, that two comments can be made right away. First, the Council must continue to hear periodic reports on this issue. The Council might create a monitoring body, as Mr. Kassem has recommended, or simply renew the Panel's mandate, but we must maintain our independent capacity of observation. I would add that the Experts' next report will provide us with a new assessment of the activities of those who were named in the previous report, in the

light of indications they will have provided and of any developments noted by the Experts in the field.

Secondly, a reading of the Ba-N'Daw and Kassem reports should encourage us to reread reports written by other experts concerning other crises. It is disturbing to note a certain number of similarities. We note, for instance, that the same names of arms dealers and commodities traders recur again and again in all these reports. Three individuals identified by Mr. Kassem are also active elsewhere. Mr. Leonid Minim and Mr. Sanjivan Ruprah are also mentioned by the Liberia and Sierra Leone Panels. The name of Mr. Victor Bout also appears not only in the reports of the Liberia and Sierra Leone Panels, but also in the report of the Angola Panel and even in report of the follow-up group on Afghanistan, which mentions transactions between Mr. Bout, the Taliban and Al Qaeda. I emphasize that very important point. Mr. Minim, Mr. Ruprah and Mr. Bout are already the targets of Security Council sanctions. Their names appear on the list of persons subject to travel bans under resolution 1343 (2001) on Liberia. The very least that can be said, however, is that the restrictions do not seem to have hampered their activities in the Congo to any significant degree.

This being the case, we believe that the time has come once again to consider an approach that would enable us to compare these different types of information and the Council to adopt a coherent and effective line of action. We must put an end to the destabilizing activities of these international dealers throughout Africa and beyond. We must fully shoulder our responsibilities in this respect.

The Ba-N'Daw and Kassem reports are timely reminders that the undoubtedly positive developments in the peace process in the Democratic Republic of the Congo should not lead us to forget realities in the field. In addition to the progress made in the withdrawal of foreign forces, which we welcome, there are local conflicts, such as in Ituri, that are more or less manipulated and provoke genuine humanitarian catastrophes. Such conflicts have many causes, but they are all fuelled, as the Ba-N'Daw and Kassem reports show, by the ambition to control local natural resources. This issue is therefore more timely than ever and the success of the peace process depends on it. This is not the time to give up.

**The President** (*spoke in Chinese*): I thank the representative of France for his kind words addressed to China.



Mr. Strømme (Norway): I congratulate you, Sir, on assuming the presidency of the Council. We wish you every success for the month of November.

Our thanks go to Ambassador Belinga-Eboutou of Cameroon for the way he steered us through the month of October.

Let me also wish a warm welcome to New York and the Security Council to the Foreign Minister of Uganda.

Norway welcomes the final 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 thank Ambassador Kassem and the other members of the Panel for their most commendable efforts in this regard.

Despite the positive developments in the Great Lakes region over the past months, such as the Pretoria and Luanda peace accords and the rapid withdrawal of troops from the territory of the Democratic Republic of the Congo, the systematic exploitation of the natural resources of that country seems to continue unabated. According to the report, a large number of actors, Governments, individuals, armed groups and companies are in some way involved in the exploitation of natural resources. To the extent that an important motive for the continuation of the conflict is the exploitation of resources, as indicated by the Panel, there might be reason to question whether all parties to the conflict are negotiating in good faith. Norway urges all the parties to the conflict to prove that this is not the case by demonstrating that further results can be reached in the peace process without delay.

It is imperative that the recent progress made on the political level be translated into improved conditions on the ground, with increased security for the local populations, in particular in the eastern parts of the Democratic Republic of the Congo, including the Ituri region. Beyond the immediate short term, permanent Government structures must be established on the basis of an all-inclusive political dispensation in the Democratic Republic of the Congo, allowing for the natural resources to be utilized to the benefit of the local population in an equitable manner.

We share the view that the political resolution to the conflict in the Democratic Republic of the Congo, including progress in the inter-Congolese dialogue and

the establishment of effective governing structures, is the main key to preventing the exploitation of natural resources. We agree with the Panel that

“The main purpose should be to enable the legitimate transitional government to control the country’s natural resources and borders without foreign intervention”. (S/2002/1146, para. 163)

In this regard, we are encouraged by the latest news on the progress in the power-sharing talks between the parties to the inter-Congolese dialogue.

Norway would like to underline its support for the methodological approach that the Panel of Experts takes. We encourage the continuation of the use of panels of experts to assist the Security Council in its work. As is highlighted by the current discussion on the exploitation of natural resources in the Democratic Republic of the Congo, the Panel not only presents its findings and recommendations, but triggers useful discussions involving all relevant actors. It is our belief that this is a contribution towards finding good and sustainable solutions to the problems we are facing in the region.

The Secretary-General recently submitted the twelfth report on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) (S/2002/1180). In September, a special report on MONUC was submitted that included recommendations for strengthening MONUC’s capacity, especially in the eastern part of the Democratic Republic of the Congo. Norway would have liked to see more cross-references between the current report of the Panel of Experts and the reports on MONUC. An analysis of the link between economic interests and security aspects would be useful.

The report recommends the creation of forceful incentives and disincentives in order to minimize illegal exploitation. Legal utilization benefiting the population at large should be encouraged. However, we agree that it is necessary to find measures to deal with the parties involved in illegal exploitation and their fears of losing revenue. Norway has noted with keen interest the various recommendations provided by the Panel of Experts. Those recommendations are put forward with the view to bringing to an end the illegal exploitation of natural resources and to breaking the link between the exploitation and the continuation of the conflict. The fact that the exploitation continues despite recent troop withdrawals is alarming, and the

Security Council must explore all possible avenues to bring the exploitation to an end. Norway will contribute to that objective in the Council's further deliberations by supporting concrete measures. As an absolute minimum, various institutional reforms call for Governments to ensure that companies and individuals under their jurisdiction observe agreed standards of the Organization for Economic Cooperation and Development, and a further monitoring process related to the exploitation activities must be agreed upon and put in place.

As we are all aware, some of the actors accused in the report — most notably, Rwanda, Uganda and Zimbabwe — have presented their comments and replies to the report. Most of the Panel's findings have been challenged, and we will probably see further discussion between the Panel and those parties. We have noted with interest that steps have been taken by the Government of the Democratic Republic of the Congo against one of the companies mentioned in the report.

Finally, Norway urges the parties to the conflict and to the peace process in the Democratic Republic of the Congo to maintain the momentum created over the past weeks and months. We believe that full commitment to the Peace Agreements and the inter-Congolese dialogue is vital in the search for a lasting solution to the conflict in the region and for ways to stop the illegal exploitation that is so obviously taking place.

**Mr. Konuzin** (Russian Federation) (*spoke in Russian*): My delegation is pleased to see the People's Republic of China discharging the presidential duties of the Security Council. We are grateful to the delegation of Cameroon, and to the Ambassador of Cameroon for the excellent manner in which he carried out his duties as President in the previous month. My delegation also welcomes the Minister for Foreign Affairs of Uganda to this Chamber.

The Russian Federation expresses its gratitude to the Panel of Experts, headed by Ambassador Mahmoud Kassem, for the final report on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo. Today's discussion has shown that the report of the Panel of Experts has achieved important objectives. The response by States in the region and other interested countries has been lively and interested. Not all agree with the conclusions and recommendations of the report, including the Russian Federation. However, we must acknowledge

that the problem exists and we must take adequate steps to resolve it. That has been borne out by statements made by the representatives of Uganda, South Africa, Denmark, France, Norway and other representatives. In that connection, we are not inclined to consider the report as an excuse to precipitously adopt measures or decisions, but rather to consider it as food for thought that requires further study.

The issue we are discussing today is directly linked to the protracted bloodshed that has been taking place in the Democratic Republic of the Congo for many years. Recently there have been encouraging indications of resolution of that conflict. However, we are concerned about the report's information on the scope of the plundering of natural resources in violation of the sovereignty and territorial integrity of the Democratic Republic of the Congo.

We wish to draw particular attention to the conclusion of the Panel of Experts that armed groups in the country increasingly rely on control of budgetary resources, licensing fees, taxes on export products, custom duties on imports and State and local taxation generally. The result of such activities is the further plundering of the State, an increase in the number of refugees and internally displaced persons, human rights abuses and, ultimately, an extensive humanitarian crisis.

We are concerned about the criminalization of trade in Congolese resources, the lack of effective State control, the high level of violence and the militarization of certain regions of the Democratic Republic of the Congo. Uncontrolled access to especially valuable resources has been attracting increased interest on the part of criminal organizations. The consolidation of the illegal activities of criminal groups in pillaging the wealth of the Democratic Republic of the Congo are also threats to the economic and political stability of several neighbouring States.

At the same time, we have some questions about the recommendation of the Panel of Experts to introduce restrictions against the activities of individuals and organizations accused of the illegal export of natural resources from the Democratic Republic of the Congo. The delegation of Belgium even spoke of introducing sanctions against such individuals.

My delegation believes that combating economic crime falls, first and foremost, within the purview of States, not the Security Council. Moreover, only a court can determine which individuals or organizations

are truly guilty of illegal operations and should be prosecuted. The establishment of black lists by the Council would not guarantee an end to the illegal operations involving Congolese resources. However, it could give rise to serious legal problems, since, in the case of the plundering of the natural resources of the Democratic Republic of the Congo, it would be extremely difficult to prove that the activities of any type of commercial enterprise or individual pose a threat to international peace and security and, pursuant to Chapter VII of the Charter, the imposition of sanctions requires such a determination.

The Agreements achieved at Pretoria and Luanda, with the assistance of South Africa and Angola, establish the necessary preconditions for resolving the problem of the illegal exploitation of Congolese wealth. The ongoing and already completed withdrawal of foreign troops from the country is pulling the ground out from under the armed bands and criminal groups that for several years have been plundering their own State. The success of the inter-Congolese dialogue, the achievement of a comprehensive agreement on the establishment of a Transitional Government and the extension of its authority to the entire territory of the Democratic Republic of the Congo could be the turning point whereby the plundering of the natural resources of the Democratic Republic of the Congo would cease.

During this critical period, a more active role is being played by the international community, represented by the United Nations, its specialized agencies, international financial institutions, regional organizations and States that are interested in lending the Democratic Republic of the Congo support of all kinds, including at the financial and expert levels. The goals are: the implementation of programmes for the disarmament, demobilization and reintegration of former combatants; the restoration of the war-ravaged economy; the establishment of controls with respect to the use of natural resources; the strengthening of State bodies; the implementation of appropriate administrative procedures; an overview of economic activities related to the exploitation of natural resources; and a review of the legislation and the relevant agreements establishing control over the use of national resources.

Russia firmly believes that advocating a political settlement in the Democratic Republic of the Congo should remain a priority for the Security Council. We see this first and foremost as compliance by the

Council with its Charter obligation to maintain international peace and security.

Let me briefly react to some of the comments that were made in this Chamber. In particular, I will touch on the remarks made by the delegation of Uganda, which said that the United Nations Mission in the Democratic Republic of the Congo should send military contingents to the area. That proposal has some validity, but the capacities of the Mission are extremely limited, because of the lack of security in the region as well as the limited number of military contingents there.

Nevertheless, the appeal by the Ugandan delegation reaffirms the timeliness of finalizing work on a Security Council resolution on the expansion of the United Nations Organization Mission in the Democratic Republic of the Congo.

Furthermore, views were expressed here to the effect that the monitoring regime in the Democratic Republic of the Congo should be expanded, either by extending the mandate of the Panel of Experts or through the establishment of a new monitoring mechanism. We believe that this is a new issue that requires additional consideration by the Security Council. We cannot dissociate it from the situation that prevails in the region, that is, the situation with respect to the implementation of the Lusaka, Pretoria and Luanda agreements and to the withdrawal of foreign troops.

The current report has given rise to many questions and protestations on the part of a number of countries in the region. Here we would like to ask if the maintenance of the monitoring machinery at this time might not have an impact on the peace process. We need to discuss this, just as we need to discuss the proposal made here with regard to a more active involvement on the part of regional institutions and international financial institutions in the process of resolving the problems related to the illegal exploitation of the natural resources in the Democratic Republic of the Congo and of putting an end to such exploitation.

**The President** (*spoke in Chinese*): I thank the representative of the Russian Federation for the kind words he addressed to me.

*The meeting was suspended at 1.10 p.m.*



# Security Council

Fifty-seventh year

*Provisional*

**4642**<sup>nd</sup> meeting

Tuesday, 5 November 2002, 3 p.m.  
New York

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<i>President:</i>	Mr. Zhang Yishan .....	(China)
<i>Members:</i>	Bulgaria .....	Mr. Taffrov
	Cameroon .....	Mr. Belinga-Eboutou
	Colombia .....	Mr. Valdivieso
	France .....	Mr. Levitte
	Guinea .....	Mr. Traoré
	Ireland .....	Mr. Corr
	Mauritius .....	Mr. Gokool
	Mexico .....	Mr. Aguilar Zinser
	Norway .....	Mr. Strømme
	Russian Federation .....	Mr. Konuzin
	Singapore .....	Mr. Mahbubani
	Syrian Arab Republic .....	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland .....	Sir Jeremy Greenstock
	United States of America .....	Mr. Williamson

## Agenda

The situation concerning the Democratic Republic of the Congo.

Letter dated 15 October 2002 from the Secretary-General addressed to the President of the Security Council (S/2002/1146).

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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-154A.

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*The meeting resumed at 3.15 p.m.*

**The President** (*spoke in Chinese*): I should like to inform the Council that I have received a letter from the representative of Angola in which she 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, Mrs. Izata (Angola) took the seat reserved for her at the side of the Council Chamber.*

**Mr. Gokool** (Mauritius): I would like first of all to congratulate you, Sir, on your assumption of the presidency of the Council for this month and to assure you of our support and cooperation. At the same time, I would like to congratulate Ambassador Belinga-Eboutou and his team on the manner in which they conducted the work of the Council last month.

I extend a warm welcome to the Minister for Foreign Affairs of Uganda, The Honourable James Wapakhabulo.

Today's public meeting provides an opportunity for all interested parties to comment freely on the contents of 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/2002/1146). As with all panels established by the United Nations, we expect a high degree of professionalism in terms of research and documentation, as well as assessments and conclusions based on concrete and verifiable evidence. We must all remember that when such panel reports are issued, they are immediately referred to as United Nations reports and become a reference tool for determining the creditworthiness of countries. We have no doubt that that spirit inspired the members of the Panel.

We favour the "name and shame" approach, which in itself should represent a strong deterrent to illegal exploiters. At the same time, we must make sure that such an approach is based on irrefutable and concrete evidence. Since the publication of the report, many Governments, companies and individuals have

disputed several important allegations made therein, calling them baseless, unfounded, politically motivated and unverified. It is certainly not helpful for Member States when the Panel makes assumptions and bases itself on perceptions when finalizing its report. As we all know, such assumptions and perceptions are not legally valid.

It is important that all information be fully verified and that countries named in the report have the opportunity to provide explanations. We note, for example, that paragraph 18 of the report makes reference to a joint Zimbabwe-Democratic Republic of the Congo company to be set up in Mauritius to disguise the continuing economic interests of the Zimbabwe Defence Forces in the Democratic Republic of the Congo. Unfortunately, no counter-checking or verification of that information was ever requested from Mauritius. Such shortcomings lead to the undesired conclusion that the report aims at sensationalism.

The Panel's report constitutes an important basis that will help in framing a comprehensive strategy to combat the illegal exploitation of the natural resources of the Democratic Republic of the Congo. It is now an internationally recognized fact that the natural resources of the Democratic Republic of the Congo are being plundered in the most brutal way and that the wealth of the country, instead of helping to enhance the well-being of the Congolese population, has got into the hands of unscrupulous exploiters. On a number of occasions, Mauritius has clearly stated that the natural resources of the Democratic Republic of the Congo belong to the Congolese people and not to anybody else. The vicious circle whereby the conflict is continued so as to better exploit the natural resources of the Democratic Republic of the Congo should, therefore, be broken. We deplore the current situation as described in the report and express our belief that the natural resources of the Democratic Republic of the Congo should be exploited legally so as to benefit that country and its people.

The report clearly points to the involvement of neighbouring countries, both at the national and the individual levels, in the illegal and illicit exploitation of the resources of the Democratic Republic of the Congo. Mauritius notes with concern that the plundering continues unabated, and it strongly condemns all of those illegal activities. We believe that the countries involved should take necessary measures

to cease such activities or, in cases where their nationals are involved, to carry out investigations with a view to apprehending those responsible. We take note of the work being done by the Porter Commission and look forward to its conclusions. We are ready to consider the setting up of a monitoring body to scrutinize the situation and to ensure that exploitation activities are significantly curbed.

The report recommends that the Security Council consider imposing certain restrictive measures on a selective number of business enterprises and individuals involved in the illicit exploitation of the natural resources of the Democratic Republic of the Congo. That recommendation can be implemented only after the respective Governments have been given enough time to respond to the allegations in the report or to take action against practices by companies in their respective countries.

We all acknowledge the fact that the peace process has reached quite an advanced stage. But it remains fragile, as was demonstrated by the recent fighting in the region of Uvira between the Rassemblement congolais pour la démocratie rebel group and local Mai-Mai militias. Any measure by the Council which would lead to a hardening of the positions of the parties to the conflict could seriously jeopardize progress in the peace process.

Mauritius believes, therefore, in a holistic approach to the resolution of the conflict and all related problems in the Democratic Republic of the Congo. We feel that full implementation of the Lusaka, Luanda and Pretoria Agreements will in itself result in curbing the illegal exploitation of natural resources. We also believe that a transitional government would be a major step in halting the illicit exploitation of the natural resources of the Democratic Republic of the Congo.

The countries of the region have an important role to play in achieving a comprehensive peace settlement. In this regard, we commend the Government of South Africa for its efforts in the search for peace and stability in the Democratic Republic of the Congo, as well as in the Great Lakes region. We also encourage the efforts made by other countries in the region towards that end. As we suggested in the September meeting, the Security Council should now seriously start thinking about how to deal with those who do not want a voluntary process of disarmament,

demobilization, repatriation, resettlement and reintegration and those who are not signatories of the Lusaka Agreement.

The idea of convening an international conference on peace, security, democracy and sustainable development should be looked into when a post-conflict situation is reached. Such a conference can only be beneficial once peace has been established and when there is a strong Government in the Democratic Republic of the Congo that is able to exercise control throughout the Congolese territory. It is equally important to have thorough preparation before actually convening such a conference.

Finally, with respect to the trade in rough diamonds, Mauritius agrees that universal participation will make the Kimberly process a more effective instrument to prevent the illicit trade in this natural resource.

**The President (*spoke in Chinese*):** I thank the representative of Mauritius for his kind words.

**Ms. Lee (Singapore):** We, too, congratulate you, Mr. President, on assuming the presidency for this month and join colleagues in expressing our appreciation to Ambassador Belinga-Eboutou and his team for his presiding over the Council last month. We would also like to extend a warm welcome to the Foreign Minister of Uganda for his participation here today.

We join our colleagues in thanking Ambassador Kassem and the other members of the Panel for their very comprehensive and insightful report, contained in document S/2002/1146. Given the complexity of the problems stipulated in the Panel's new mandate and the very difficult conditions under which they had to work, we appreciate the determined manner in which they went about their work, as well as the candour of their report.

We are also impressed by the standards of proof adopted by the Panel and the fact that they "made every effort to fairly and objectively evaluate the information it has gathered", as stated in paragraph 8 of the report. The Panel's credibility has been given the acknowledgement it deserves by the Porter Commission, as cited in paragraph 136 of the report. My delegation is particularly impressed by the detailed findings by the Panel with regard to the elite networks that continue to exploit the resources of the Democratic

Republic of the Congo, even as foreign forces finally withdraw from the country. The information provided by the Panel is vital for a clearer understanding of the actual situation and will certainly play a key role in our decision on the next steps that need to be taken to stem "the plundering of the natural resources of the Democratic Republic of the Congo" (para. 1).

However, as the Security Council deliberates on this substantial report, we will also need to take into account the responses of the Governments, individuals and companies implicated in the report. It is no understatement to say that the report has stirred up a hornet's nest. As we have heard today, many of the parties implicated in the report have accused the Panel of failing to observe due process and of relying on flimsy evidence in arriving at its findings. The chairman of one such company, Oryx Natural Resources, visited Security Council members in New York last week, including our delegation, to make the case that his company was innocent. He also told us that the Panel had made no attempt to contact him or his company to check its facts prior to implicating his company in the report.

In our view, such responses to the report must be fully addressed so that no innocent party is inadvertently included among the guilty but the guilty parties are conclusively shown to be what they are. To achieve this, we must ensure that due process is observed. The Panel has quite wisely proposed a grace period of four to five months before a final decision is taken on the imposition of the financial and travel restrictions that it has recommended against the individuals and companies listed in Annexes I and II of the report. That grace period is needed to clear up any disputes that those named may have and, at the same time, provide the opportunity for the guilty parties to cease their illegal activities.

However, the Security Council does not have any mechanism to assist it, so as to ensure that the observance of due process and the necessary high evidentiary standards will be the final arbiters before we make our decision on the Panel's recommendations. We will take up this question again when the Council meets next week in informal consultations to discuss the outcome of today's debate. Here, I would like to add that we agree with the representative of France that our purpose should not be to point fingers at anyone but to stop the plundering and to find a way for the Democratic Republic of the Congo to move forward.

On the substance of the report, in general, we see the Panel's report as an important contribution to our efforts to stem the illegal outflow of the natural resources of the Democratic Republic of the Congo. Even as we wrestle with the problem of the illegal exploitation of the natural resources of the Democratic Republic of the Congo, we must recognize that such exploitation is possible only when the parties involved know that they can get away with it. The Panel's description of this state of affairs was that of "a self-financing war economy centred on mineral exploitation", as aptly stated in paragraph 12 of the report.

A sustainable solution would require the development of a reasonably transparent economy and good governance in the areas exploited. A precondition for both would be peace and a Government that is clearly representative of, and committed to, the people of the country. Emphasis must, therefore, continue to be placed on the political dialogue process among the Congolese parties, so that such a Government can be established. To underpin stability in the Democratic Republic of the Congo and, indeed, throughout the Great Lakes region, countries in the region should develop a transparent regional trading system that would not only discourage the illicit movement of goods but also enable the countries to complement each other's economic strengths. It is to their credit that during the Security Council meeting two weeks ago on the subject of cooperation between the United Nations system and Central Africa, many African delegations emphasized the importance of regional economic cooperation as a cornerstone of the African continent's efforts.

In my delegations view, the international community should support the efforts of both the region and the Democratic Republic of the Congo to stop the pillaging of the natural resources of the country. Monitoring of the illegal exploitation should be maintained until the Government of the Democratic Republic of the Congo is able to exercise effective control over the areas concerned. We are, therefore, supportive of the Panel's recommendation in paragraph 186 of its report that the Security Council should look into the establishment of a monitoring body for that purpose.

And like our colleagues, we have also taken note that many of the criminal activities of the elite networks described by the Panel are related to the usual

suspects that we have encountered in other Panel reports. For example, at paragraph 72, 107 and 140 of the report, there is reference to the Victor Bout connection. We are also concerned that the Panel has uncovered smuggling of Angolan and Sierra Leone diamonds despite Security Council embargoes on those diamonds. Those references came from paragraph 52 of the report. We have previously pointed out that a mechanism must be established for the consistent monitoring of Security Council embargoes. Perhaps the time has come for the Security Council to also look into the establishment of a body for that purpose.

Finally, when one reads the Panel's findings regarding the fortunes that have been made and are still being made by the elite networks, and juxtaposes this with the statistics of the Office for the Coordination of Humanitarian Affairs (OCHA) on malnutrition and mortality rates of children below the age of five years, it is clear that non-action by the Security Council is not an option. We cannot fail the people of the Democratic Republic of the Congo.

**The President** (*spoke in Chinese*): I thank the representative of Singapore for her kind words addressed to me.

**Mr. Mekdad** (Syrian Arab Republic) (*spoke in Arabic*): We wish at the outset to congratulate you, Sir, on your assumption of the presidency of the Council for this month and to wish you all success in your work. We would also like to extend our thanks to your predecessor, Mr. Belinga-Eboutou, the Permanent Representative of Cameroon, for the excellent way in which he guided the work of the Council during his presidency last month. We would also like to greet the Minister for Foreign Affairs of Uganda, as well as Ambassador Mahmoud Kassem and other members of the Panel of Experts.

Our delegation has considered 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/2002/1146). The Government of the Syrian Arab Republic believes that it is vital to establish peace in the Great Lakes region, and in the Democratic Republic of the Congo in particular, through the implementation of all existing agreements, starting with the Lusaka Agreement and the Sun City, Pretoria and Luanda agreements.

In that regard, we call upon all the parties involved in the inter-Congolese dialogue and upon the

neighbouring countries to speedily implement all those agreements. That would lead to prosperity for the region, put an end to the illegal exploitation of its resources and ensure the enjoyment by all citizens of the benefits of peace. After the complete withdrawal of all foreign forces and the halting of all military actions, a phase of reconstruction and the demobilization, disarmament and reintegration or repatriation of ex-combatants would begin.

We believe that the international community, the international financial institutions and donor countries should fulfil their commitments to help the region attain sustainable development and the objectives of the New Partnership for Africa's Development (NEPAD), by promoting the institutions of the Africa Union and supporting its programmes. In that regard, we commend South Africa and the United Republic of Tanzania for having facilitated the holding of various meetings and the achievement of several agreements. We also commend the representatives of the Secretary-General in the region and hail the important role played by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

Having considered the report of the Panel of Experts, we are a bit surprised by some of its contents and by its failure to secure irrefutable evidence before levelling blame and accusations against individuals and companies; indeed, this has been done even without prior contact with those individuals or with representatives of those companies. In addition, we reject conclusions volunteered by members of the Panel when such conclusions were not required or when they were based on reasoning that is difficult to understand. Here, we would like to note the report's political reference to a number of companies in Africa and in the Arab region. As far as we know, the report was not supposed to deal with the internal affairs of other African countries or with political aspects related to Arab countries. Therefore, we would like to express our dissatisfaction at the levelling of accusations and the description of some business people as members of international criminal organizations. Is that not somewhat exaggerated?

We also note that the report was based on information provided by informers, be they companies or competing traders. That affects the accuracy of the report and the credibility of the Panel of Experts. My delegation welcomed the efforts made by the Chairman and members of the Panel during the Security Council



mission to the Great Lakes region and subsequent in Council meetings. We understand the importance of the Panel's work and the importance of providing it with all the assistance it needs to collect documents that would support its conclusions.

We have also endorsed the idea that the Panel should meet with those mentioned in the report. But we feel that the Panel failed to make such contacts or to ask questions about the contents of a number of paragraphs relating to some major countries in the region and the relationship between those countries and some of the companies mentioned in the report.

Levelling accusations against Arab cities and countries such as Dubai and the United Arab Emirates in some paragraphs of the report was out of place and unacceptable. Our delegation believes that every accusation against Arab individuals named in the report can be answered and refuted, as the Permanent Representative of Oman said this morning. We confirm that these individuals and company representatives possess the documents needed to refute all the accusations levelled against them. They are entirely right to be dissatisfied, since the Panel neither contacted them nor gave them a chance to produce documents proving their innocence.

In annex I of its report the Panel lists the companies it recommends should be subject to financial restrictions; annex II lists individuals for whom the Panel recommends a travel ban and financial restrictions. This includes Arab, African and European business people. We believe that there is an urgent need to re-evaluate the entire contents of the report.

My delegation reaffirms its keen interest in revealing the whole truth behind the illegal exploitation of natural resources of the Democratic Republic of the Congo. However, we also reaffirm the importance of not undermining the reputation of individuals or companies or exaggerating certain incidents in the absence of the necessary irrefutable. The livelihoods of thousands of families depend on the activities of the accused business people and companies.

We reaffirm that all parties must be committed to the implementation of agreements recently reached, and to the implementation of the Lusaka Agreement. We reiterate that the only guarantee against the illegal exploitation of natural resources of the Democratic Republic of the Congo is continued efforts to establish a strong Government in that country that would ensure

regulated, legitimate and sustainable exploitation of natural resources to the benefit of its people and of the region in general.

Yesterday, my delegation reaffirmed that informal consultations must be conducted to consider the report's recommendations and conclusions. At the same time, we reaffirm that we stand against any illegal exploitation of natural resources of the Democratic Republic of the Congo, and we reiterate the importance of taking the necessary measures to ensure that the natural resources of that country and throughout the African continent are used to benefit the continent's peoples, and that the illegal exploitation of wealth is brought to an end.

We reaffirm our keen interest in having the Council consider the report in an objective manner, and we support the idea that the Council should lay down very clear and specific guidelines with regard to the functions and work of any mechanism to be established by the Council in the future.

**The President** (*spoke in Chinese*): I thank the representative of the Syrian Arab Republic for the kind words he addressed to me.

**Mr. Traoré** (Guinea) (*spoke in French*): Let me first of all bid a warm welcome to the Minister for Foreign Affairs of Uganda and thank him for his important statement. I would also like to say how pleased I am to see you, Sir, presiding over the Council during November. We reaffirm that my delegation will continue its traditional cooperation. I would also like to commend the outstanding work done in the month of October by the delegation of Cameroon under the leadership of my brother, Ambassador Martin Belinga-Eboutou.

My delegation is grateful to Ambassador Kassem and the Panel of Experts for the quality of its report (*S/2002/1146*) on the illegal exploitation of natural resources and other wealth of the Democratic Republic of the Congo. The report establishes quite clearly the close link between the Great Lakes conflict and the exploitation of the resources of the Democratic Republic of the Congo, in violation of that country's territorial integrity and of international law.

The reports submitted by the Panel of Experts between April 2001 and October 2002 eloquently demonstrate our determination to put an end to the plundering of those resources and to find a lasting

solution to conflict throughout the region. The facts given in these reports have enabled us to cast light on the role of some and the intentions of others, which have unfortunately meant 3.5 million deaths and an ever disturbing humanitarian situation in the Democratic Republic of the Congo. With regard to the many consequences of the years of war, in all their various and complex dimensions, the Council must take the necessary steps with regard to those responsible for the plundering once their responsibility has been established.

With regard to our consideration of our reports of the Panel of Experts, my delegation would like to highlight some relevant aspects of its conclusions and recommendations. While we must welcome the official withdrawal of foreign troops from the territory of the Democratic Republic of the Congo, my delegation remains concerned over the continued presence of the ground of elite networks, with the goal of perpetuating the illegal exploitation of these resources in all its forms. That is why we support not merely verification that the withdrawal is genuine, but also an in-depth investigation of the elite networks.

My delegation agrees to establish a monitoring body for putting an end to the illegal exploitation of the resources of the Democratic Republic of the Congo. In that regard, priority should be given to Congolese expertise. To ease the humanitarian impact of planned measures and restrictions against companies and individuals involved in the plunder of resources, we agree that appropriate technical and financial assistance should be provided to Congo. Moreover, in its paragraph 155, the report indicates that an embargo or a moratorium banning the export of raw materials originating in the Democratic Republic of the Congo does not seem to be a viable means of helping to improve the situation in that country.

This approach, as we see it, is different from that suggested by the initial recommendations of the Panel of Experts. Are we to conclude that this is a new approach? My delegation would like some information in this regard. We endorse the interpretation of the Government of the Democratic Republic of the Congo with regard to the concept of invited and not-invited countries. That analysis is based on the sovereign right of every State. The Council should take it into account. Moreover, we agree with the recommendation in paragraph 157 that the establishment of a transitional government in Kinshasa should be accompanied by the

disarmament of the rebel groups, the genuine withdrawal of foreign troops, the adoption of measures to curb illegal exploitation, and the application of serious multilateral pressures and incentives. The institutional reforms envisaged by the Panel of Experts are part of that approach and are aimed at restoring State authority throughout the country.

We welcome the significant progress in the multiparty negotiations on the formation of a transitional government in the Democratic Republic of the Congo, which would guarantee a promising future. Such progress will bolster the Pretoria and Luanda Agreements. Can the Group give us further information on the real nature of its collaboration with the Porter Commission in Uganda? We find this collaboration contradictory since it is called an "amiable working relationship" (*S/2002/1146, para. 132*) based on exchanges of information and evidence, whereas it is also stated that the Porter Commission doubts the credibility of the Panel's evidence.

In conclusion, my delegation would like to reiterate its support for the holding of an international conference on peace, security, democracy and sustainable development in the Great Lakes region. That initiative, which deserves the attention of all, should be a priority based on an integrated approach to the settlement of the ongoing conflict in the region.

**The President** (*spoke in Chinese*): I thank the representative of Guinea for the kind words he addressed to me.

**Mr. Corr** (Ireland): May I first extend the good wishes and full support of my delegation to you, Sir, as China assumes the presidency of the Security Council for this month. I would also like to thank very warmly the Permanent Representative of Cameroon and his colleagues for a presidency last month of skill and real achievement, which we appreciated very much. I would also like, on behalf of my delegation, to warmly welcome the Foreign Minister of Uganda to our meeting today. I thank him for his very comprehensive statement this morning. We look forward to the report of Judge Porter later this month.

I would like to thank you, Mr. President, for convening this public meeting of the Council to consider the final 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/2002/1146*). I wish to express the warm

appreciation of Ireland to Ambassador Kassem and his colleagues for their report. This has been a difficult task very well done, and we are in their debt. The representative of Denmark has already made a statement on behalf of the European Union, and Ireland, of course, fully associates itself with that statement.

The Panel, in all its successive reports, has consistently and rightly taken the view that without a resolution of the broader conflict in the Democratic Republic of the Congo and the Great Lakes region generally, it will be extremely difficult to achieve an end to illegal exploitation of the natural resources of the Democratic Republic of the Congo.

The situation is more complex than simple cause and effect. Violence and conflict fuelled the illegal exploitation of resources of the Democratic Republic of the Congo by foreign Governments and armies; exploitation, in turn, became in itself a prime factor in further exacerbating conflict and violence. Today, this exploitation and greed remains a powerful force against the achievement of peace and stability in a tortured land whose people want peace and deserve justice as part of peace.

The Pretoria and Luanda Agreements, building on the Lusaka process, offer the best — indeed, the only— way forward to peace and stability in the Democratic Republic of the Congo. And yet, the progress achieved to date, while real, remains distinctly tenuous as recent violent clashes in the eastern and north-eastern parts of the Democratic Republic of the Congo graphically illustrate. The situation in Ituri remains especially grave. All parties to the Agreements have an absolute duty to use their full influence to end military activity by all armed groups and militias under, or susceptible to, their influence. All sides must work, especially in the context of the current Pretoria talks, for an inclusive political agreement in the framework of the inter-Congolese dialogue. All must cooperate fully and in every respect with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). The process of disarmament, demobilization, rehabilitation and reintegration (DDRR) must proceed with no impediments. And we in the Security Council, as we prepare to review the mandate of MONUC in support of the Pretoria Agreement, must play our part.

The detailed findings in the Panel's report are shocking. Let me clearly say that Ireland finds the report compelling in its analysis and in its general conclusions. It names countries; it names individuals and companies; it points a clear finger against those who systematically plunder and rob the resources of the people of the Democratic Republic of the Congo. It is a frightening assessment of what happens when greed and rapaciousness spiral out of control and feast on the suffering and misfortune of others.

It is the judgement of the Panel that, welcome as recent troop withdrawals from the Democratic Republic of the Congo by Rwanda, Zimbabwe and Uganda may be,

“these withdrawals are unlikely to alter the determination of Rwanda and Zimbabwe, and Ugandan individuals, to exercise economic control over portions of the Democratic Republic of the Congo”. (S/2002/1146, para.13)

Moreover, the Panel alleges that the Uganda People's Defence Forces (UPDF) “continue to provoke ethnic conflict” (para. 14); that Rwanda has prepared for withdrawal by putting in place economic control mechanisms; that senior officers of the Zimbabwe Defence Forces (ZDF) have enriched themselves from mineral assets of the Democratic Republic of the Congo and that this pattern continues; that an elite network of Congolese and Zimbabwean political, military and commercial interests seeks to maintain its grip on main mineral resources of the Government-controlled areas.

There is no need here to elaborate on the detailed findings of the Panel. My delegation will, of course, carefully listen to the arguments put forward by Governments, companies or individuals against whom a clear finger is pointed.

What is important for all sides is to safeguard and strengthen the peace process. My delegation finds extremely persuasive the recommendations of the Panel to consolidate this progress by a set of agreements or initiatives on reconstruction and sustainable development to address the economic dimensions of the Lusaka peace process and to provide incentives for continuing progress.

We fully support the proposal for a first set of initiatives involving quick-disbursing aid for the Democratic Republic of the Congo and other Great

Lakes countries involved in the conflict. We strongly support, as others have today, the convening of an international conference on peace, security and sustainable development in the region. We agree on the urgent need for reconstructing and reforming the State institutions of the Democratic Republic of the Congo. We agree also that a comprehensive economic and social development programme in the eastern Democratic Republic of the Congo be set up to assist a transition to a legitimate civilian administration.

My delegation supports the proposal for a review by a special commission of all mining and forestry concessions and contracts signed since 1997. Ireland also agrees with the Panel that the Governments of the countries where the individuals, companies and financial institutions that are systematically and actively involved in exploitation activities are based should assume their share of responsibility.

The recommendations of the Panel are measured and carefully calibrated in support of peace but in adamant opposition to further theft of resources that belong to the people of the Democratic Republic of the Congo. It is stated in the report that there is

“ample justification for donors to respond to a Security Council resolution — which might be necessary — which would propose certain reductions in official aid to promote peace and good governance”. (*para. 171*)

The Panel recommends that measures should also be aimed at making aid disbursements to Burundi, Rwanda, Uganda and Zimbabwe conditional on their compliance with the relevant agreements in the Lusaka peace process and on verifiable measures taken to halt illegal exploitation of the resources of the Democratic Republic of the Congo. Non-compliance would automatically trigger a review and reduction of assistance programmes for those countries but, in the recommendation of the Panel, this should not cover sector-specific allocations. I should add that this latter caveat seems to my delegation a wise and appropriate one. It is the exploiters, not the innocent, who should feel the strength of international concern.

The Panel recommends that implementation of this proposal would proceed in three stages, beginning with a grace period to permit verification of the compliance of all the parties to the conflict. Overall, this is an especially sensitive proposal, and the Panel rightly presents it in that light. We will consider it

carefully with other Council members, not least bearing in mind, on the one hand, the clear need for disincentives against non-compliance and, on the other, the need to also fully safeguard the interests of poor people dependent on development funding support.

The Panel also recommends that the Council consider imposing certain restrictions on a number of business enterprises and individuals named in the report, but with a short grace period of several months before the restrictions are applied. That is a proposal my delegation will also carefully assess in the period ahead. It will, of course, be important for any actions in respect of any company or individual to be based on due assessment of evidence.

We agree with the Panel recommendations on adherence of business enterprises to the Organization for Economic Cooperation and Development (OECD) guidelines.

As regards the need for a monitoring body to report to the Council, I can state that Ireland fully supports this proposal.

That Panel's report is detailed and well documented. The recommendations are measured and fair. As we move forward in our support for the achievement of peace in the Democratic Republic of the Congo and in the Great Lakes region generally, and in guarding against those forces that are undermining the peace, I would conclude by fully endorsing the underlying theme that runs through this report: justice and peace cannot rest on foundations of injustice and wrong.

**The President** (*spoke in Chinese*): I thank the representative of Ireland for the kind words he addressed to me.

**Mr. Belinga-Eboutou** (Cameroon) (*spoke in French*): First of all, may I welcome His Excellency Mr. Wapakhabulo, Third Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Uganda.

Since I am taking the floor for the first time in a public meeting of the Council under your presidency, Sir, I would like to join previous speakers in reiterating to you my delegation's sincere congratulations and expressing Cameroon's great satisfaction at seeing China succeed us at the head of the Security Council. China is a great country and a reliable friend with which we have excellent and varied ties of friendship

and cooperation. I can pledge our full cooperation during your term of office, which I hope will be particularly fruitful. May I also express our gratitude to all those delegations that have spoken such kind words about Cameroon; I thank them for their encouragement and appreciation of our presidency of the Security Council for the month of October.

Two weeks ago, we were saying here, during a public meeting on Central Africa, that our region has enormous potential and immense soil and subsoil wealth. We went on to point out that, because of that wealth, it has unfortunately been the object of every kind of greed, becoming thereby the African region with the most conflicts.

One of the merits of the final report (S/2002/1146) of Ambassador Mahmoud Kassem and his team is that it points to one of the causes — if not the principal cause — of the conflict that the Democratic Republic of the Congo has endured for several years. In truth, one of the causes for the Congo's instability since its independence is that the Democratic Republic of the Congo is sick — sick from its mineral riches. It is their victim.

Beyond the responsibilities of certain parties, the Panel's report unquestionably establishes that the Democratic Republic of the Congo has been plundered and exploited like no other country, to the benefit of the many-sided conflict whose theatre it remains. The report — which was submitted for our consideration and attests to the effectiveness of the illegal exploitation of the natural resources of the Democratic Republic of the Congo by various parties to conflicts under way in the Great Lakes subregion — gives rise to the most serious concern on the part of my delegation. We express that concern both because of the context in which the report is issued and because of its conclusions, whose seriousness will affect peace-building in the subregion.

With regard to the context, the international community cannot fail to welcome the beginning of the withdrawal of foreign troops from the territory of the Democratic Republic of the Congo, which is being carried out in the interests of peace and to re-establish the sovereignty of the Congolese Government over all its territory. In that regard, Cameroon would like once again to welcome the progress achieved in such an important area. We remain confident in the attainment

of that objective, each of the parties having affirmed their good faith and their commitment to bring it about.

On the domestic level, we are witnessing an acceleration of the inter-Congolese dialogue, whose conclusion would complete the Sun City process with the international community's resolute support.

Those positive and promising developments, if they take into useful account the conclusions of the report of the Panel of Experts, should be swiftly consolidated and should guarantee the durable restoration of peace and security to the Democratic Republic of the Congo and to the subregion.

In its positive and prescriptive dimension, the report encourages negotiation by the subregional actors of new economic trade and integration agreements, based on a new consensus that respects the sovereignty of all States. To that end, an international conference of the Great Lakes countries — which has been called for earnestly by the subregion's heads of State and which Cameroon has advocated since 1996 — could usefully serve as a political pillar for such an initiative and could enable us to break the vicious circle of the illegal exploitation of the natural resources of the Democratic Republic of the Congo and of the continuation of hostilities on the ground.

My delegation's view is that, beyond all the sensibilities that might be aroused by the report submitted to the Council by Ambassador Kassem, only the reconstruction of the Democratic Republic of the Congo, with its political, economic and social infrastructures, is at stake. The international community must therefore encourage and assist that country in order to enable it to re-establish its authority over all its territory and to fully enjoy the riches of its soil and subsoil, in the interests of its own people. In that context, the reorganization of the extraction and commercialization sectors of the mining sector in the Democratic Republic of the Congo will be essential for the realization of those objectives.

Moreover, the strengthening of the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and of its military and logistical components should enable it to act to take better control over Congolese territory, in particular the north-east of the country, the theatre of recurrent hostilities. My country reaffirms its support for and hopes that MONUC's strengthening will take place quickly, in the spirit of the conclusions of the

Security Council's public meeting of 22 October 2002, devoted to relations between the United Nations and the States of the Economic Community of Central African States.

My delegation appeals to the countries of transit and destination of the natural wealth exploited illegally in the Democratic Republic of the Congo to finally take adequate measures to control and even, if necessary, to interdict such activities. In that context, the Kimberly Process related to the trade in conflict diamonds could, despite its drawbacks, be an excellent basis for work and reference. My country supports that Process and the Panel's recommendation to all States to cooperate fully.

Finally, in respect for Congolese sovereignty, Cameroon supports the recommendation of the Panel of Experts that the Security Council create a monitoring body charged with following up on activities related to the exploitation of natural resources in the Democratic Republic of the Congo.

**The President** (*spoke in Chinese*): I thank the representative of Cameroon for the kind words he addressed to me and to my country. I should also like to thank him for pledging to the Chinese delegation his full support and cooperation. My ability to succeed as President of the Council during November rests on the excellent groundwork laid in October.

**Mr. Thomson** (United Kingdom): Since this is our first opportunity to speak this month, I should like to join previous speakers in welcoming China's assumption of the presidency of the Security Council and to offer you, Sir, and your colleagues the full support of my delegation during this challenging month.

Like previous speakers, I should also like to thank the Permanent Representative of Cameroon and his delegation for their efforts during their presidency of the Council last month.

We are very pleased to see here today and to have heard the Deputy Prime Minister and Foreign Minister of Uganda. We thank him for making the effort to be present.

The Danish Ambassador delivered this morning a statement on behalf of the European Union and associated countries. The United Kingdom fully endorses that statement.

We welcome the Panel of Experts' report and appreciate all the hard work that has clearly gone into it. We look forward to continuing work on the detail of the report. On this occasion, I should like to be quite brief and to dwell on just a few of the main points.

Our priority — and, I think, our collective priority — is the need to ensure that the people of the Democratic Republic of the Congo benefit from the exploitation of the country's natural resources to aid development, peace and stability. We therefore urge all the parties named in the report to investigate seriously the allegations made and to respond fully to its recommendations.

My Government hopes that the Panel's Chair will nominate a spokesperson to respond to questions from organizations and individuals named in the report and its annexes. We would encourage the Panel to share information with Governments and companies named, to the extent possible without compromising source protection, so as to allow them to carry out full investigations and take any necessary action.

We have noted with concern that key parties identified in resource exploitation have also been named as being involved in supplying arms to foreign armed groups, in breach of their obligations, as signatories to the Lusaka Ceasefire Agreement. We call again on all parties to stop supplying foreign armed groups in the Democratic Republic of the Congo.

We note the explicit connection that the report makes between resolving the issue of resource exploitation and the establishment of an agreed, fully inclusive transitional Government in the Democratic Republic of the Congo. We call on all parties to the inter-Congolese dialogue to renew their efforts to that end.

My Government welcomes the statement made by the Democratic Republic of the Congo's Public Prosecutor that he will investigate the report's findings. This response contradicts some other statements made by the Government of the Democratic Republic of the Congo rejecting the report's allegations against senior Government figures, so we hope that the Government of the Democratic Republic of the Congo will clarify its position and respond constructively to the report's recommendations.

The Government of Rwanda has issued a detailed response to the Panel's report and we heard the

Rwandan representative speak eloquently on the subject this morning. We call on the Government of Rwanda, in common with other parties named in the report, to respond constructively to the report's recommendations.

The Panel notes unconfirmed reports that some personnel of the Rwandese Patriotic Army remain in the Democratic Republic of the Congo. We understand that the Third Party Verification Mechanism (TPVM) and the United Nations Organization Mission in the Democratic Republic of the Congo have looked into such allegations and are satisfied that Rwandan withdrawal from the Democratic Republic of the Congo is complete. We call on both parties to implement their Pretoria commitments in full and with full transparency and we express our full support for the TPVM in carrying out its monitoring role.

The Ugandan Government responded publicly and in detail to the report this morning. We call on the Government of Uganda to respond constructively to the report's findings and we, like others, look forward to the findings of the Porter Commission. We welcome the Government of Uganda's statement that the Porter Commission has the judicial powers of the High Court and is independent of the executive.

Finally, we also call on the Zimbabwean Government to respond to the report's findings. We listened carefully to the representative of Zimbabwe's presentation this morning. The Council will need to consider very carefully all aspects of the Panel's report, including those relating to Zimbabwe.

**The President** (*spoke in Chinese*): I thank the representative of the United Kingdom for his kind words addressed to me.

**Mr. Aguilar Zinser** (Mexico) (*spoke in Spanish*): My delegation congratulates you, Sir, on your assumption of the presidency of the Security Council and offers you our highest commitment of cooperation with the Council as it carries out its tasks this month.

We also wish publicly to thank the Ambassador of Cameroon for his magnificent work at the helm of the Security Council in October.

We welcome the Minister for Foreign Affairs of Uganda to our meeting.

I wish to begin by stressing the great importance of the introduction of the report before the Council,

which was undertaken, as proposed by the Chinese presidency of the Council, so that we may consider its contents together with the countries that are referred to in the recommendations and findings contained in the report and that have been involved with the Democratic Republic of the Congo in recent years. We believe that the report's topic is one of the key elements in the restoration of peace and security to the region and in the establishment of political stability in the Democratic Republic of the Congo, along with respect for the fundamental rights of the citizens of that country.

The peace process must be lasting. It is advancing thanks to progress made in recent months, most certainly including the political agreements that have led to the onset of the definitive withdrawal of foreign troops from the territory of the Democratic Republic of the Congo. We believe that, in the next phase, full sovereignty must be restored to the Congo over its natural resources. My country considers that to be an essential ingredient of economic development, peace and security in the region.

The natural resources with which the Democratic Republic of the Congo is generously endowed constitute fundamental attributes of that country's sovereignty and must serve, first and foremost, the economic and social development of Congolese citizens. They can also be an engine for the economic and social development of the region if they are rationally exploited by means of equitable and fair machinery that will benefit the Congolese and their African neighbours. In order to be able to achieve that objective, important far-reaching measures will have to be taken in the Democratic Republic of the Congo as well as in the neighbouring countries, which the international community must support.

The report prepared under Ambassador Mahmoud Kassem, which is before us today, is a very rich document that provides very important revelations and, therefore, is very controversial. My country believes that the Security Council is committed to giving timely follow-up to the recommendations of the Panel of Experts, evaluating them and assessing their applicability. In keeping with its responsibility, the Council must also ensure that the follow-up to the findings of this report will lead to full clarification of the criminal acts referred to in this report, and that can also lead to holding those involved in these possible criminal acts responsible for their actions. The

establishment of the rule of law is a main instrument for the exercise of the sovereignty by the Democratic Republic of the Congo over its natural resources.

The report describes the significance of the illegal exploitation of natural resources as an element that explains the nature of the conflict the Democratic Republic of the Congo is still experiencing and the size and magnitude of the challenges involved in confronting the basic causes and motives of that conflict in the search for lasting peace.

I believe that the report contains elements that should provide a standard for initiating investigations within the Democratic Republic of the Congo, as well as within the jurisdiction of the countries referred to in the report, particularly in Rwanda, Uganda and Zimbabwe. The Security Council must respond completely and impartially to the comments made by the authorities of those countries on the content of the report. Yet, it must also encourage those authorities so that the necessary investigations are carried out to provide clarification on the nature of the events described in the report and, when necessary, to clarify its veracity.

The conditions under which this report was prepared were not easy, and the Security Council should not disregard that fact. The difficulties of identifying sources to obtain the information to carry out the investigations within the limitations stemming from the nature of the work of this Working Group must be considered by the Council and must be a point of departure for fairly evaluating the work and effort achieved by the Panel of Experts.

My delegation believes that the recommendations made by the Experts must be discussed and analysed at length by the members of the Security Council in order to determine what measures are necessary so that we may agree on ones that may be appropriately applied. They are recommendations that respond to the protection of natural resources and the establishment of mechanisms that ensure their legitimate exploitation, as well as recommendations that relate to building the foundations of a just and lasting peace in the Democratic Republic of the Congo.

The Working Group must continue its work, and it must be founded to a certain degree on a mechanism to maintain monitoring in the new phases of regulation and control of natural resources, which, we hope, will be forthcoming. Sustained social and economic

development, a mechanism of governance and entrenchment of the rule of law in the Democratic Republic of the Congo, under fully transparent conditions, and the effective fight against corruption — only these will guarantee that the Congolese will ultimately be the beneficiaries of the immense natural wealth bestowed on that nation.

My delegation must insist that the Council continue to be committed to the work proposed by the recommendations and findings of this report. We believe that dialogue, which the authorities of the Democratic Republic of the Congo and its neighbouring countries, cited many times in the report, must continue within the Working Group. This will provide the procedure that will enable us to achieve our objectives.

In conclusion, the report contains a description of the problem of the illegal exploitation of the natural resources of the Democratic Republic of the Congo that involves private, national and foreign companies and authorities of the Democratic Republic of the Congo and of other countries, as well as criminal organizations openly engaging in illegal activities. That complicated combination, described in the report, also speaks to us, the international community at large, of the need to make both neighbouring countries and countries distant from the Democratic Republic of the Congo responsible for establishing mechanisms to prosecute crimes, investigate them and to make justice and law prevail. We believe that the Democratic Republic of the Congo will not be able by itself to carry out the enormous task of re-establishing control over its natural resources if it does not have the strong support of the authorities of other countries and the international community as a whole. The Security Council must remain vigilant and ensure that this machinery for cooperation and these commitments are fulfilled.

**Mr. Valdivieso (Colombia)** (*spoke in Spanish*): I wish at the outset to express our satisfaction at seeing you, Sir, presiding over this post and to wish the members of your delegation success throughout the month of November.

We would also like to thank Ambassador Martin Belinga-Eboutou and his team from the delegation of Cameroon for the important work they did last month.

The delegation of Colombia would like also to thank the Panel of Experts, chaired by Ambassador



Kassem, which has fulfilled its task of investigating the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo. We have received from them a report on a complex and demanding topic, which has led to the submission of recommendations that should not be overlooked by the Council.

The accusations made against certain individuals and companies with respect to the illicit appropriation of the natural resources of the Democratic Republic of the Congo are causes of deep concern to our delegation because of the effects of this phenomenon on the Congolese people, the continuation of the armed conflict, and peace in Africa.

For that reason, we would like to thank the various countries mentioned in the report that have spoken at this meeting. They have given us an opportunity to hear their views concerning these accusations. Most particularly we would like to welcome the presence of and the statement made by the Minister for Foreign Affairs of Uganda.

The Council is accustomed to considering situations of conflict from the perspective of international security, including its political and humanitarian aspects. That may be why we were shocked to hear the experts' statement that the economic ambitions of certain elite networks established in various parts of the Democratic Republic of the Congo and connected to international criminal organizations offer the best explanation for the continuation of armed conflict in that country.

We know, of course, that in all wars there are always those, such as arms traffickers or unscrupulous bankers, who profit from the suffering of a large number of people. But if our understanding of the report is correct, in the case of the Congo, plundering has become the main reason for the continuation of the war.

We are even more concerned by the assertion that this criminal undertaking is being encouraged by economic agents located within the country, even following the withdrawal of the foreign troops that had been there.

For us, this assessment is a call to speedy and effective action on the part of the Security Council and, in keeping with the recommendations made in the

report, my country would like to note three possible courses of action.

First, we must strengthen the institutional capacity of the Congolese State, because its weakness and, indeed, its absence in many parts of the country, particularly in the eastern provinces, have led the aforementioned elite networks — which have economic, political and military power — to fill the resulting vacuum by engaging in the acquisition of State enterprises and the collection of taxes and customs duties, *inter alia*. This is where the plundering begins, and it must be stopped.

Secondly, the other countries whose nationals and companies have been denounced by the Panel of Experts must be called on to take energetic action to investigate these accusations within a reasonable time frame. We believe that in this respect, legal action and the punishment of those responsible for the illicit exploitation of the resources of the Congo are factors that contribute to the peace process.

In the grey area between what is legal and what is illegal in situations of conflict, frequently we find companies that appear to be engaging in transactions that are legal, when, in fact, they are not legal at all, and often they are involved in a money-laundering system. In addition, the accusations contained in the report may contribute to efforts to do away with impunity, which will be a decisive factor if reconciliation in the Democratic Republic of the Congo is to take place.

The nationality of an individual or business cannot be used to evade responsibility for acts that the international community wishes to sanction.

Thirdly and lastly, my delegation believes that we should consider the recommendation of the experts that we draw up a list of individuals whose travel and access to financial markets should be restricted, as well as of companies or commercial enterprises whose financial access should also be restricted because of their participation in the illicit exploitation of the natural resources of the Democratic Republic of the Congo.

The function of the Council in the maintenance of international peace and security requires that once we have committed the efforts of the United Nations to the restoration of peace in areas of conflict, as we have done through the United Nations Organization Mission

in the Democratic Republic of the Congo (MONUC), then we must do our utmost to ensure that there will be a sustainable and lasting peace. In the case of the Congo, this means returning to its population and to its Government access to the resources that have been wrested from them by the war.

**The President** (*spoke in Chinese*): I thank the representative of Colombia for the kind words he addressed to me.

**Mr. Tafrov** (Bulgaria): I should like to extend to you, Sir, Bulgaria's heartfelt congratulations on China's assumption of the presidency of the Security Council for this month of November, which looks to be replete with challenges. I would like to assure you of the full cooperation of my delegation during the Chinese presidency.

I should like also to thank Ambassador Belinga-Eboutou and the delegation of Cameroon for their outstanding presidency in October. Ambassador Belinga-Eboutou was able successfully to carry out a very difficult task, and we are grateful to him.

I thank you also, Sir, for having convened this public meeting of the Security Council on the final 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, which has led to a very important debate, enhanced by the presence of the Deputy Prime Minister and Minister for Foreign Affairs of Uganda, who made an important statement this morning. I would like to thank him for being so kind as to take part in our work.

Bulgaria welcomes the final report of the Panel of Experts, which offers a detailed and systematic analysis of a great deal of information and data on the illegal exploitation of the natural resources of the Democratic Republic of the Congo. The Panel's experts, guided by Ambassador Kassem, must be commended for their courage and determination and for the rigorous methodology with which they carried out their work.

As a country associated with the European Union, Bulgaria fully associates itself with the statement made by the representative of Denmark on behalf of the European Union. I should like to add a few comments in my national capacity.

My country is deeply concerned at the relentless exploitation of the natural resources and other forms of

wealth of the Democratic Republic of the Congo and at the fact that this exploitation remains one of the key reasons for the conflict and for the insecurity that continues to prevail in the eastern part of the country.

It is true that the combat against illegal exploitation is not an easy task. In order to be effective, efforts to reduce and put an end to illegal trafficking should be undertaken in a concerted manner by the international community and by the countries of the Great Lakes region and other areas. We should note that the recommendations and conclusions contained in the final report are well founded, as we see it, and should be taken into account in future efforts of the Security Council to put an end to this practice.

My delegation supports the report's appeal to Governments that harbour individuals, companies and financial institutions that are actively involved in the exploitation to shoulder their responsibility by making detailed internal inquiries into the cases referred to in the final report and taking the necessary steps to ensure that such illegal practices are brought to an end.

My country agrees with the analysis of the European Union to the effect that it is important for Governments of countries members of the Organization for Economic Cooperation and Development (OECD) to encourage private enterprises to abide by OECD Guidelines for Multinational Enterprises.

Regional and subregional institutions, in particular the African Union, the Economic Community of Central African States and the Southern African Development Community should use their influence to persuade the parties concerned to put an end to the illegal exploitation of the Congolese resources.

Bulgaria shares the view that the complete withdrawal of all foreign forces, pursuant to the agreements signed, is an essential step in the process of ending the illegal exploitation of the natural resources of the Democratic Republic of the Congo. Bulgaria remains fully committed to the principle of the sovereignty and territorial integrity of the Democratic Republic of the Congo. Other key steps include the disarmament, demobilization, repatriation, reintegration and resettlement of all rebel groups, as well as the conclusion of a more comprehensive and all-inclusive agreement among the Congolese with regard to political transition. In that respect, we welcome the progress achieved in the framework of the

discussions in Pretoria. My country hopes that the Congolese parties will continue to pursue that promising approach with a view to reaching an inclusive final agreement on political transition in the near future.

My delegation believes that in order to consolidate peace and security in the Great Lakes region in the long term, an international conference must be convened on peace, security, democracy and sustainable development in the region. In that connection, Bulgaria supports the recommendation of the Panel of Experts to convene such a conference. In-depth preparations should be undertaken in this respect, with the participation of the countries of the region and international actors, in particular the United Nations, the European Union, the African Union and the Bretton Woods institutions. The goal of such a conference should be to set out the steps that need to be taken to promote the economic recovery of that part of Africa and ensure a return to peace.

Bulgaria believes that it is essential to continue to follow closely the situation with regard to the illegal exploitation of the natural resources of the Democratic Republic of the Congo and the link that exists between such exploitation and the continuation of the conflict, so as to put an end to such illegal exploitation. It must be said that the work of the Panel of Experts has proved useful, not only in shedding light on illegal practices, but also in helping to advance the peace process in the Democratic Republic of the Congo. We believe that the Security Council must preserve the monitoring capacity of the Panel so as to ensure that the illegal exploitation of Congolese resources is considerably reduced. In that regard, my delegation supports the recommendation of the Panel of Experts that a monitoring body be set up for the Great Lakes region. Other similar avenues could be explored, such as extending the mandate of the Panel of Experts.

The report of the Panel of Experts contains findings on individuals and companies referred to in earlier reports that have been implicated in other African conflicts. That is a further illustration of the fact that sometimes the same individuals and companies are involved in several trafficking activities on the African continent. This morning, Ambassador Levitte and others made some very interesting comments in this regard, and my delegation fully agrees with those analyses. Bulgaria believes that we should continue to consider this issue in the Council

with a view to finding the best way to tackle these deplorable phenomena. The idea of creating an autonomous mechanism has been suggested, and Bulgaria agrees with that proposal.

In conclusion, I would like to emphasize my country's commitment to working tirelessly as a non-permanent member of the Security Council to put an end to the illegal exploitation of the resources of the Democratic Republic of the Congo so that the people of that country, who have suffered so greatly in recent years, might finally be able fully to benefit from the wealth of their country.

**The President** (*spoke in Chinese*): I thank the representative of Bulgaria for his kind words addressed to me.

**Mr. Williamson** (United States of America): The Security Council quite properly has devoted a great deal of time and attention to the war in the Democratic Republic of the Congo. The United Nations Organization Mission in the Democratic Republic of the Congo is among the most costly anywhere in the world. The terrible conflict continues to destabilize the Great Lakes region of Africa and the horrendous toll in human suffering is staggering. Millions of people have lost their lives as a result of that war, both those killed in violent clashes and those who have died due to the consequences of war — disease and famine. That bloody conflict has created millions of internally displaced people and refugees. As described in the Security Council last week by Office for the Coordination of Humanitarian Affairs Deputy Carolyn McAskie, the humanitarian suffering is staggering. It is agonizing. This conflict must end.

In that regard, we must continue to support the various political efforts to end the warfare, including the inter-Congolese dialogue, the Pretoria Agreement, the Luanda Agreement and any other efforts that might constructively contribute to the path to peace.

We must also be mindful of the various things that ignited this conflict and prolonged it. Refugee flows, ethnic hatred, regional insecurities and the lust for power and land are among the factors that have inflamed this terrible struggle that has imposed such a horrendous cost in terms of human lives lost and humanitarian suffering endured. Another significant reason why the conflict has gone on for so long and imposed such a terrible cost is greed — the quest for

money from the illegal exploitation of resources from the Congo.

In the light of this, the United States is especially pleased by this open meeting of the Security Council to discuss the report of Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146). The independent Panel of Experts has produced a valuable and detailed report, outlining issues of key concern to the United States.

My delegation is still studying the report. We are listening closely to the comments being made on the report in the Council today by interested Governments. We intend to factor them into our conclusions on how to move forward. In that regard, I would like to share a few of my Government's initial thoughts on the report.

We congratulate Ambassador Kassem and the other members of the Panel for identifying those suspected of involvement in exploiting the Congo's natural resources — diamonds, copper and cobalt. It takes great courage to speak the truth to those in power. The Panel has done that. We commend it for that.

The report is convincing in the connection it makes between the money flows from the illegal exploitation and the continuation of the violence in the Great Lakes region. That illegal exploitation threatens to derail the progress achieved in the peace process. That cannot be allowed to happen.

Corruption thrives in darkness. It takes root behind doors closed to public inspection and media scrutiny. The naming of those involved and the description of how they work is, in and of itself, a valuable tool. It puts a spotlight on this corruption for the public to see. Where the public is free to express its outrage and concern, the Panel's report gives the public the tools to pressure Governments in the region to act to stop this looting. As an example of this, we note the extensive discussion of the report and its findings in the newspapers and other media in the Democratic Republic of the Congo. The Panel's conclusions and its naming of Government officials possibly involved in corruption achieved a primary goal: public scrutiny and debate.

This, in turn, has led the Attorney General of the Democratic Republic of the Congo to open investigations into each of the Government and military officials named in the report. It was certainly

not an easy step for the Government to take. We commend the Government of the Democratic Republic of the Congo. We contrast its actions to the categorical denials of many other Governments whose officials are named in the report.

It is the responsibility of all those States whose officials, military leaders or business people are named to take action to fully address the allegations made. This responsibility is especially the burden of the Governments that the Panel has identified as having the most ties to those carrying out this exploitation: Rwanda, Uganda and Zimbabwe.

Where States have named special investigators or created special commissions, there must be a commitment to see those investigations to the end, no matter where the trail of corruption may lead. Uganda, for example, cannot assume that the creation of a Commission to investigate these allegations is enough. The Panel has pointed out the need for that Commission to have real authority to investigate, obtain evidence and follow up where the trails lead.

The responsibility of Governments to respond to the Panel's report does not fall just on the States in the region, however. The United States Government notes with concern that nine American companies have been identified in the Panel's report. The United States Government will look into the allegations against these companies and take appropriate action. We will not turn a blind eye to these activities. Also, the United States will continue to support work and to provide leadership to efforts to strengthen and to extend the Kimberly Process, intended to prevent African warlords from fuelling their conflicts through blood diamonds, including in the Democratic Republic of the Congo.

Yesterday and today, there are meetings in Interlaken, Switzerland, to approve new rules intended to ensure that diamonds will be certified as untainted. The goal is to prevent illicit diamonds from being used to pay for the weapons used in war throughout Africa, including the Democratic Republic of the Congo. The United States Government wants to see that legally binding rules for a diamond certification process are in place by 1 January.

We encourage all United Nations Members, whether named in the report or not, to respond to the report's findings by seeking ways to encourage transparent business practices that will benefit, first

and foremost, the people of the Democratic Republic of the Congo. We also encourage States to investigate and prosecute the illegal activities highlighted in the Panel's report and to cooperate with other States in such investigations.

My delegation believes regional organizations, such as the African Union, the East African Community and the Southern African Development Community, should use their influence to pressure the parties involved to end the patterns of exploitation.

The report of the Panel of Experts clearly demonstrates that further investigations are warranted, especially since the problems posed by illegal resource exploitation and unregulated weapon flows are found not only in the Democratic Republic of the Congo but also in a number of other States in Africa.

**The President (spoke in Chinese):** The next speaker inscribed on my list is the representative of Angola. I invite her to take a seat at the Council table and to make her statement.

**Mrs. Izata (Angola):** First, allow me to congratulate you, Mr. President, on your assumption of the Presidency of the Security Council for the month of November and to express the support of my delegation in the arduous work ahead of us during this month, including the situation in Angola. Allow me also to congratulate the outgoing President, Ambassador Belinga-Eboutou of Cameroon, for the brilliant manner and dedication with which he conducted the proceedings of the Council during his mandate.

I am taking the floor to thank the Panel of Experts for its report on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146). This is the fourth report on this matter, and the practical results have not met our expectations. As a consequence, a greater coordination of efforts is necessary to find clear solutions which may help to end the war in our sister Republic. The illegal exploitation of resources and the politico-military situation in the Democratic Republic of the Congo are a matter of concern for Angola, which has a border of approximately 2,000 kilometres with that country. Therefore, it is important for Angola to support measures to end that exploitation, which hinders the political, economic and social development of the Democratic Republic of the Congo.

Let me stress that the report does not include Angola among the countries illegally extracting natural resources from the Democratic Republic of the Congo. That confirms the statements frequently repeated by my Government.

The report brings to our attention increasing activities of traffic networks, allegedly supported by the members of some Governments. Those activities endanger the peace and national reconciliation process now under way in the Democratic Republic of the Congo.

Angola is of the view that all activities must be directed to help the peace process and the efforts of the international community, particularly those of my country, in order that the natural resources of the Democratic Republic of the Congo are used to improve the situation of the whole country and not to enrich a few individuals.

It is well known that Angolan and allied forces went to the Democratic Republic of the Congo at the invitation of its Government, without any benefit or material compensation, to help that country face a difficult situation. That was reiterated once again in the speech by Mr. Léonard She Okitundu, Minister for Foreign Affairs and Cooperation of the Democratic Republic of the Congo, when the report was presented. We are encouraged by that statement, and we also take good note of the decision of the Public Prosecutor of the Democratic Republic of the Congo to open a judiciary investigation on that country's nationals who are named in the report, showing that country's willingness to take the recommendations of the report seriously.

The October 2002 communiqué by the allied Heads of State exalted the role played by the alliance against non-invited forces. Therefore, as stated by the Democratic Republic of the Congo, the legal status of forces invited by the Government of the Democratic Republic of the Congo to its territory should not be confused with the activities of forces of countries that have not been invited, and which are undertaking illegal activities there.

The Democratic Republic of the Congo is a sovereign and independent country. Its Government is recognized by the international community. It has the right to sign agreements with other States in conformity with national and international laws. No one else, in our opinion, has the right to rule over the

Congolese Government and people or to dictate how they should act. It is up to the Government and the people of the Democratic Republic of the Congo to determine their own destiny and to decide who their allies and friends will be, as well as the forms of their cooperation with those allies.

As is well known, the Republic of Angola has already withdrawn its forces from the territory of the Democratic Republic of the Congo. This decision was taken jointly, in a responsible manner and in the interest of the Democratic Republic of the Congo, in order to facilitate the pacification of that country.

As a sovereign State, Angola will always honour its commitments because it acknowledges the importance of peace, stability and development, not only for the Democratic Republic of the Congo but also for the Great Lakes region and all of Southern Africa.

We call for the withdrawal of uninvited forces from the territory of that country, respect for the Security Council resolutions and of the Lusaka Agreement, as well as the fulfilment of the commitments reached in Pretoria and Luanda, including the inter-Congolese dialogue. This is the course that will enable us to resolve the present crisis of the Democratic Republic of the Congo.

Angola will continue to work and coordinate its actions with the legitimate Government of the Democratic Republic of the Congo and with the peaceful forces. Our goal is to bring the peace process of that country to completion as soon as possible. We will support all measures along that path.

**The President** (*spoke in Chinese*): I thank the representative of Angola for the kind words addressed to me.

I will now make a statement in my capacity as the representative of China. I thank Mr. Kassem and the Panel of Experts for their efforts in completing their final report. I also wish to welcome the presence of Mr. James Wapakhabulo, Deputy Prime Minister and Minister for Foreign Affairs of Uganda.

My country has always held the view that the illegal exploitation of the natural resources of the Democratic Republic of the Congo violates the sovereignty and territorial integrity of that country, while exacerbating the conflict throughout the entire Great Lakes region. Such activities are unacceptable and must immediately cease.

Mr. Kassem and members of the Panel of Experts carried out extensive investigations, providing a lot of specific material to the Council. We are sincerely grateful for their efforts. However we should, at the same time, see that the illegal exploitation of the natural resources of that country is a complex issue linked to such questions as the withdrawal of foreign troops and the disarmament, demobilization, reintegration and rehabilitation programmes (DDRR). As such, the Panel calls for a comprehensive and integrated solution. We are gratified to learn that the withdrawal of foreign forces and the DDRR programmes are now under way, and that the inter-Congolese political dialogue is yielding results.

Progress in the peace process in the Democratic Republic of the Congo will help solve the question of illegal exploitation. We hope that, with the assistance of the international community, the Government of the Democratic Republic of the Congo will soon exercise control over the natural resources throughout its territory.

As demonstrated in the statements made today, there are divergent views over the contents of the report, including the recommendations contained therein. I wish to take this opportunity to point out that the report alleges that there are Chinese companies engaged in the illegal exploitation. We have carried out careful investigation but found nothing that would justify those allegations. We believe that, in discussing such questions, the Security Council should distinguish between illegal exploitation and day-to-day economic and trade exchanges, so as to avoid negative impact on the economic development of the Democratic Republic of the Congo and the livelihood of its people. Also, the views of that country and others concerned should be carefully listened to.

I now resume my function as the president of the Council. I now give the floor to Mr. Kassem to respond to questions and comments made.

**Mr. Kassem:** Let me first say that it is with great pleasure and honour that I have been invited to address members of this Council and the Ministers and Ambassadors of Member States, whose presence today signals the commitment of the Council to ending the violent conflict that has ravaged the Democratic Republic of the Congo for four years.

If you permit me, I would like to begin by thanking last month's president of the Council,

Ambassador Belinga-Eboutou, for his assistance in organizing the previous presentation in October of the Panel of Expert's fifth report. I would also like to express my gratitude to the current President of the Council, Ambassador Wang Yingfan, for his assistance in arranging today's meeting on the report and the consultations that will follow. On behalf of the Panel, I would also like to express our sincere thanks to all Council members for the valuable support and assistance they have provided us with during our current mandate and the attention they have continued to devote to the issue of the illegal exploitation and its links to armed conflict.

I have closely listened to both the negative and positive remarks made during this afternoon's meeting. After careful consideration, I am convinced that the answers to most of these remarks can be found in sufficient detail in the Panel's report. I shall therefore confine myself to commenting on only some of the remarks, namely those by Rwanda, South Africa, Zimbabwe, Syria, in particular with respect to the role of companies. As for Uganda, the Panel is awaiting the report of the Uganda Judicial Commission of Inquiry, which is expected to be published after 15 November this year. A detailed response to the Commission's report will be prepared and presented to the Security Council by the Panel.

Let me first begin with Rwanda. In its reaction to the Panel of Expert's most recent report, the fifth since 2000, the Rwandan Government appears, in its statement of 24 October and its letter dated 28 October (S/2002/1207), to have either overlooked some elements of the Panel's work or misconstrued some of its findings. The Panel would like to emphasize the continuity of its work over the course of the two years of its mandate. Its reports should not be read or interpreted in a piecemeal fashion. They should be understood as an integrated body of investigative work, which reflects the evolution of the situation on the ground in the Democratic Republic of the Congo, particularly the eastern part, where most armed confrontations have taken place over the past two years.

The Rwandan Government alleged that the Panel has ignored the historical background of the conflict and the economic relations in the region. In its Addendum (S/2001/1072), dated 13 November 2001, the Panel of Experts validated Rwanda's claims. The security threats involving forces implicated in the 1994

genocide had contributed to the outbreak of the current conflict. In the Addendum, the Panel also made reference to traditional trading patterns that have linked the economy of the eastern Democratic Republic of the Congo to those of Rwanda and other neighbouring States in the Great Lakes region. These patterns, however, have never included cross-border trade in large volumes of coltan as has been the case since early in this conflict.

The Panel's findings are indicative of the changing nature of this conflict, including the role played by the remnants of the original ex-Rwandan Armed Forces (ex-FAR) and Interahamwe. The economic, social and political forces that shaped and are shaped by this conflict are dynamic, not static. The day-to-day situation on the ground is volatile and has been manipulated or misunderstood by many parties, clouding the peace process.

The Panel's most recent investigations indicate that the Rwandan Hutu armed groups in the Democratic Republic of the Congo no longer represent the security threat that they did four to five years ago. This investigation also revealed, unsurprisingly, that shared economic interests and survival needs can encourage one-time enemies to collaborate. This would not be the first war, nor is it likely to be the last, in which this occurs.

The Panel has repeatedly underscored in its reports the need for an effective solution to the proliferation of armed groups, Congolese as well as foreign, in the Democratic Republic of the Congo. It has also called for the implementation of the disarmament, demobilization, repatriation, resettlement and reintegration (DDRRR) programme that can respond to the complexities of the situation of the armed groups and take into account the many overlapping conflicts of which they are a part.

As for South Africa, the expert Panel is surprised, really surprised, by the reaction of the South African Government, which could be construed as that of a Government that has directly implicated by the Panel in the economic exploitation. The Panel did not imply that the South African Government or any South African official has been directly involved in this conflict, linked to commercial activities. The Panel is simply perplexed by the South African Government's disappointment in the Panel's conclusions and recommendations, which the Panel believes are

balanced, oriented towards promoting lasting peace and consistent with the new goals of the New Partnership for African Development.

Coming to Zimbabwe, there are several points that need to be re-emphasized in terms of the Panel's investigations and findings on the involvement of Zimbabwean parties in the exploitation activities, in collusion with others. As has been the case for other foreign armies, one only needs to look at the areas where the Zimbabwean troops have been deployed to realize how their deployment has strategically corresponded with the location of the concessions that they benefit from. Areas of military influence have closely overlapped areas of economic control. Zimbabwe's support to the Burundian Forces for the Defense of Democracy (FDD), which is described in the Panel's Addendum November 2001, provides a clear example of how this country actively continued to take steps to prolong the conflict. Virtually all the members of the network that has operated in the area controlled by the Kinshasa Government, including the Zimbabwean officials, have either had direct military roles in the conflict or have strong links to military and security services. Most of the foreign private businessmen that have been brought into the joint venture, primarily by the Zimbabwean parties, are investors in or are associated with companies providing military supplies and services.

According to testimony and documentation guarded by the Panel, various Zimbabwean network members and many of their corporate business partners in the Democratic Republic of the Congo, are implicated in the following: First, actively seeking military procurement contracts and brokering sales of military equipment and arms through high-level contacts. Secondly, violating European Union sanctions by facilitating the sale of military equipment from European companies to the Zimbabwean Government. Thirdly, negotiating clandestine arms purchases with foreign arms manufacturers. Fourthly, smuggling of commodities such as diamonds from other conflict zones. Fifthly, forcibly displacing populations and or seizing lands from areas where precious mineral deposits are located.

Since the Government of Zimbabwe still steadfastly maintains its position regarding the legality of its contracts and concessions with the Democratic Republic of the Congo Government, then it should be the first to welcome a review of its economic and

financial activities in the Democratic Republic of the Congo. The re-examination of these agreements, with the collaboration of third parties, in a transparent manner, and in accordance with the resolution adopted in the Inter-Congolese Dialogue Conference in South Africa, would reconfirm their status. This would enable both Zimbabwe and the Democratic Republic of the Congo to engage, without any suspicion or obstacle, in sound and sustainable commercial relations under fair market terms, something that would unarguably be beneficial to both the Congolese and the Zimbabwean people.

As regards the letter of the Zimbabwean Permanent Representative to the United Nations, dated 17 October 2002, and addressed to the Security Council, which refers to a document mentioned in the Panel's report, I can only offer the following comments: the Panel deplores the language used by His Excellency in his letter. Above all, with regard to the Security Council, references such as "party to the conspiracy against my country", are not worthy of distinguished delegates or dignified Member States. These excesses are regrettable and only distract from a debate on the substantive issues. The subject of the Permanent Representative's letter is a specific document mentioned in the Panel's report. Unfortunately for His Excellency, information contained within this particular document has been corroborated by independent sources and several other documents obtained from additional sources; otherwise the Panel would not have made reference to it in its report.

Alluding to the integrity of the United Nations, His Excellency questions why the Panel did not attempt to verify the document with the Government or the Permanent Mission of Zimbabwe. The Panel would have sincerely welcomed an opportunity to exchange views with the Zimbabwean Government. The Panel's efforts since 3 April 2002 to engage the Zimbabwean Government in a dialogue on how to control illicit trade flows of commodities of the Democratic Republic of the Congo and related issues have to date yielded no results. On three occasions between April and July, the Panel contacted the Zimbabwean Government, including through its Permanent Mission to the United Nations, requesting a response to its questions. The Panel even offered the Zimbabwean Government the option of meeting with members in Harare. It never, ever, received a response.



The document referred to in the Ambassador's letter was actually initially addressed to the Office of the Spokesman for the Secretary-General, an unlikely point for any Member State — or so-called covert agent — to launch a campaign of “grotesque and malicious interference” (S/2002/1169) against another Member State. He mentioned a certain person. He asks who this “Mr. Taylor” is. Ms. Taylor is one of the Political Officers who assist the Panel in its work. As a Political Officer, she often serves as a contact point, and is supposed to receive documents and correspondence on a daily basis, which are to be transmitted to the Panel and its Chairman. The Panel has full confidence in her integrity.

The Panel is confident that it has produced a detailed, rigorous and well documented report which sheds light on many actors implicated in economic exploitation, as well as in the violence and conflict that the competition for economic control continues to incite. The Panel based its findings on insider information and documentary evidence. If the Council so desires, samples of the evidence can be shown to its members.

I will now turn to the role of companies. The Panel's report indicates that certain companies have dealings with the elite network that represents the economic interests of those who have been the occupying Powers, Rwanda and Uganda, the allies of the Democratic Republic of the Congo, such as Zimbabwe, members of the Government of the Democratic Republic of the Congo itself and members of the foreign and Congolese armed groups. Those parties to the conflict are involved in the business of making war, and they are increasingly also in the business of making vast amounts of money from war, while sustaining armed conflict as long as possible. The ability to move commodities and funds between illicit sources and legitimate markets is crucial to the vicious cycle of war and plunder. Legitimate companies are important to the parties involved in this conflict. That is the reason for the Panel's concern about companies operating within the conflict areas in the Democratic Republic of the Congo.

War economies in different areas of the world have spawned hundreds of companies that would not exist were it not for the business of war and corruption. Some of them are facades for elite networks operating in this and in other conflict zones. Others are simply willing to assume the higher risks of operating in

conflict areas, where opportunities are plentiful due to the lack of regulation that accompanies war and armed conflict. Some of these companies operate illegally; but many others, however, are technically not in violation of the law, quite simply because laws are not enforced. Yet the actions of these companies are often in contravention of United Nations sanctions or other efforts to promote security and peace.

So, companies need rules to tell them what they cannot do. In other words, there is a need for such rules. That is why the Panel, in its recommendations, has stressed the role of Governments (para. 170). Members may refer to that paragraph for the Panel's view of that role.

*(spoke in Arabic)*

In response to the representative of the Syrian Arab Republic, I wish he had met with the Panel of Experts to check the false information he has gathered with regard to the Panel, perhaps from certain biased persons who were singled out. Let me stress that the Panel of Experts did indeed meet a large number of business people and representatives of companies referred to in the report. We sent them more than 13 letters. Letters went, for instance, to Mr. Al-Shanfari, Chief Executive of Oryx Natural Resources, whom we met five times in Nairobi and New York, most recently yesterday afternoon. We asked him, particularly in our Nairobi meeting, to give us certain documents, and I can say that the Panel of Experts has assembled enough evidence, including compromising documentation, to reaffirm what the report says.

*(spoke in English)*

I have an answer to a question that has been asked many times: How can exploitation be halted after the withdrawal of foreign troops from the Democratic Republic of the Congo? I have been asked that many times, and I have the answer. The answer is simple. There are five elements that need to be tackled simultaneously, without which exploitation will continue unabated. Those five elements are the following.

The first element is the disarmament, demobilization, reintegration and repatriation or resettlement (DDRRR) of foreign and Congolese armed groups in an effective DDRRR programme. The second element is the rebuilding and reform of the State institutions of the Democratic Republic of the Congo.

That should begin with the establishment of an all-inclusive transitional Government in the Democratic Republic of the Congo. The third element is the reviewing and revising of concessions and contracts signed since 1997. The fourth element is the adherence of business enterprises to the Organization for Economic Cooperation and Development (OECD) Guidelines or to similar guidelines that outline procedures for bringing violations of the guidelines to the attention of home Governments. The countries of origin of corporations have a special responsibility to see that they are functioning legally and in transparency, and thus recognize the Government of the Democratic Republic of the Congo as the legitimate authority. The final and fifth element is that a monitoring body is therefore necessary to produce regular reports to the Security Council on the exploitation of resources: see paragraphs 186, 187 and 188 of the report.

I should like to end today's discussion on another note. It is one of reconciliation, not of defiance; of concord, not of disagreement. I humbly appeal to all the parties to the conflict, and to all who are willing, to consider the question that the people of the Great Lakes region — the farmers, the herders, the teachers, the students, the merchant women and shopkeepers, the mothers and fathers — have repeatedly asked: what has

been gained in all these years of war? I appeal to all who seek to build a foundation for a broad and lasting settlement of this conflict to finally turn this bloodstained page in the history of the Great Lakes region. I appeal to them all to join hands and to enter together what could be a genuinely new era, in which peace-building will be the order of the day. The parties to the conflict will face many challenges in building that new era. But, with regional cooperation and international support, the citizens of the entire region could enjoy peace, security and economic development, and an atmosphere of transparency, legality and legitimacy can benefit all in the region.

Finally, I should like to conclude by expressing my full confidence that the Council will take the necessary decisions, in the light of the Panel's recommendations, to convey the right message to all the parties concerned — both those from the African continent and those from outside it.

**The President** (*spoke in Chinese*): I thank Mr. Kassem for the clarifications he has provided.

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

*The meeting rose at 5.40 p.m.*

**UR Annex 107**

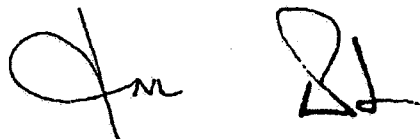


THE REPUBLIC OF UGANDA  
IN THE MATTER OF THE STATUTORY DECLARATIONS ACT, 2000  
AND  
IN THE MATTER OF  
THE INTERNATIONAL COURT OF JUSTICE  
CASE CONCERNING ARMED ACTIVITIES ON THE TERRITORY OF THE  
CONGO (DEMOCRATIC REPUBLIC OF THE CONGO VS UGANDA)

**AFFIDAVIT**

I, Brigadier Nakibus Lakara hereby solemnly make my oath and state as follows:

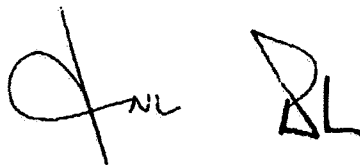
1. That I am an adult male Ugandan of sound mind.
2. That the facts stated herein are based on my personal knowledge.
3. That I am currently the Ag Chief of Staff of the Uganda People's Defence Forces (UPDF), and hold the rank of Brigadier.
4. That I have personal knowledge of the persons currently and formerly in the ranks of the UPDF.
5. That there is not and has never been an officer of the UPDF with the name MVUYEKURE.
6. That there is not and has never been an officer of the UPDF with the name KAMALE.
7. That there is not and has never been an officer of the UPDF with the name RUDIA.
8. That there is not and has never been an officer of the UPDF with the name KATAVO.
9. That there is not and has never been an officer of the UPDF with the name NGIZO.



10. That there is not and has never been an officer of the UPDF with the name HAYU
11. That, in fact, the names MVUYEKURE, KAMALE, RUDIA, KATAVO, NGIZO and HAYU are not Ugandan names.
12. That there is not and never has been a member of the UPDF named SALIM BYARUHANGA.
13. That there are not and never have been any UPDF prisoners of war in the DRC.
14. That I am familiar with Brigadier (General) IVAN KORETA
15. That Brigadier KORETA is not of Rwandese origin.
16. That, in fact, Brigadier KORETA has never been deployed within the territory of the DRC.
17. That at the beginning of August 1998, Brigadier KORETA was the Director General of the Internal Security Organisation (ISO) and was based in Kampala, Uganda.
18. That there is not now, nor has there ever been, a UPDF battalion designated "NGURUMA".
19. That the uniforms worn by Ugandan troops deployed in the DRC were indistinguishable from, indeed were in many cases identical to (and came from the same factories as), the uniforms worn by other forces with a presence in the DRC, including those of Rwanda, the RCD and the MLC.
20. That what is stated herein above is true to the best of my knowledge and belief.

SWORN at Kampala by the said Brigadier Nakibus Lakara, Cgsoc

This.....13<sup>th</sup>.....day of November 2002.



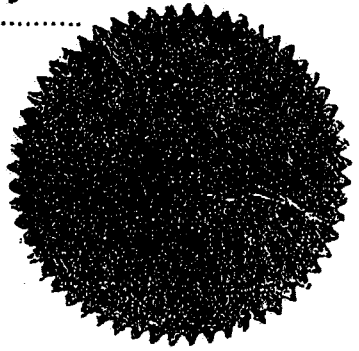
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A NOTARY PUBLIC

PAULO SEBALU  
ADVOCATE  
COMMISSIONER FOR OATHS  
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**UR Annex 108**



## **NALU/ADF REBEL ACTIVITIES IN ZAIRE/DRC, SUPPORTED BY THE LATE MOBUTU AND KABILA IN COLLABORATION WITH SUDAN**

### **1 ATTACKS FROM DRC TERRITORY**

#### **1.1 MOBUTU'S ERA**

##### ***1.1.1 Introduction***

In 1989, President Mobutu supported NALU then led by Amon Bazira. He allowed the rebel Movement to operate from Beni district against the NRM government. The death of Amon Bazira in 1993 coupled with pressure from National Resistance Army (NRA), rendered NALU inactive and could hardly be able to make any incursions into Uganda.

In 1994, the Salaaf Foundation formed a rebel movement called the Uganda Freedom Fighters Movement (UFFM). In early 1995, Yusuf Byadda Kabanda, a Moslem convert from Bwera Kasese and former secretary to Jamil Mukulu's Salaaf Foundation who was in Buseruka contacted Fenehas Kisokeranio, the NALU coordinator in Beni and asked him to form a joint Military Movement to fight the NRM government. Kisokeranio made contact with exiled Hosea Bisogho Muhindo, a NALU activist in Beni to take the request to the NALU field command and made contacts with Ngaimoko, then the military head of NALU. Following the defeat of UFFM rebels at Buseruka on 22/2/96 in Uganda, 43 survivors led by Capt. Kasangaki crossed into Zaire through L. Albert where authorities in Bunia received them and housed and treated the injured.

On 7 July 1995, a team of six (6) UFFM leaders led by Yusuf Byadda Kabanda and his second in command Obeid Abdalla Birungi met the NALU group led by Ngaimoko in Beni, DRC. The two groups agreed to cooperate to fight together the NRM government from Rwenzori Mountains. They agreed in principle to form an alliance to be known as Allied Democratic Forces (ADF) as they fought against the NRM government. In their cooperation agreement, they undertook to share positions of leadership and military command in the new alliance. NALU also allowed UFFM to open up camps in Buhira and Bukira and Mbakire hills, the traditional areas given by Mobutu government to NALU. Mobutu then ordered Zaire Armed Forces (FAZ) commanders and civic leaders in Beni including local chiefs to assist

the newly formed ADF. They thus opened up a coordination office in Beni town in Imatonge Quarters.

### ***1.1.2 NALU ATTACKS***

On 9.5.92, Amon Bazira received 600 SMGs from the Zairean government and on 10.5.92, about 400 NALU rebels crossed from Zaire into Uganda and attacked Buswaga in Kitholhu sub-county in Kasese district.

The Zaire Government allowed Amon Bazira to recruit at will inside Zaire territory. On 5.12.92, Amon Bazira held a NALU meeting in Beni with Ali Toweli, an ex-Ugandan army officer. Bazira wanted to persuade Toweli to join NALU and Toweli agreed.

### ***1.1.3 ADF ATTACKS***

On 11.11.96, ADF rebels accompanied by Ex-FAZ started moving from their training camps in DRC. They attacked Uganda on 13.11.96 on three prongs:

- Mpondwe border post in Western Uganda
- Karambi where UPDF had a detach
- Nyabirongo where UPDF had a detach

After three days of fighting, the ADF rebels and their FAZ supporters were repulsed by the UPDF and crossed back to Zaire for re-organisation.

However, after re-organisation the ADF have since launched the following attacks on Uganda:

On 12.12.96, the ADF rebels were chased by the UPDF before they crossed to DRC through Lyokirem, Nyakabale in Nyakiyumbu, near Bwera.

On 28.12.96, ADF rebels attacked Ndongo, Busenene and Buniswa villages near Bwera from DRC and abducted 40 people.

On 29.12.96, ADF rebels struck and abducted 20 people from Kiraro in Kitholu sub-county. They also burnt houses.

On 1.1.97, about 30 ADF rebels descended the mountains and disappeared into Semliki National Park in DRC.

On 31.1.97, about 40 ADF rebels from the Rwenzori Mountains crossed to Zaire through Kamukumbi border village near Mpondwe, Uganda.

On 4.2.97 about 50 ADF rebels attacked Hakitenge in Bundibugyo district, Uganda, from their camp at Kitchanga in DRC, and looted property.

On 20.3.97, a group of ADF rebels crossed from Beni, DRC, to Kasese district of Uganda.

On 1.4.97 the UPDF pursued ADF rebels and destroyed Kasale rebel camp in DRC.

On 1.5.97, ADF rebels from DRC attacked UPDF positions at Kambasa, Kitholu sub-county in Uganda but were repulsed.

## **1.2 KABILA'S ERA**

On 13.6.97, ADF rebels from DRC opened the Bundibugyo front by engaging the UPDF near Nyahuka trading centre in Uganda.

On 15.6.97 ADF rebels attacked Bundibugyo but were repulsed and retreated to their Kichanga camp in DRC.

On 16.6.97, ADF rebels again attacked Bundibugyo from Kichanga rebel camp in DRC.

On 20.9.97, about 12 ADF rebels attacked Kasindi Port from DRC and looted property.

In May 1998, 37 Ex-FAZ who had been with NALU reported with their arms and surrendered to FAC in Beni.

On 23.11.99, ADF attacked a UPDF detach at Blongo and Butembo, DRC.

On 11.12.99, ADF rebels attacked Bundibugyo town from DRC, killing 3 UPDF soldiers and 2 civilians but also losing 5 rebel fighters.

On 18.12.99 ADF rebels attacked Masambu at Rwandumbi and looted property before withdrawing to Buhira camp in DRC.

On 27.12.99, ADF rebels descended from Rwandumbi and attacked Kyavinyonge fishing village in DRC, where they looted property.

## **2 CONGOLESE GOVERNMENT SUPPORT FOR UGANDAN REBELS**

### **2.1 MOBUTU'S ERA**

#### ***2.1.1 WBNF Activities in DRC***

In December 1996, WBNF was training young boys from West Nile at Imgbokolo in Zaire near Kaya. Training was also being done at Motawa FAZ Military camp near Aru.

#### ***2.1.2 Mobutu Functionaries That Coordinated NALU/ADF Activities***

- **General Mayele.** He was in charge of NALU affairs in Zaire. His office organised the training of NALU at Mbau, which is 7 kms from Beni and provided Zairean instructors to the training. He sent about 750 FAZ soldiers to help in the Mpondwe attack of 13.11.96. They were under the command of one Lutakama Kuluwa.  
  
Gen. Mayele was also in charge of NALU supplies. He contracted a businessman called Kiputsi Musoli from Butembo to supply rebels with beef and blankets while he gave Sindani Zilibwa the tender for supplying medicine.
- **Gen. Baramoto Kpama** – then FAZ Chief of Staff and head of the Civil Guard.
- **Gen. Nzimbe Mongo** – Mobutu's nephew and head of the Presidential Guards
- **Lt. Col. Libatu La Mbonga** – Zaire's Consular General in Kasese, Uganda.

- **Mate Adam** – a former Immigration officer based in Goma was a recruitment agent for NALU/ADF
- **Capt. Kongolo Mobutu** (Son of Mobutu) provided NALU with ammunition
- **Lt. Monsuni**, FAZ mobile commander who was in charge of NALU armoury at Rumangabo barracks.

On 16th January 1993, Amon Bazira left Rwanda for Kinshasa via Goma. From Goma, he flew to Kinshasa using a *Pride African International* Airlines plane belonging to Ngbanda, Security advisor to Mobutu and General Mayele whom he met in Kinshasa. Ngbanda gave Bazira clearance to travel in Eastern Zaire and also provided him with 2 escorts.

On 21.1.93, Bazira went to Goma and on 22.1.93, he went to Butembo using a Toyota Land Cruiser No. HZ00168 belonging to Makala, Commissar de Zone of Beni. In Butembo, Bazira met Lt.Col. Kyakubanza, a Rwenzururu rebel commander who had his headquarters in Rwandumbi (between Mtwanga and Masambo).

On 19.7.1993, NALU rebels received an assortment of arms from the Zairean government. They were delivered by Col. Ebemba.

### **2.1.3 *Haji Kabeba's Rebel Group***

On 19-Oct-1995, President Mobutu sent his officers to meet Interahamwe, Ugandan rebels and his Zairoise supporters in Kivu Province. They met at Karambo, Bunagana, near the Uganda-Zaire border, and agreed, among other things to cooperate and fight against the government of Uganda.

By 1996, the rebel group had camps at Katwiguru in Mugogo in DRC, near Nyabwishenya and Butogota in Uganda.

On 22-Apr-1996, Kabeba's rebel fighters, under the command of one Simba, attacked Kisoro, Uganda, from DRC before they were repulsed and retreated to DRC.

### **2.1.3 Mobutu and Sudan Conspire Against Uganda**

#### **2.1.3.1 NALU/WNBF backed by Zaire and Sudan Plan an Attack on Uganda**

On 10.7.92, Brig. Henry, Head of Military Intelligence in Juba, met Zaire based UNRFII rebels and Ugandan rebels based in Sudan and promised them Zairean Government support.

On 10.8.1992, about 200 rebels made up of ex-Amin soldiers shifted from Sudan through Eastern Zaire areas of Ariwara- Bunia-Lhume and finally to the following NALU camps in Zaire:

- Kiribatha
- Ebisaru
- Kamunyu

(The above three are in Lhume area).

- Mutiakena (in Mumbiri forest)
- Kalemuyo

(The above two are between Lhume and Beni).

On 16.8.1992, NALU received 45 boxes of ammunitions, two 60mm mortars, two 120mm mortars and an unspecified number of RPGs from Sudan. The guns were kept at a place called IGHAVIRO at a home of Jacques Angeles' farm. He is a Zairean of Belgian origin.

Following the above developments, on 20.8.1992 at around 2300 hours GMT, about 250 NALU rebels from Ebisaru rebel camp in Zaire attacked Kitholhu, Kitoma and Kirabo villages in Kasese district, Uganda. During this attack, 30 Zairean Armed forces (Forces Armee Zaire-FAZ) commanders commanded them. After the attack, they retreated to their camps in DRC. On 2.9.1992, NALU leader, **Amon Bazira** addressed them at Lhume and thanked them for the 20.8.92 raid that they made on Uganda.



### **2.1.3.2 *Ugandan Rebels Shuttle Between Zaire And Sudan***

On 8.1.93, about 400 WNBF rebels arrived in Juba from Zaire under Taban Amin's command.

On 27.10.94, Lt Col Abdallatif addressed about 400 Ugandan refugees in Isiro, Zaire.

The following held two meetings in Beni on 20.12. 94 and 28.12.94 that mapped out strategies on how NALU could launch their attacks on Uganda. The attack was scheduled to take place around X-mas and New Year's holidays.

#### **Uganda rebels' delegation**

- Ngaimoko for NALU.
- Wanyama Dominic of LRA
- Oryema Andrew
- Bahati Odongo
- Mubale Yofesi of NALU
- Musondibwa Godfrey
- Cibaco Fanahasi
- Muhindo Hosea
- Hajji Kabeba
- Major General Gowon who was based in Bunia

#### **Zairean delegation**

- Sikuli Basaka Makala, the commissar de zone of Beni.
- Major Gassu, who was in 'garde civile' in Beni. AFDL of Kabila arrested him when they reached Kinshasa.
- Major Mukendi then inspector of military police, Beni
- Mahamba Kambale, Saliboko and Kokolo, all immigration officers at Kasindi. These facilitated ADF rebel movements and recruitment.
- Jacques Angeles now believed to be in Kenya for refuge.

- Major Ziake based in Beni then.
- Major Boukungu, commander of the Marines section deployed at Kasindi port on the shores of Lake Edward.
- Major Bwira, commander of the battalion at Kasindi customs post.
- Major Francois of Lhume
- Lt.Col. Mayala Kiwawa of intelligence (ANR)

#### **Sudanese delegation**

- Colonel Bashir from Sudan Armed Forces
- Lt.Col. Sharif from Sudan Armed Forces

#### **Major El Bashir Mohamoud from Sudan**

On 22.4.95, Isaac Lumago and Dusman Sabuni and Juma Oris all of WNBf, Wanyama Dominic of LRA and Ngaimoko of NALU met in Lhume to discuss how best they could coordinate their rebel activities. They also addressed rebels in Kamunyu camp in Lhume area. On 18.5.95, the Zairean government and NALU through FAZ's Gen. Tembere of Kivu and Ngaimoko (NALU) condemned Kony's attack in Northern Uganda as having been premature since attacks were to be simultaneously carried out from western and northern Uganda. As a result of this condemnation, on 25.5.95, FAZ Commander, Rufumabo Benjamin of Dungu barracks in north eastern Zaire, Kony of LRA and the Sudan commanders for Southern Sudan met in Juba, Sudan to negotiate on how to link NALU and LRA rebel activities.

On 8.9.95, there was a joint meeting between SDF, WNBf and FAZ at Kumiro. It was decided that:

- WNBf be divided into 2 groups:
  - One group be based in Sudan
  - Another group establishes its base at Irumu, Zaire, with operational areas at Gaki, Manzaki and Lombe.

- A deployment of 3,000 men of SDF/FAZ/WNBF is made to attack Uganda.

On 26.11.96, Sudanese Defence Minister signed an agreement with former Zairean Ambassador in Paris in which Sudan Airforce was to help Zaire carry out air-raids on Bwera, Bundibugyo, Bushenyi and Mbarara in Uganda while ADF and WNBF made ground offensive on UPDF. Following this agreement, in December 1996, Sudan provided the following arms to ADF:

- Three (3) 12.7 mm gun
- 25 mortar pieces for 82 mm gun
- 60 pieces for 60 mm gun
- 60 stinger missiles
- 100 G2 rifles
- 50 metric tones of anti-tank grenades
- 40 metric tones of RPG Shells
- 30 Landmines
- Mobile Communication Equipment

These arms were carried by FAZ trucks from the Zaire-Sudan border and arrived in Beni in September 1996. In Beni they were kept at ENRA (Enzyme Processing Association) depot and put under the custody of FAZ soldiers. These arms were part of those, which were used in Bwera attack in 1996.

In December 1996, about 500 armed WNBF remnants under the command of Capt. Ambe were active along the Faradje, Esebi and Imgbokolo axis on Uganda- DRC- Sudan border. They were collecting intelligence using one agent Ummar Muhammed Ahmed who was operating between Aru-Ariwara and Watsa all in DRC.

#### ***2.1.4 Mobutu Conspires with Rwanda Against Uganda***

##### ***Rwanda and Zaire Support Amon Bazira's Activities***

On 23.8.92, Bazira was in Goma and he held meetings with Col. Mbala the commander of paramilitary Gendarmes. Following this meeting on 27.8.92, NALU arms donated by Rwanda through Bizima Andrew, the Gisenyi commander, were transported from Goma to Beni on a lorry belonging to one Abdu Nzaramba. Hajji Kabeba who was a businessman in Rwanda

linked Bazira to the Habyarimana government of Rwanda. Hajji Kabeba was also to join Bazira rebellion later.

On 1.2.93, Bazira transported arms and about 200 troops that had completed training in Gisenyi, Rwanda. Bosamba Malanga, a Regional director of Immigration for Kivu and Nyamwisi Mavingi, former Mobutu Minister of Tourism and Sports a Congolese assisted him. These troops were to be infiltrated into Bwera and Kasese. Mavingi also coordinated the transfer of funds from Amin to NALU. This money came from proceeds from the Mungwalu gold mine, which Mobutu had given to Amin to raise money for the rebel activities against the Uganda government.

On 16.1.1993, Amon Bazira left Rwanda for Kinshasa via Goma. From Goma, he flew to Kinshasa using Pride African International Airlines plane belonging to Ngbanda, Security advisor to Mobutu and General Mayele whom he met in Kinshasa. Ngbanda gave Bazira clearance to travel in Eastern Zaire and also provided him with 2 escorts.

## **2.2 KABILA'S ERA**

### ***2.2.1 Kabila's Officials who Collaborate with ADF Rebels***

#### **2.2.2**

In January 1998, Col Kasereka of FAC conspired with the ADF who killed 17 UPDF soldiers in Lume. Following this incident he was transferred and replaced by Col. Ebemba Matthias who had armed and facilitated the ADF and NALU rebels during Mobutu's era.

On 25.1.98, Zitondla Bogota, the then Commissioner for Ireму region alerted ADF rebels in Geti of UPDF planned operations against them.

Dr. Adoradu of Bunia Hospital was the main coordinator of ADF/NALU activities in Bunia. He was transferred to Mbandaka in January 1998 but he refused to move.

Pata Idi Taban communicated to and received Radio messages of ADF on radio LSB 7470 at Bunia mosque, which was being used by the ADF as the collection centre for new recruits.

In February 1998, six ADF rebels from the Rwenzori Mountains in DRC entered Uganda through Kasindi to Kihomo village in Uganda after

registering with ANR officers and informing them that they wanted to return home "due to hard life in the mountains". Among the six ADF/NALU rebels were:

- Masereke Julius
- Mate Abdullah
- Jackson
- Kihyana

On 24.9.98, ADF Deputy Chief Director, Kisokeranio held a meeting with Kabila's forces cut off from Kinshasa by the civil war. The local chief of Beni, Prosper Kasulholho, OC Kasindi and Ex-Mobutu parish chief of Kasindi, Tembo Mambura attended the meeting held at Jacques Engels farm.

On 27.9.98, ADF held a meeting on one of Mr. Elengesa's farms in Buliba, Mutwanga and was attended by:

- ADF commanders including the late Kisokeranio
- Kabila's soldiers among whom were those who had disarmed and moved away from the border by the UPDF around 23.9.98.
- DRC Civil servants, among whom were Kasolholho Prosper, *Chef de Poste Lume* and Mr. Tembo Mambura, described as a notorious self-styled local leader.
- Civic mobilisers, such as Mr. Malidog, a self styled *cadre politique militaire* or Political Commissar.

During the meeting they agreed that:

- The ADF in the forested lowlands of Semliki valley should join others in the Rwenzori Mountains.
- Ex-Mobutu and Kabila's loyal forces should also move and join ADF in the Rwenzori Mountains.
- Local leader in the area should ensure safe passage of the above groups to the Mountains.
- The combined force of ADF and Kabila's loyalist forces should attack the UPDF in Mutwanga, Kasese and Bundibugyo.

Other DRC Officials and businessmen who supported the ADF rebels are:

- Abdu Mufupi, formerly financial coordinator in Ex-FAZ. He was the one who masterminded the Mpondwe/Bwera attack
- Lt. Col. Elamba Mathias
- Abdu Karim Kamau
- Abdu Bakumba
- Lendi, who housed UMFF Headquarters before Kasese attack on Bwera on 6.11.96
- Malope
- Makala Uvasaka, former DC of Beni under Mobutu and Kabila's regimes Jacques Engels, a Belgian farmer in Lhume who provides the ADF rebels with food supplies.
- Steven Baluku who was a Secondary school teacher in Beni and was taken to Kinshasa by Kabila.
- Capt Emmanuel Kakolele, a NRA deserter, Ex-FAZ and EX-AFDL soldier. He used to send supplies to ADF through Oicha to his agent called Kakoko, immigration Officer, who would also send it to Abdul Karim Kamau for delivery to the rebels.
- Mbare, a Congolese businessman
- Hosea Kibaku
- Lyangobi of Buseru who is ADF coordinator
- Paul Migeri of Kiribatha who buys food for the rebels
- Yosefu Mwenda who stays at Budiko
- A one Felix from Kiribatha
- Kapido of EX-FAZ and Ex-AFDL
- Kambale, formerly an immigration officer during and after Kabila captured power.
- Salibako, formerly an immigration officer after Kabila took over power.
- Hajji Hamad Abdallah who in November 1998 was the Imam of Beni Mosque had all along acted as ADF's recruitment and supplies' agent. Kabila government paid him for his work. This was revealed by the 40 DRC government soldiers who had joined ADF but surrendered to RCD rebels on 14.5.99 at Lhume.

On 9.8.98, Taban Amin, son of Idi Amin was appointed as ADF's Chief of Staff. He came to DRC in 1997 after the defeat of WNBF. Prior to its defeat, WNBF freely operated from Bunia, Garamba National Park and Ariwara. Taban became close to Kabila. He even escorted Kabila to Morocco in May 1998.

**2.2.2 ADF/NALU REBEL CAMPS IN DRC BETWEEN THE 13.11.1996  
ATTACK AND 30.6.98**

Kasale  
Buhira  
Ngingi  
Kabele  
Buranda  
Kitchanga  
Nyamika  
Bukuka  
Upper Lhume  
Masambo  
Buseru  
Kanombye  
Kyavinyonge  
Bundikano  
Kamunyu  
Buhanga  
Kighuthu  
Busigha  
Kinyanzongera  
Ruhehe  
Bolibo near/above Mutwanga  
Muje Mukaone Island on R.Semliki  
Kanyatsi forest  
Kikingi  
Batalinge forest  
Kayimbi  
Mamundioma forest  
Mwaleko-Isale Hills  
Buvata near Oitcha.  
Mehunga  
Kisanga  
Rugetsi  
Kisuli south of Oitcha  
Buswagha  
Kaleyaleya

Mumbiri forest  
Tinge (Singe) above Buhanga  
Sulesule

***2.2.3 Their Movements Indicate that They Operate From DRC without any DRC officials Challenging them***

On 31.1.97, about 40 ADF rebels from the Rwenzori Mountains crossed to Zaire through Kamukumbi border village after abducting 3 people at Kyabilokya near Bwera town.

Between 23.9.97-26.9.97, ADF rebels moved from Rutshuru in Kyavinyonge to Kiyenda and Kighutu.

By July 1998, some known ADF routes to and from DRC was Buruhya rebel camp in the Rwenzori mountains --- Kalonge ---- Mumbiri (DRC) --- Burangwa in Kasese, Uganda.

Kinabwori forest --- R. Semliki --- Bwandumbi stream --- Rwenzori Mountains.

In February 1999, over 100 armed ADF rebels left Kiribatha in DRC and headed for Uganda via Mirambi hills and Virunga National Park in DRC.

On 4.2.99, ADF crossed from DRC to Kitholu sub-county, Uganda and killed 2 civilians before withdrawing to DRC

On 19.12.99, about 200 ADF rebels from Batalinge (DRC) joined ADF camp of Kiribatha in Rwenzori Collectivity.

On 19.12.99, about 150 ADF rebels moved from Malindi to Butama from where they went back to Kahuka.

On 25.12.99, about 200 ADF rebels entered Uganda from Butalinge and climbed Rwenzori Mountains.

On 15.12.99, about 25 ADF rebels reached Lhume from Buhira Camp, then crossed R. Lhume, continued to Muhororo to Buranda.



In December 1999, ADF rebels were using Tourist routes of Ibanda – Kalonge – Murene - Kyondo (DRC) - Buliha – R. Butau – Kiribatha route

On 12.12.99, ADF rebels ambushed at Mantoroba, killing 1 UPDF soldier and 5 civilians.

On 14.12.99, about 60 Mai Mai and ADF moved from DRC through Malindi to Butama in Rwindi National Park where they camped.

On 23-April-2000, about twenty (20) ADF rebels from DRC attacked Kawembe village near Ihandiro sub-county. They crossed back to DRC on 26-April-2000 through Kambasa forest in the Rwenzori Mountains.

#### ***2.2.4 An ADF Abductee Escape***

On 1-November-1997, Assasio Katsuba, one of the 19 Seminarians kidnapped by ADF from St. John Seminary, Kiburara, in August 1997, escaped from the ADF camp at Kaleyaleya, DRC.

#### ***2.2.5 An ADF rebel Captured in DRC***

On 10.7.97, an ADF rebel, Kambale Wehulwa, was arrested by the UPDF at Lugetsi, DRC, as he was coming from Kayimbi camp. He had 1 landmine, 2 tortoise grenades and 1 submachine gun (SMG). The rebel revealed that the ADF rebels had constructed an airfield at Kafalisi.

Ugandan rebels who were captured by RCD rebels on 22.10.98, revealed that 700 rebels drawn from LRA, WNBK and ADF were fighting alongside President Kabila's forces and were deployed in Kindu and Isiro.

On 17-April-2000, the ADF Chief of Staff, Mansur Arinaitwe alias Benz and Director of Recruitment and Training, Kirunda alias Rwigyema Jr., surrendered to UPDF in Lhume, DRC, with their families and 7 escorts.

#### ***2.2.5 Other Ugandan Dissidents With Connections With President Kabila***

##### ***2.2.5.1 Peter Otai***

On 17.12.98, Peter Otai held talks with President Kabila in Kinshasa which covered aspects of how the former's war plans on Uganda was to be

supported by the Allied forces assisting Kabila. The two also agreed on a plan to assassinate the Ugandan President Yoweri Kaguta Museveni and how to implement a strategy to occupy territory inside Uganda. Otai claimed that he had finalised the plan and was left with enlisting the support of former President Milton Obote.

After the meeting, president Kabila appointed a technical committee headed by the then Congolese Commander (FAC) and Minister in the President's Office in charge of Security to work closely with Peter Otai and plan an offensive against Uganda.

#### **2.2.5.2 *Akena P'Ojok***

On 3.1.99, former Minister of Power and Communication in Obote II regime, Akena P'Ojok, travelled to Kinshasa and together with Peter Otai met President Kabila.

#### **2.2.5.3 *Amin***

In early 1999, former President of Uganda, Idi Amin got in touch with President Kabila and promised him military help. Amin said that his boys who had been trained in Pakistan and Yemen were in Sudan and would be dispatched to fight along Kabila's forces.

#### **2.2.6 *Kabila's support for Interahamwe***

On 24.6.98, instead of handing over about 300 Interahamwe to Rwanda, President Kabila directed that they be taken to Kamina for retraining.

Interahamwe captured in Kisangani on 3.9.98, revealed that:

Gen. Mfude, a Katangese and cousin of President Kabila, had trained them in a group of 5000 Interahamwe at Kamina Military training camp. Another group of 700 retrained interahamwe had been passed out in mid-August 1998 at Kamina and Kapalata in Kisangani.

On 14.9.98, a combined force of the Mai Mai, Ex-FAR and Interahamwe attacked Goma, overrun Katindo barracks and held RTV radio station at Mugoma Hill for one hour before the RCD rebels intervened and repulsed the enemy forces.

On 23.9.98, a combined force of Mai Mai Ex-FAR and Interahamwe attacked a military camp at Ndosha, 4Km North of Goma. During the attack, 56 people were killed, an unspecified number injured and others displaced.

By January 1999, it was clear that Ex-FAR and Interahamwe were officially deployed along with the Allied Forces as follows:

Maj Gen Augustine Bizimungu, former Commander and Chief of Staff of Ex-FAR was on President Kabila's war Council.

Col Kayumba Cyprio, an Ex-FAR, was deployed and had been fighting alongside 212 Battalion at Kilembwe, S.E Manono.

Maj. Bizimana was in charge of espionage in the Great Lakes Region.

Col. Kanyandekwe Emmanuel was in charge of Makote Mobile Training Camp, in Masisi.

Maj. Haguma Pierre Celestin who led an attack on Goma on 14.9.98 was in charge of Allied Forces' Communications in Eastern DRC.

Maj. Andre Ndeler'Imana was in charge of a terrorist Mobile training Camp in North Kivu.

Maj. Gakara was in charge of Rugari Mobile Camp in Masisi.

Capt Mbogo was in charge of Tongo Camp with about 1500 fighters.

On 24.12.99, a combined force of Mai Mai, Interahamwe and ADF commanded by an Interahamwe woman only known as Espe moved from Masisi and attacked UPDF positions in Rwenzori Collectivity before continuing to Batalinge.

On 20.12.99, a combination of about 400 ADF rebels, Interahamwe and Mai Mai left Mwenda and crossed into Uganda heading to Kyarumba/Kyondo areas in the Rwenzori Mountains.

On 18-Feb1999, Interahamwe from DRC attacked a home in Rugabano village, Nyarubuye sub-county, Kisoro district in Uganda and killed 4 Ugandans and 1 Congolese visitor.

On 27-Feb-1999, a group of about 14 Interahamwe looted Kamugyemanyi market in Nyarutembe, Nyabwishenya sub-county, 3Km inside Uganda from the DRC- Uganda border.

On 1-Mar-1999, a group of Interahamwe attacked Bwindi National Park, killed 8 tourists, abducted 14 tourists and 1 Ugandan before withdrawing into DRC.

### ***2.2.7 President Kabila Conspires with Sudan against Uganda***

On 18.10.99, Sudan airdropped supplies to ADF near Lhume in DRC. The contents of these airdrops included the following 10 boxes of:

- LMGs
- RPG shells
- Uniforms
- Ammunition
- Radio communication equipment

On 13.8.98, Ugandan rebel leaders held a meeting with Sudanese security chiefs at the headquarters of General Security of Sudan and discussed the crisis in DRC. Also in attendance was Mr. Tsikulu Luambo, a representative of DRC. Each rebel group was asked to go into DRC and start fighting alongside President Kabila's forces. In late August 1998, Sudan discussed with Gen. Nyambuya of the Zimbabwean forces in DRC, a joint operation in collaboration with the Zimbabwean and FAC in connivance with Ugandan rebels in the Western border with DRC and her Northern border with the Sudan.

## **3 SUDAN SUPPORTS UGANDAN REBELS**

### ***3.1 Sudan Decides to Provide Base to Ugandan Rebels***

On 3.5.86, during a meeting between Uganda rebels and Sudan Government (represented by Maj. Kuba, O.C. Kaya Military Post) at Republic Hotel, Yei, the latter promised to assist the rebels and accepted to accommodate rebel soldiers at Yei (122 BTN) barracks. This later became a reception centre for all rebel soldiers.

## **3.2 *Rebels Supported By Sudan***

### **3.1 *UPDM/A***

#### ***UPDM/A Attacks Uganda From Sudan And Withdraws to Sudan When Pursued by UPDF***

On 28.7.86, a joint force of Sudan Army and UPDM/A rebels crossed into Uganda and attacked Bibia.

On 20.8.86, a UPDM rebel group staged an attack from Sudan into Uganda via Nimule with a force of about 3000 troops.

On 14.12.86, Sudan armed forces shelled NRA Units at Awindiri

On 5.1.89, UPDA rebels crossed into Uganda and attacked Oraba NRA unit, before withdrawing to Sudan.

On 24.6.89, UPDM/A rebels attacked NRA positions at Oraba from Sudan before withdrawing to Kaya.

On 26.6.89, UPDA rebels attacked Oraba NRA unit from Sudan before they withdrew to Sudan.

On 6.7.89, a group of Ugandan rebels attacked and disarmed 2 NRA soldiers at Nyawa Bridge and proceeded to Obonji.

On 21.8.89, Sudan Government provided 200 guns and 20 boxes of ammunition to UPDA rebels at Keyo.

On 10.10.89, UPDA attacked and looted Oraba trading centre before withdrawing to Sudan.

### **3.2.2 *NOM***

In June 88, NOM rebel Movement, under David Anyoti (former Minister of Information in Obote II Government) passed out several hundred rebels.

### **3.2.3 WNBF**

#### **3.2.3.1 *WNBF attack from Sudan and retreat to Sudan when pursued by UPDF***

On 14.11.87, a rebel ambush on Kaya-Koboko road resulted in the death of 2 NRA officers.

On 17.2.88, a convoy of 6 UNHCR trucks destined for Kaya (from Uganda) were ambushed by WNBF rebels, about 64Km North of Arua.

In April 89, WNBF rebels crossed from Sudan and abducted a NRA officer and his escort from Lima in Aringa county.

On 19.6.89, WNBF rebels ambushed NRA patrol at Keri before withdrawing to Milia military camp in Sudan.

On 23.12.89, Ugandan rebels attacked Koboko from Sudan.

On 29.12.89, a joint force of Sudan Government troops attacked Oraba border post and entered 6 Miles inside Uganda before retreating to Sudan.

#### **3.3.3.4 *Sudan Provides Training to WNBF***

In December 1996, at Kaya near Sudan-Uganda border, WNBF rebels were training in preparation for an attack on Uganda.

In August 95, Sudan Government opened another group of WNBF rebel camp at Napotipo, 50 Miles from Kenya-Uganda border. Between 150-200 Ugandan rebels, mainly from WNBF and UPA rebels from Kakuma camp were in the camp for retraining.

### **3.3.4 LRA**

#### **3.3.4.1 *LRA Attacks From Sudan And Withdraws to Sudan when Pursued by Uganda's Armed forces***

On 3.07.91, LRA rebels coming from Sudan killed 36 people at Atiak on the Uganda side of the border with Sudan..

On 11.08.91, LRA rebels from Sudan again killed 6 people in Atiak on the Uganda side of the border with Sudan.

On 24.10.91, about 15 LRA rebels crossed from Sudan to Adjumani sub-district in Pakele sub-county and looted drugs from Koswa hospital besides killing 5 people and abducting a nun.

On 21.7.94, about 100 LRA rebels crossed into Uganda with arms and ammunition from Sudan.

On 10.10.94, LRA leader, Joseph Kony crossed into Uganda from Sudan.

On 9.11.96, about 250 LRA rebels crossed into Uganda from Sudan and split into small units in Palabek and Lokung in Kitgum district. On 18.11.96, another group of LRA rebels crossed into Uganda from Sudan through Tim Padwat and attacked a local defence Unit at Palabek.

On 9.1.97, about 120 LRA rebels crossed into Uganda from Sudan and killed about 200 people and destroyed over 400 houses in Palabek, Lokung and Padibe in Kitgum district.

### ***3.3.4.2 LRA Plans and Trains From Sudan Against Uganda***

In early January 1999, LRA drew a plan to carry out a surprise attack on a UPDF defence either within or near Anaka in Gulu district involving about 1000 rebels and subsequently proceed to Gulu town.

### ***3.3.5 Uganda National Rescue front Rebels (UNRFII)***

#### ***3.3.5.1 UNRF II Attacks From Sudan and Withdraws to Sudan When Persued by UPDF***

On 14.2.97, Uganda National Rescue Front (UNRFII) rebels attacked Lodonga in Uganda from Sudan.

On 5.5.97, UNRF II rebels from Sudan abducted Hassan Akule, a Local Council official in Yumbe and killed him.

On 22.6.97, UNRF II Commanders Lt. Col. Ejoga and Maj. Akassa Galumbe entered Aringa county, Uganda from Sudan via Delo Corner, about 2 Km North of Yumbe town.

On 25.5.98, about 400 UNRF II rebels entered Uganda from Sudan through Lomwa and Bori along Sudan-Uganda border.

On 18.1.99, UNRF II rebels crossed from Sudan and attacked Yumbe Military barracks.

### ***3.3.5.2 Sudan Government Facilitates UNRF II With Military Equipment and its Propaganda***

On 16.6.98, a UNRF II spokesman told Radio Omdurman that over 100 youths abducted in Aringa County, Arua district, joined their camps in Sudan voluntarily.

On 25.6.98, the Director General of Security Lt. Gen. Mohammed Sanussi who was also the Deputy Chief of Staff of Sudanese Armed forces received Ali Bamuze in his office in Khartoum. Lt Gen. Sanusi gave Ali Bamuze military equipment to fight the NRM Government in Uganda.

### ***3.3.5.3 Sudan Government provides UNRF II with Base***

By August 1999, UNRF II had camped at 13-Miles N.E Kansuk, which is South of Rojo Hills in Sudan.

### ***3.3.6 Allied Democratic Front (ADF)***

#### ***3.3.6.1 ADF Supplied by Sudan***

In 1995, Obeid Abdalla Birungi alias Henry Matovu from ADF camps in Beni visited Sudan where he received financial assistance from the government of Sudan.

In April 1996, the following ADF rebels led by Obeid Abdallah Birungi visited Sudan through Bazi:

- Abdallah Mulumba
- Mohamed Bossa



- Hussein Mohamed
  - Abdu Magidu Tiger staff in Chief of Combat Operations office
- The group met Col Asuman of Sudanese Armed Forces who sent them to Juba. Obeid and Magid Tiger proceeded to Khartoum and returned to Juba in June 1996 with the following arms:

- Five Dosca
- 4MGLS
- 4MMGs
- 6LMGs
- 4G2s
- 13 RPG Pipes with several bombs
- 1200 SMGs
- An unspecified number of Anti-Personnel-Mines (APM)
- An unspecified number of Anti-Tank-Mines (ATM)

On 26.11.1996, ADF rebels camped at Mwenda received boxes of boxes from Sudan through Kamango airfield.

On 23<sup>rd</sup> October 97, the Sudanese military advisor in Kenya, Osman Ramathan met with a group of ADF led by Mukasa Lawrence, who is an ADF spokesman and they mapped out plans on how Sudan could airdrop arms to ADF in eastern Congo (Rwenzori Mountains).

In 1997, the following six ADF rebels led by Abdalla Mulumba of ADF were sent to Sudan through Bazi to get guns for countering UPDF's *Mambas* and *Tanks*:

Mohammed Hussein Senkisa  
 Abbas Benjamin  
 Kaboyo Abubaker  
 Kassim Barya  
 Rashid.

The team was received by Col. Asuman of the Sudan Armed Forces who sent them to Khartoum where they received military training on SPG-9 for 2 months.

- On 15.10.99, Sudan dropped supplies to ADF at Kitantara, located between Kyarumba and Kilembe sub-counties of Kasese district.

- Several boxes of ammunition

### **3.3.6.2 *Khartoum Government Provides ADF with an Office***

ADF has an office in Khartoum and Colonel Abubakar Shukri, a serving Sudanese military officer in Sudan Armed Forces (SAF) who coordinates military affairs of ADF and Interahamwe. The following ADF rebels occupy this office:

- Ahmed Kakembo - Head Mission and ADF Spokesman
- Jamil Edema - Deputy Head Mission
- Mohamed Mohamed - Official
- Odeke - Security

### **3.4 *Sudan Government Attempts to Unite Ugandan Rebels***

In early August 1998, Uganda rebel commanders from ADF, UNRFII, and WNBf and LRA met the Sudanese Armed Forces Chiefs in Juba to discuss their operational tactics against Uganda. During the meeting it was resolved that:

- LRA/M was to take positions along Nimule-Juba road and Nimule-Torit to be assisted by UNRFII fighters
- The WNBf was asked to concentrate on Yei-Juba road.

### **3.4 *Sudan Government Supplies Arms to Ugandan Rebels***

On 14.8.98, Ugandan rebel groups base in Sudan were given more weapons to boost their military strength in order to fight the Uganda Government the rebel groups include:

- Uganda National Rescue Front
- ADF
- LRM/A
- WNBf

The four rebel groups were each given:

- 2 B12 Katyusha Rocket Launchers
- 12 RPGs
- 500 AK Assault rifles

- 20 boxes of hand grenades
- 3 tons of medicine to be shared by the four groups
- Several tons of rounds of ammunition

### ***3.5 Sudan's Direct Aggression to Uganda***

On 30.12.89, a joint rebel force and Sudan Government soldiers entered into Uganda in a convoy of 25 vehicles and 1 APC and camped at Keri in Uganda before withdrawing to Kerwe in Sudan.

On 13.8.95, Sudan Armed Forces and a Company of WNBF crossed into Uganda at Oraba. However, they were repulsed by UPDF before they returned to Kaya on 14.8.95.

On 4.5.95, LRA rebels crossed into Uganda accompanied by 5 Sudanese Military experts.

On 28.7.95, LRA supported by SDF, entered Uganda from Owiny Kibul in Sudan through Lokung in Kitgum, Matidi, Padibe Muchini Mabi opel and Paimol Muto. However, they were repulsed by UPDF on 27.8.95 and crossed back to Sudan.

On 2.3.97, Koboko town was shelled with mortar bombs from Kaya by Sudanese Armed Forces.

On 27.9.98, the Sudanese Government announced general mobilisation to deal with what she termed a Uganda-Eritrea aggression in Sudan calling on all able bodied people to report to the armed forces for participation in the job of defending Sudan.

Since 1988, Sudan has been bombing Ugandan territory. Among the bombings are the following:

<b><i>Date</i></b>	<b><i>District/Region</i></b>	<b><i>Place/Location</i></b>
20.5.91	West Nile	Ojapi P. school, Tara
22.09.95	West Nile	Moyo Town
08.04.96	Koboko	Keri
13.02.97	West Nile	Arua
27.09.98	Bundibugyo	Bukaka

03.10.98	Adjumani	Pakele
08.10.98	Adjumani	Unyama and Mugali

Besides bombings, the following Airspace violations were recorded between April and July 1999 alone:

4.4.1999	Koboko town
18.6.1999	Adjumani town
19.7.1999	Bibia
22.7.1999	Keri
23.7.1999	Oraba
25.7.1999	Bibia

- 3     **This requires testimonies of Ugandan officials who were involved.**
  
- 5     **This also requires testimonies of Ugandan Officials who were involved.**
  
- 6     **PRESENCE OF UGANDA DEFENCE FORCES IN DRC BEFORE 2.8.98**

#### **6.1   *UPDF Deployments in DRC***

Uganda and DRC had the following battalions in the Joint Operation in Eastern Congo:

- There was the 105<sup>th</sup> battalion in Beni Zone. Commander Bizima commanded it. This oversaw Kasindi, Erengeti, Oicha, Mbau and Maviri.
- There was the 89<sup>th</sup> battalion commanded by Kasereka. This covered Rwenzori Mountains.
- There was the 99<sup>th</sup> battalion covering Mutwanga, Mwenda and Watalinga.

#### **7   **PRESENCE OF UPDF TROOPS AFTER 2.8.98****

On 16.8.98, UPDF unearthed 460,000 bullets for a 12.7-mm gun hidden by the ADF at Lubathe near Kambasa overlooking Kiraro.

Between May and July 1999, UPDF had dislodged ADF rebels from their bases in Kambasa, Kiraro, Buhira, Hulhulhu, Mbakira, Kakayabu, Bolibo, Kasale, Lume, Mahunge and Kabale in DRC.

On 26.10.99, UPDF engaged ADF rebels at Kitchanga in DRC adjacent to Bundibugyo, Uganda.

On 24.12.99, ADF attacked Hakitara, killing 2 UPDF soldiers and injuring 2 UPDF and 5 civilians.

On 6-March-2000, UPDF killed 2 ADF rebels in Lhume

On 16-March -2000, UPDF killed 2 ADF rebels in Lhume.

On 28-March-2000, ADF rebels abducted 8 people in Masambo, DRC.



## **UR Annex 109**





## **WORK PROGRESS BY HERITAGE OIL GAS LIMITED IN THE SEMLIKI BASIN AND THE SECURITY RISK.**

### **1. BACKGROUND**

Heritage Oil Gas Limited (HOG) is the company that was granted an exploration license in January 1997 to carry out petroleum exploration, development and production in Exploration Area 3 (Semliki basin).

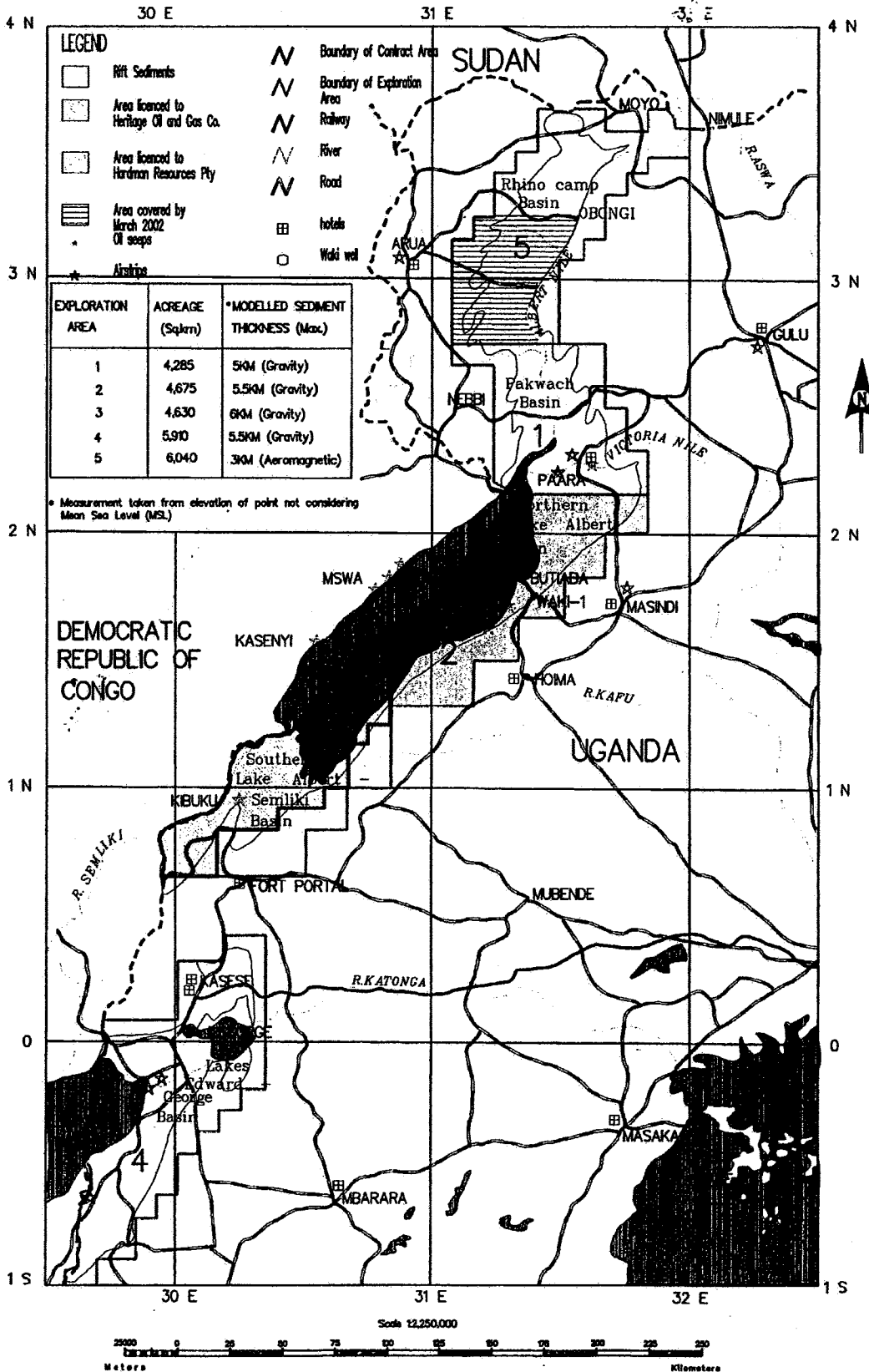
### **2. WORK PROGRESS**

- 2.1 After the signing of the Production Sharing Agreement (PSA) in January 1997, HOG compiled information into base maps used in designing a land seismic survey.
- 2.2 In July 1997, HOG carried out an Environment Impact Assessment for the seismic survey that was being planned. HOG embarked on the seismic survey in June – August 1998, in which 170-line km of high quality seismic data were acquired in the Semliki basin.
- 2.3 HOG then carried out preliminary interpretation of the above data, which revealed a presence of two large structures that would require test drilling to confirm the presence and quantity of petroleum reserves.
- 2.4 However, the insecurity in the Semliki basin resulting from ADF incursions delayed the commencement of this drilling phase. In the meantime, HOG had identified possible joint venture partners to carry out the test drilling.
- 2.5 The seismic survey above was carried out under heavy military escort, and as HOG was planning the proposed drilling, the ADF continued with attacks in the Semliki basin.
- 2.6 These continued attacks by the ADF and the war in Eastern Congo delayed HOG in starting the drilling operations and discouraged other investors coming for petroleum exploration. Because of the delays and the security risk, the partner HOG had identified withdrew from the Joint Venture and HOG could not find another partner at that time.

- 2.7 In July 2001, HOG identified another partner for a joint venture in Exploration Area 3, and in November/December 2001, HOG acquired additional seismic data in Exploration Area 3.
- 2.8 After interpretation of the seismic data, HOG started preparation of the drilling operations, which is to start in September 2002.
- 2.9 In the meantime, Government has been carrying out geological and geophysical surveys in the Pakwach and Rhino camp basins, to improve on the understanding of the petroleum potential of these areas and facilitate the promotion effort. But because of increased insecurity in northern Uganda by the LRA rebels, the Government has suspended these activities. Furthermore the oil companies that had planned to carry out preliminary field surveys in these areas withdrew.
- 2.10 Therefore the insecurity in the Semliki basin by the ADF and fighting in eastern Congo caused a lot of delay in the progress of petroleum exploration activities. Although HOG is going to drill now, the continued fighting in eastern Congo has required more deployment of security personnel in the Semliki basin.
- 2.11 The licensing of the remaining areas is becoming increasingly difficult as the LRA rebels continue to cause insecurity in northern Uganda as well as continuing instability in eastern Congo.

# EXPLORATION AREAS 1, 2, 3, 4 and 5

Figure 1





## **UR Annex 110**



# THE MINING INDUSTRY IN UGANDA

## 1 CONTENT PAGE

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- 1 CONTENT PAGE
- 2 OVERVIEW OF THE MINING INDUSTRY
- 3 DEVELOPMENTS IN THE INDUSTRY
  - 4.1 MINERAL INDUSTRY POLICY
  - 4.2 INDUSTRY PERFORMANCE
  - 4.3 AN OVERVIEW OF IMPORTANT MINERALS OCCURRENCE
- 4 INVESTMENT OPPORTUNITIES
- 5 UGANDA'S COMPETITIVE ADVANTAGE
  - 6.1 STRATEGIC LOCATION AND FAVOURABLE INVESTMENT CLIMATE
  - 6.2 IMPROVED FISCAL INCENTIVES
  - 6.4 METALLIC MINERALS
- 6 PROCEDURES FOR INVESTMENT
- 7 REFERENCES AND SOURCES FOR FUTURE FURTHER INFORMATION

## 2 OVERVIEW OF THE MINING INDUSTRY

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The mining industry in Uganda reached peak levels in the 1950s and '60s when the sector accounted for up to 30% of Uganda's export earnings. However, political and economic instability experienced in the country in the '70s led the sector to decline to its present level of contributing only about 1% of the Growth Domestic Product (GDP). It is noted therefore that the decline is not a result of resource depletion but is rather due to the bad government policies of the past.

The decade after 1986 has been marked by a favourable business climate in Uganda and a number of mining companies have taken up licenses in the mining sector, the mining and quarrying industry is now growing at the rate of about 11%. For example, in 1990 there were under 50 licenses issued in the exploration and mining license categories combined: by the end of 2000 there was a total of 221 licenses including, *136 Exclusive Prospecting Licenses, 95 Location Licenses, and 15 Mining Leases*. These licenses cover the entire country but are generally concentrated in the more prospective areas in southwest and southeast Uganda. This is due to the fact that because of thick soils and deep weathering, parts of north central Uganda have limited geological data. The Government is currently negotiating with the World Bank to fund a systematic exploration program to cover the entire

country. This should open up more ground for exploration.

Nonetheless, current mineral production is still too low to meet local industrial demand. Limestone mined for the production of cement and lime is consumed largely in the local market. Aggregate, gravel and small quantities of gold, tin and tungsten concentrates are currently produced largely for export. There are many high mineral potential areas in Uganda, which remain inadequately explored despite the country's long history of production.

### 3 DEVELOPMENTS IN THE INDUSTRY

#### 3.1 MINERAL INDUSTRY POLICY

Modern mining began in Uganda in the mid-1920s with production of tin concentrates in south-west Uganda and expanded to include asbestos, lithium, bismuth, copper, gold, gypsum, lead, iron ore, limestone, sand, gravel, aggregate, building clays and silica sand. Both government and the private sector have for a long time, carried out the development of mineral resources. In order to revive and expand the sector, government has adopted policies to:

- Promote the development and use of mineral resources in the modernization of the country, to raise revenue and to earn foreign exchange;
- Encourage exploitation of minerals for local industrial development;
- train and develop technical and managerial skills for the sector;
- Maintain adequate government services and institutions for the sector; and
- protect the environment

#### 3.2 INDUSTRY PERFORMANCE

The implementation of the above policies has resulted into an increase in mineral production and mineral exports. This has provided a significant contribution to foreign exchange reserves as well as revenue accruing from royalty. For instance the royalties paid were US\$ 21.3 million in 1995; US\$ 36.1 million in 1996; US\$ 64.3 million in 1997, US\$ 10, 421,137 in 1999, US\$ 609, 229,220 in 2000. The value of mineral exports shows an increase from US \$ 50 million in 1995 to US \$ 53.4 million in 1996, US \$ 81.3 million in 1997 and US\$120million.in 2000. Table 1 below shows the trends in mineral production.

**Table 1: Mineral production statistics 1990 - 2000**

Mineral	1990	1991	1992	1993	1994	1995	1996	1996
Gold (grams)	7523	1327	679	291.4	1627	1506.6	3000	6400
Tin Ore (tons)	31.2	1.70	1.76	2.67	2.56	4.29	0.38	1.81
Wolfram (tons)	48	30.36	15.83	5.00	11.64	17.31	Nil	1.76
Tantalite/ Columbite (t)	Nil	0.055	0.035	0.452	0.435	1.824	Nil	Nil
Limestone (tons)	385.0	2623	99.6	10025	163	209512	159479	919353
Gypsum (tons)	43	807	396.1	308.4	201.7	5467	2281	Nil
Phosphate (tons)	25.0	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Iron Ore (tons)	Nil	86.71	32.85	Nil	Nil	7.0	200	2432



*Source: Department of Geological Survey and Mines*

*"Nil" - means no returns have been received by the Department of Geological Survey and Mines*

## **MINERAL OCCURRENCES OF UGANDA**

Although Uganda's mineral potential is largely untested due to the very limited exploration to date, it is endowed with a wide variety of minerals (Figure 1 Map of Location of Minerals in Uganda).

### **3.3 An overview of important minerals occurrence**

#### **3.3.1 Copper**

The history of copper mining dates back to 1956 when Faconbridge of Canada operated at Kilembe Mine until 1974 when the Government of Uganda took over its ownership. The production of blister copper, which had been as high as 16,000 tons per year by the late 1960s, declined in the 1970s (14,000 tpy in 1972) and reached a low level of 2,000 tons in 1979, until production subsequently ceased. The reserves were originally estimated to be 12.7 million tonnes (Mt) of which 7.2 Mt averaged 2% copper and 0.2% cobalt. At the time of the mines closure, 16.3 Mt had been mined. Significant resources of in situ chalcopyrite cobaltiferous pyrite and pyrrhotite mineralization remain, (4.12 Mt at 1.77% Cu in measured and indicated categories; 1.85 Mt at 1.46% Cu in inferred category plus 0.65 Mt of supergene mineralization. In addition, there is potential for discovering further deposits, along the 90 kilometres belt of Kilembe series rocks. The Kilembe area remains attractive not only as a copper producer but also as a cobalt supplier. At present, Mine will soon be open to other investors through the Privatisation Unit. Anglovaal Minerals (Avmin) of South Africa in a joint venture with Pacific VanGold of Canada are undertaking a major exploration programme for copper and cobalt mineralization north-east of Kilembe.

#### **3.3.2 Cobalt**

When Kilembe Mine was in operation, cobalt was not recovered because of its low price at that time. However, approximately 1 Mt of cobaltiferous concentrate was stockpiled at Kasese near the Mine. The stockpile at Kasese averages 1.37% cobalt and 0.4% nickel. In addition, there exist 10 Mt of tailings at an average grade of 0.1% Co. Kasese Cobalt Company Ltd. (a joint venture between Lasource and Kilembe Mines Ltd.) has constructed a 1,000 tons per year bioleach extraction plant at Kasese to process the stockpile. Production started in April 1999. The project invested US \$ 135 million and is the largest project so far undertaken in the mineral industry in Uganda. A 10 MW hydro-electricity power plant was also constructed on River Mobuku, near Kasese. The cobalt plant will be producing about 1,000 tons of cobalt concentrate per year for a period of 12 -15 years period.

#### **3.3.3 Gold**

Gold is widely distributed in Uganda but has been exploited on a small scale (largely by artisanal miners) in a few areas near Busia in the east, Buhweju and Kigezi in the south-west, Mubende in the central and more recently Karamoja in the north-east. The bulk of all gold in Uganda has been mined from small but rich alluvial deposits around the Buhweju plateau which is a large Proterozoic basin of approximately 2000 km<sup>2</sup> in area and with a potential to host gold-bearing sedimentary horizons and epithermal mineralization along the rift margin. Government recorded over 200,000 ounces of

gold production between 1933 and 1995.

The Kigezi gold-field in the extreme south-west is recognized as a Proterozoic magnetic arc terrain and forms part of the larger Kivu gold-tin-tantalum mineral province of which the Twangiza gold deposit in the Democratic Republic of Congo is the main deposit. Gold production came from small widely scattered alluvials, which in addition commonly carry cassiterite, Wolframite, bismutite, Zircon, monazite, chalcopyrite and rutile.

The Busia gold-field continues in Kenya and Tanzania to become the Kavirondo gold-field and the Lake Victoria gold-field respectively. Gold was discovered near Busia in 1932 and since then, both vein and alluvial prospects have been mined sporadically. The majority of the total production of 1.5 tons of gold came from Tiira and Amonikakine mines between 1937 and 1952.

Quartz stringers occur in schists of the Buganda series and carry gold in the Kamalenge area near Mubende. Gold is also found in the saprolite zone of weathering above bedrock. Primary Mineralization is contained within the shear zone related quartz veinlet stockworks, which are heavily oxidized.

Although gold was first reported in gravels of River Kalere near Kaabong in Karamoja in 1960, significant artisanal mining works were only reported in 1983 covering a wide area near Alelek south-west of Kotido, Rupa north of Moroto and Lopedo east of Kaabong. The various prospects are generally "gold-in-shear" type, which is prevalent in Precambrian terrain. Other known gold occurrences have been noted in the River Kafu basin south of Hoima, and River Nyagak near Nebbi where traces of alluvial gold were found.

The future of gold mining in Uganda depends on systematic exploration in the known and other potential areas. Currently a number of companies are involved in the exploration of gold. Notable among these are Branch Energy (U) Limited, which was until recently operating in northern Karamoja; Roraima Mining Company operating in Busia and Bugiri areas as well as in Buhweju in the south-west; Glencar Explorations Plc in the south; and Cluff Mining Ltd. in the Kigezi gold-field, Busitema Mining Company in the Tiira area. The liberalization of the gold trade in 1991 has borne fruit; with exports rising from zero in 1990 to 5.067 in 1996 to , 6.8 tons in 1997 and 20 tons in 1999, 30 tons in 2000.

### **3.3.4 Tin (Cassiterite)**

Tin was mined on a small scale in south-western Uganda since 1926. The Industry has remained small with a maximum-recorded production of 584 tons of concentrate in 1936. Mwirasandu, the largest tin mine produced 3,300 tonnes of cassiterite between 1926 and 195. Currently, tin mining in the country is limited to small-scale operators who have limited expertise and lack capital investment. The demand for tin in Uganda and the east African region is low as there are no major consuming industries in the region. Ugandan tin concentrates are high grade (68-72% SnO<sub>2</sub>) and contain low levels of impurity requiring simple technology.

### **3.3.5 Tungsten (Wolfram)**

Tungsten is used in the manufacture of alloys, armour plates, electric filaments and high-speed tools. There are at least seven small scale-scale wolfram mines in Kabale and Kisoro districts and one small

one in Buyaga in Rakai District but those with the best potential to produce large tonnage are Bjordal and Kirwa mines. Bjordal mine was opened in 1947 and produced 2,000 tonnes of concentrates by 1983 when it closed. The mine has an estimated reserve of 10 million tonnes with an average grade of 0.5%  $WO_3$ . Kirwa mines started operations in the 1940s and closed in 1979 due to breakdown of machinery. At the time of its closure, Kirwa mines had proven reserves of 750,000 tonnes of ore grading at 0.15%  $WO_3$  and 500,000 tonnes of probable reserves grading at 0.25%  $WO_3$ . Artisanal miners are currently in production. The revival of commercial wolfram mining in this region is worth exploring.

### 3.3.6 Beryllium (Beryl)

Uganda was producing about 10% of the world's total production of beryllium during the 1960s. Production stopped in 1976 due to the decline in world market prices. Beryllium is associated with pegmatites, found mainly in Ntungamo, Bushenyi and Rukungiri districts in western Uganda, but also at Mbale Estate in Mubende, Nampewo and Lunya in Mukono district. The pegmatites consist of microcline, albite, quartz and muscovite, with minor quantities of apatite, columbite, tantalite, cassiterite, manganite, lithium minerals and tourmaline. The pegmatites in the south-west are invariably kaolinised, thus facilitating low cost mining. No evaluation has been carried out to date, although limited production (1944-1976 = 6,224.7 tons) came mainly from Mutaka, Kazumu, Bulema and Ishasha. The deposits at Ishasha have the largest potential. The tailings at Mwirasandu tin deposit contain beryl.

### 3.3.7 Niobium/Tantalum (Columbite/Tantalite)

Columbite-tantalite(+microlite) occurs in pegmatites, mainly in south-west Uganda and which are associated with beryl mineralisation were extracted in small quantities in the past. Total production of columbite-tantalum concentrates from 1936 - 1992 totalled 304.5 tons and from the late 1950s these metals were recovered only as by-products from beryl mining.

Pyrochlore is potentially the most important niobium mineral in Uganda. It occurs in carbonatites at Sukulu and Bukusu in the east, and at Napak and Toror in Karamoja. Sukulu is potentially the most important pyrochlore deposit, associated with apatite, magnetite, zircon and barite in residual soils over the carbonate. Total resources in three valleys are reported over 230 Mt, of which 130 Mt average 0.2%  $Nb_2O_5$ .

### 3.3.8 Iron Ore

The most important known deposits are the hematite deposits of Muko in Kabale and Kisoro districts and the magnetite deposits at Sukulu and Bukusu in Tororo and Mbale districts respectively. Other known areas are Murambo, Hamurwa and Kabale areas. The Hematite (itabirite) ore at Muko has a high iron ore content (90-98%  $Fe_2O_3$ ); it contains negligible phosphorous and sulphur and <0.05%  $TiO_2$ . Based on surface showings it has been estimated that these deposits contain about 4 Mtons of resources. The Sukulu deposits are estimated to contain 45 Mt of ore averaging 62% iron and 2.6% phosphorous. Reserves at Bukusu are estimated at 23 Mt of iron ore with high titanium content of 10 - 15%. The Government is keen to exploit these iron ore resources and is seeking for investors in the

project. Additional information is available in the *"Iron and Steel Industry Profile"*.

Current production of iron ore at Muko is limited to small quantities handpicked from float material, and supplied to Hima (1994) Ltd. cement factory for the manufacture of special cement. In the early 1970s, iron ore was used by the East African Steel Corporation at Jinja in Eastern Uganda, as a sweetener to the metal scrap in the melting process. Some iron ore is also supplied to the Steel Rolling Mills at Jinja where it is used to sweeten the scrap.

### **3.3.9 Limestone**

Limestone is a major raw material in the manufacture of Portland cement and lime in Uganda. Limestone is also used in refractories, paper mills, concrete, sugar works, animal feeds, etc. Deposits are found at Muhokya, Bwera, Hima (Kasese District, 25Mt of limestone), Dura (Kabarole District, 5Mt of limestone), Kaku (Kisoro District, 5Mt of limestone), Sukulu Hills-Tororo, 75Mt) Bududa (Mbale District) and Moroto. The major limestone deposits are those at Hima in the west, which are sedimentary in origin and the Tororo and Sukulu deposits in south-east Uganda which are igneous (carbonatite in origin). Two cement plants are currently in production at each of these deposits. The Hima plant has an installed capacity of 900 tons per day with two significant production lines. Since its divestiture in 1994, the plant has undergone significant rehabilitation. The plant currently produces 600 tons per day, and has a targeted daily production of 1,500 tons on completion. The Tororo plant built in 1953 to produce 150 tons per day, was divested in 1996. The plant is undergoing major rehabilitation aimed at producing 1000 tons per day by the year 2002. Current production of cement by this plant is supplemented by importation of clinker while the rehabilitation programme takes place.

The limestone (marbles) resources at Moroto are significant but preliminary results indicate high magnesium content. Systematic exploration may identify sufficient suitable raw material for cement production. The other limestone deposits such as at Bududa in Mbale, Dura in Kabarole and Muhokya in Kasese districts are small and can only support small cement plants or be quarried and transported to the nearby operational plants at Tororo for Bududa and at Hima for Dura and Muhokya deposits.

### **3.3.10 Phosphates**

Phosphates are a major raw material for the manufacture of phosphate fertilizers used in agriculture. Deposits in Uganda are associated with the carbonatite ring complexes found in eastern Uganda mainly at Sukulu and Bukusu. Reserves of apatite-pyrochlore in form of residual soils are proven to be in excess of 230 Mt, with an average grade of 13%  $P_2O_5$  in three valleys at Sukulu which is a world-class deposit. The apatite component is rich and can yield 40 - 42%  $P_2O_5$ , Tororo Industrial Chemicals and Fertilizers (TICAF) which was established in 1963 produced 25,000 tonnes per annum of single super phosphate (SSP) until operations ceased in 1978. The phosphates at Busumbu were mined from 1945 to 1963, and exported in semi-processed form to Kenya, where they were mixed with soda ash to produce a soluble fertilizer. Production stopped when TICAF started operations in Tororo. A Canadian company Canmin Resources has been licensed to operate in the area.

Uganda government has been keen to revive fertilizer production and in 1983 commissioned a feasibility study for a triple super phosphate (TSP) fertilizer plant. The Department of Geological

Survey and Mines is currently zoning the area into designated areas for limestone, phosphates and other chemicals. A joint venture between Madhvani International South Africa and Foskor South Africa are presently evaluating the prospect. The project is open to interested strategic investors and is earmarked for export to all the COMESA countries.

### **3.3.11 Salt**

Lake Katwe is the largest of several shallow saline crater lakes situated in the western rift valley, north of Lake Edward. The salt reserves comprise salts in solution in interstitial brines within pore of the solid crust. A programme of drilling and pitting into the salt crusts below the lake outlined reserves of 22 Mt of mixed salts made up of the following: sodium chloride NaCl, 2 Mt; sodium sulphate Na<sub>2</sub>SO<sub>4</sub>, 2 Mt; sodium carbonate NaCO<sub>3</sub>, 17.7 Mt; potassium sulphate K<sub>2</sub>SO<sub>4</sub>, 0.6 Mt; and potassium bromide Kbr, 0.01 Mt.

A plant set up by the Lake Katwe Salt Company and commissioned in 1980 to produce sodium chloride for human consumption failed to operate due to technical errors in the plant design. Plans exist to modify the plant to produce 50,000 tons of salt per year for domestic consumption and the company is to undergo divestiture. A feasibility study to appraise the project funded by the African Development Bank was completed in June 1997, and recommended the setting up of a new plant at a cost of US \$ 34 million.

### **3.3.12 Clays**

Clay deposits suitable for the manufacture of bricks, roofing tiles, pottery, etc. are widely distributed in Uganda. They are of variable quality especially in terms of iron and quartz content and therefore show variable reaction to firing. Detailed investigation could show potential for better quality clays, including refractory material within these deposits. The only limited investigation of such deposits however, has been undertaken in areas near urban centres of Kampala, Masaka, Jinja and Mbarara. The main deposits for brick and tile making are found at Kajjansi, Kisubi, Namanve, Nansana and Katalamwa near Kampala; Kasukengo near Lukaya, Masaka and Buteraniro near Mbarara.

Most production of bricks in Uganda is by artisanal workers at a very small scale. However, there are a number of small to medium size mechanised plants, the largest being Uganda Clays Ltd. located at Kajjansi (with daily production of 100 tons of various products). Others are Pan African Clays at Kajjansi; Kampala Archdiocese at Kisubi; Masaka Diocese at Butende near Masaka and Hoima Diocese at Butema near Hoima and Clay and Allied Products along Gayaza Road.. African Ceramics near Namugongo, Kampala is to undergo rehabilitation to enable it produce plates and cups. There are also plans to start floor and wall tile today using clays as part of the compounds.

### **3.3.13 Kaolin**

Kaolin is used in the manufacture of paper, rubber, paints, sanitaryware, pottery, leather tanning, pharmaceuticals, etc. In Uganda, it is derived from weathered pegmatites and weathered shales of Karagwe-Ankolean System. The main locations are at Mutaka in Bushenyi district, Namasera,

Buwambo and Migade near Kampala, Koki in Rakai district and Bukangama near Kilembe. According to an IBRD/GOU study in 1994, the Mutaka deposit contains 23 Mt of minable resource with 65% kaolinite with small amounts of feldspar, quartz and mica. Muhindo Enterprises Ltd. has been issued an investment licence for mining and processing kaolin at Mutaka. At Buwambo, a local company mines and processes the kaolin for use in paints in Uganda. There are also prospects for export to Kenya, Tanzania and Rwanda. Plans are also underway to set up a factory to manufacture floor and wall tiles using Kaolin as one of the ingredients.

#### **3.3.14 Feldspar**

Feldspar is utilised mainly in ceramics and in the glass industry. Good potential exists for small microcline deposits in pegmatites within the Precambrian terrain, but this has not been quantified. Feldspar also occurs in several beryl-bearing pegmatites such as Mutaka and Rwemiriro in Bushenyi and at Lunya in Mukono, Bulema and Bugangari in Kigezi, Nyabakweri in Ankole, Wabiyinja and Nakabale in Buganda and Lunya in Kyaggwe. According to chemical analyses by the Geological Survey of Finland in 1994, Mutaka feldspar was found to be of very high purity and suitable as a ceramic and glass making raw material. Feldspar will also be one of the ingredients to manufacture floor and wall tiles.

#### **Silica Sand**

Silica Sand is the main raw material for making glass. Good potential exists, especially along the shores of Lake Victoria including its islands such as Kome and Buvuma. Most prominent locations include the Diimu and Bukakata sands near Masaka, Nalumuli and Nyimu bay and more than 2 Mt of good quality sand averaging 99.65% SiO<sub>2</sub> and 0.05% Fe<sub>2</sub>O<sub>3</sub> at Diimu. Various studies have been carried out by the Government and by private investors to see the possibility of setting up glass plants. The Madhvani Group is interested in reviving the East African Glass Works Ltd. The Mukwano Group of Companies is also in the process of carrying out studies for setting up a glass factory.

#### **3.3.15 Diatomite**

Diatomite is used mainly as a filtration medium for beer and other beverages. Good potential exists for small to medium size, high-grade stratabound diatomite (± kaolinite) deposits at Panyango, Atar and Parombo near Pakwach within the Rift Valley sediments in north-west Uganda. The Pakwach diatomite is very white and contains a large proportion of diatoms in a kaolinite matrix. This is a promising material for both high-grade diatomite and kaolinite production. -Studies undertaken show a diatomite resource of about 100,000 tons, with amorphous silica and kaolinite(39%) with minor quartz and a trace of smectite. The Pakwach -diatomite is very white and contains a large proportion of diatoms in a kaolin matrix. It has good potential for the commercial production of both high-grade diatomite and kaolin.

#### **3.3.16 Gypsum**

Small deposits are found at Kibuku in Bundibugyo, Muhokya in Kasese and Lake Mburo in Mbarara. There is an estimated 1.2 Mt at Kibuku within the rift sediments, 29,000 tons of gysiferous clay at Muhokya and 80,000 tons at Lake Mburo. A number of location licences have been issued for mining gypsum at Kibuku and these small operators currently supply the Hima cement plant.

#### **3.3.17 Dimension Stones**

These include marble, granite, gneiss and dolerite rocks that are used in buildings either in natural form or as cut and polished slabs. Marble of white, grey, and pink occurs near Moroto town and are of very high quality. Marble quarrying would provide blocks for the manufacture of slabs and tiles. Small chips and marble used to manufacture terrazzo cement tiles, marble chips and marble powder.

Study to by the Industrial Development Department of the Commonwealth Secretariat in 1997 confirmed the presence of marble and granite deposits in Uganda, which can be exploited as dimension stones. The study further noted that the market for imported dimension stone is projected to increase at a steady rate, but the introduction of domestic products is likely to stimulate much greater demand. During the study, a number of granite deposits were selected for immediate development. These include: Lutembe granite near Kajjansi, Singo granite (which hosts the Bulamu Quarry near Kawungera village off the Mubende tarmac road), Iganga granite 4 km north of Iganga town, and Butebo granite along Tororo to Busia road.

Saudi Marble Co. of Saudi Arabian has proposed to invest over US \$ 16 million to develop the Moroto marble resources to produce dimension stone and terrazzo as a by-product. There are additional eight potential entrepreneurs in Uganda interested in granite/marble quarrying and processing.

### **3.3.18 Glass Sand**

Glass is made by fusing silica with soda and lime to produce a transparent, colourless soda-lime silicate. Glass sands which form the main primary source of the silica need to be free of impurities such as iron oxides, alumina and heavy minerals.

In Uganda narrow beach sand deposits, formed from erosion of quartzites, occur at several locations along the shore of Lake Victoria, including Entebbe, Kabogoga, Diimu (Mukinda, 1972, 1973), Nalumuli Bay, Nyimu Bay, Lwera and Bukakata. The highest quality (99.95%  $\text{SiO}_2$ ) glass sands have been mined from the Kome Islands and exported to Kenya (Barnes, 1961). At Diimu, (Mboijana, 1992) over 100,000 t of good quality glass sand (99.65%  $\text{SiO}_2$  and 0.05%  $\text{Fe}_2\text{O}_3$ ) have been delineated. Many of the less pure sands could be considerably improved by screening and magnetic separation.

Production figures for past glass sand mining in Uganda are not available.

### **3.3.19 Sand/Gravel**

Clean coarse beach sand, suitable for building and concrete making, is readily available around the shores of the major lakes in Uganda. Away from these lakes, however, good clean sand is not so readily available in the swampier drainage courses which cover much of the country (Barnes, 1961). In these latter areas the river courses and terraces usually contain sands with some admixture of clay and silt such that washing is required to produce a clean product.

Production figures for sand and gravel mining in Uganda are not available.

### **3.3.20 Vermiculite**

Vermiculite is known to occur in two of the Tertiary carbonatite complexes, at Bukusu and Sukulu (Taylor, 1956; Barnes, 1961). The main occurrence is on a 10 km long semi-circular ridge (Namakera, Nakhupa and Surumbusa) at Bukusu, where vermiculite flakes occur in residual concentrations (from the leaching of phlogopite in carbonatite) below a surface cover of 4 - 5 m

magnetic rubble. At Namakera a resource of 5 million tons of high-grade vermiculite ore has been estimated (Tailor, 1956). Recent work carried out by CANMIN, a Canadian Company, has upgraded the reserves to 5 million tons of high grade vermiculite.

### 3.3.21 Construction Materials

The geology of Uganda covers a very wide time span and therefore favours the occurrence of hard rocks such as gneisses, granites, quartzites for producing aggregate; and soft residual materials such as clays, sand, laterite and gravel for the construction industry. Programmes for the systematic investigation of the identified the resources that are presently being exploited largely by artisanal methods are underway. It is now widely recognised globally that the level of consumption of these materials (like that of energy) has a direct bearing on the level of economic development. Therefore, as the country's economy continues to grow; the construction industry will in turn expand and demand for these materials will increase. This will necessitate the need for increase in systematic geological evaluation of the mineral-based building and construction resources.

## 4 INVESTMENT OPPORTUNITIES

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There are many high mineral potential areas in Uganda, which remain inadequately explored despite the country's long history of mineral exploration and production. Tradition targets have been vein-hosted gold deposits and base metals. In recent decades, the focus has also been placed on the search for industrial minerals with over 100 documented occurrences of gold, base metals and Industrial minerals.

Uganda is endowed with a wide variety of mineral resources. However, it is also noted that the country's mineral potential is largely unexploited due to almost two decades of virtual standstill in its exploration and mining. During this period there were technological changes and innovations in the international exploration, evaluation, mining and metallurgical industries which resulted in the discovery of mineral deposits in geologically similar terrain elsewhere. Therefore, application of these new techniques is likely to discover sizeable mineral deposits in Uganda. Early discoveries have not been systematically evaluated.

The investment opportunities in Uganda can be considered in minerals largely for the domestic market and those for export. At the present low level of industrialization, the domestic industrial demand is, except for small quantities of iron ore, entirely for **non-metallic minerals**. This demand is greater than the country's mining industry can currently supply, such that significant quantities of cement, salt, refractory bricks, roofing and ceramic tiles, paint, glass, etc. are imported.

The main areas of growth in potential demand are for aggregate and stone for the construction and building industry,, clays (for building and refractory bricks, tiles, ceramics floor and wall tiles, electro porcelain, sanitary ware), cement and lime in the building and construction industries. Other minerals include phosphate for agriculture, salt for domestic and chemical uses, iron ore for the manufacture of iron/steel and pigments, kaolin for a variety of uses such as paint, leather tanning and pharmaceuticals, silica sand and trona (sodium bicarbonate) for glass manufacture. The annual rate of growth is expected to be in the range of 10 - 15%. Major projects in the non-metallic mineral sub-sector, which are on-going or planned for are the following:

Madhvani International, South Africa in conjunction with Foskor of South Africa is carrying out detailed work on the production of phosphate fertilisers from the Sukulu Hills phosphate deposits. The Phosphates will be used here in Uganda and some will be exported to the Comesa Countries.



Another offshoot of this project will be the production of by-product of iron ore, which could be used in the iron and Steel Industry.

There are also other rare earth minerals like lanthanum and yttrium, which could also be used.

The Phosphate Industry will also produce by-product limestone, which could be used in the manufacture of cement, provided the  $P_2O_5$  content is less than 1%.

The abundant glass reserves of Diimu, Kome Island, Nyumu Bay are to be used in a glass factory that The Madhvani Group of Companies is preparing to set up in Kampala. Detailed feasibility study is underway with the support of International Finance Corporation (IFC) and the glass products will be used to supply glasses to the brewing and beverages industries that currently import glasses.

Another potential exists for like manufacture of sheet glass to supply motor vehicle and housing construction industries.

The glass reserves can also be used for the production of:

- Light bulbs
- Sanitary ware
- Floor and wall tiles
- Electro porcelain

Large quantities of dimension stones (marble from Moroto, granites nationwide etc) - are available for investment. Presently Saudi Marble Company is already producing whiting from Moroto Marbles but also has plans to invest in a marble dimension stone processing plant.

A lot of salt reserves were quantified and qualified at Lake Katwe in Western Uganda and a feasibility study carried out that showed that table salt could be produced. An investment opportunity now exists to set up a plant to produce iodized table salt.

There is also potential for the production of Potassium Chloride (Potash), Sodium bicarbonate (Soda) for the fertiliser and beverages industries respectively.

A deposit of 5 million tons of vermiculite has been qualified and quantified at Namakera, Mbale and plans to set up a mining and processing plant for vermiculite is now underway. The vermiculite is a very good material for various industries and there is great market demand in the world for it.

Medium and small-scale reserves of kaolin are found at Mutaka, Buwambo, Kisai, Migade. At present, small-scale mining and processing is being carried out but there is increasing demand for kaolin for use in industries, machine, ceramics etc. and there is also for export. Investment in this sector will provide local kaolin and save foreign exchange presently spent on importing, whiting, and kaolin for the paint industries.

Feldspars for the abrasives, ceramic, glass industries occur in some parts of Uganda these could be exploited to supply the Uganda and export markets. East African Industries, Producers of Vim, have to import opportunities of exploitation.

At least 5 million tons of proven copper at a grade of 1 - 2% copper has been proven at Kilembe

Mines. The exploitation of these reserves will produce copper concentrates and cobalt.

There is an exercise currently going on to realise and confirm deposits of tin, wolfram, beryl, columbite-tantalite especially in South - Western Uganda and these prospects will provide an opportunity for investment.

Uganda's Iron and Steel Industry is providing at low capacity utilisation due to the shortage of raw materials. the scrap currently being used is low quantities and is running out fast. There is need to invest in the mining and processing of Uganda's Iron Ores in order to produce Sponge Iron to feed Uganda's Steel Rolling Mills. The consumption of Steel is also giving up, with imports coming to supplement local steel production. The proven Iron Ore reserves at Muko, Kabale and Nangalwe, Mbale provide an opportunity for investment for the production of Sponge Iron.

A local company - MIDEKO - Muko Iron Ore Development Company has been established and is currently carrying out a feasibility study for the manufacture of Sponge Iron. The Company is looking for joint venture partners.

- Sembule Steel Mills is also interested in the development of the Nanangalwe Magnetite Iron Ore and is also interested in joint ventures.

In the metallic mineral sector, investment opportunities are in the exploration and development of a number of mineral deposit types:

- gold deposits, especially in known gold-fields (e.g. Buhweju, Busia, Kigezi and Mubende ,Busiteema);
- epithermal type of gold deposits associated with Tertiary volcanics and rift faulting;
- magnetic-phosphate-niobium-calcium carbonate deposits in Tertiary carbonatites;
- stratabound copper-cobalt sulphide deposits in the Kilembe series metasediments;
- stratabound nickel-copper sulphide and chromium-platinum-palladium deposits in ultramafic and layered intrusive host rocks in Archean greenstone belts;
- Nickel-cobalt-copper deposits in ultramafic intrusives in Proterozoic metasediments in south-west Uganda along the Tanzania frontier;
- Small- to medium-scale tin, tungsten, beryl and columbite-tantalite operations in the south-west; and hematite iron ore in Muko area for the domestic and regional iron and steel requirements.

## **5 UGANDA'S COMPETITIVE ADVANTAGE**

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### **5.1 STRATEGIC LOCATION AND FAVOURABLE INVESTMENT CLIMATE**

Uganda occupies a strategic position in East Africa, which gives it an advantage for the eventual development of exports of mineral products of Sudan, the Democratic Republic of Congo, Rwanda, Burundi, Kenya and Tanzania and the COMESA region as a whole. The Government of Uganda is

committed to economic growth through liberal economic policies, low inflation, political and financial stability.

## **5.2 IMPROVED FISCAL INCENTIVES**

Other measures being taken include the revision of the *Mining Act*; a special fiscal regime for the sector has already been put in place under the *Income tax Act of 1997*; encouragement of small scale mining and sector associations. Some of these include:

- up to 100% foreign equity allowed in business;
- low inflation
- a VRIT fiscal regime under the *Income Tax Act of 1997*;
- full expensing of all exploration expenses;
- investment protection guarantees; and
- no import duties on mining equipment.

## **SKILLS AVAILABILITY**

The Department of Geological Survey and mines is being funded to undertake surveys aimed at providing the needed database to encourage investment in the sector, as well as the training of relevant personnel. The Department of Geological Survey and Mines has a cross section of professional staff who may be seconded on request, to companies wishing to commence new exploration programmes. Makerere University in Kampala offers degree courses in geology and various disciplines of engineering while a number of technicians are trained locally at Uganda Polytechnic Kyambogo and other Technical Institutes.

## **SUPPORTIVE INFRASTRUCTURE**

Uganda is served by 30,000 km of maintained road network, of which approximately 2,600 km is tarmac. The general condition of the road system is good and covers the country in a uniform manner. More than 3000 kilometers of new tarmac are to be constructed in the next 10 years.. Uganda's trunk roads also form an essential link to the neighbouring countries of Rwanda, Burundi, Sudan and the Democratic Republic of Congo (Figure 2).

Uganda depends on road and rail links through Kenya and Tanzania for much of its exports and imports. A railway line connects Uganda to the Indian Ocean port of Mombasa A rail ferry route on Lake Victoria was established in 1993 to connect the Uganda rail system at Port Bell with the Tanzania system at Mwanza 310 km and onwards to the Indian ocean port of Dar es salaam.

Uganda possesses a vast hydro-electricity potential and the current production is 260 MW from the

Owen Falls Dam near Jinja in eastern Uganda. The energy sector is being expanded and by the year 2005 there may be a generating capacity providing an additional volume of over 1,000 MW. Two new hydropower stations are planned at Bujagali Falls and Karuma Falls (200MW and 240MW respectively)

### 5.3 PROCEDURES FOR INVESTMENT

Apart from the procedures and licensing requirements outlined in the *Investment Code*, investors in the mining sector are required to have additional licenses regulated by the *Mining Act* (chapter 248). Accordingly, all mineral rights are vested in the Government and the exploration and exploitation and dealing in minerals can only be carried out by grant of a license. The following licenses are applicable:

**Prospecting License (PL)** - this is a prerequisite for mineral exploration to be carried out and is issued by the Commissioner, Department of Geological Survey and Mines on payment of a prescribed fee. The license is offered to an individual or as an agent of a company or body of persons. Validity is one year and the license is neither area specific nor mineral specific.

- **Exclusive Prospecting License (EPL)** - with the authority of a PL an area may be pegged and an EPL granted by the Commissioner for an area up to 20.8 km<sup>2</sup> (8 sq. miles). However, the Minister responsible for minerals may grant a Special Exclusive Prospecting License (SEPL) for an area not less than 76.8km<sup>2</sup> (30 sq. miles). The EPL/SEPL is both area and mineral specific, valid for one year and renewable on application and subject performance appraisal.

- **Mining License** - a developer may peg an area and apply for a mining licence either as a **Location** or **Mining Lease**. The location is a licence granted by the Commissioner mainly for small-scale operators and is limited to a maximum area of 16 Ha (40 acres). Validity is one year subject to renewal. The Minister for Energy and Mineral Development grants the Mining leases for area not exceeding 256 Ha (640 acres). Its validity may go up to 21 years and is renewable for such other period as the programme warrants.

In all these cases, adequate compensation to surface rights holders is a requirement should there be any developments on the land.

- **Mineral Dealers License** - it is granted by the Commissioner and expires on the 31st December of the year in which it is issued. It allows one to buy, process and/ or trade in a specific mineral(s).

Under the current mining law, a **permit** is required for the use of natural water for mining purposes and the shape/nature of the landscape should be restored to its former nature after the mining. With the exception of gold, **royalty** shall be paid for all minerals. Either the holder of a prospecting mining right or a licensed mineral dealer pays a royalty. Royalty paid on tin, wolfram, copper and all associated minerals and metals shall be 15% of the profits or 5% on gross value. For industrial minerals such as limestone, the royalty is prescribed, based on quantity produced.

Currently, the Act is undergoing revision and is in form of a Draft Bill. Some of the major proposals include increasing the duration of licenses, size of exploration areas and lower royalty rates. A special fiscal regime for the mining sector was put in place under *Income Tax Act of 1997*; accordingly a **variable rate Income tax (VRIT)** is applicable as in the formula below:

$R = 70 - 1500/x$ , where "x" equals to the ration of taxable income to gross mine revenues in the year.

## PROJECTS IN THE INDUSTRY

### *Companies with significant exploration/mining activities in Uganda*

Project	Commodity	Location by district	Contact Person	Mail Box	Phone	Fax No.
Branch Energy (U) Ltd.	Gold, Base metals	Kotido Moroto	Brian Westwood	23051 Kampala	267662	267920
Anglo-Uganda Corporation	Gold	Mubende	Moses Masagazi	10130 Kampala	200743	345580
Madhvani/Forsfor	Phosphate	Tororo	Madhvani			241588
Kasese Cobalt Co. Ltd.	Cobalt	Kasese	Adrian Gale	2086 Kla	251175	251136
Kilembe Mines Ltd.	Copper, Cobalt	Kasese	A.G.M. Basaza	1 Kilembe	234909	245687
Roraima Mining Co. Ltd.	Gold	Busia, Bugiri, Bushenyi, Mbarara	Woldage Abebe	23201 Kla	269667/8	266497
Hima Cement (1994) Ltd.	Limestone, Cement	Kasese		37 Kasese 7230 Kla	241552 245898	245901
Tororo Cement Industries	Limestone, Cement	Tororo	-	74 Tororo	045-44851 4485213	045-44854
Rwenzori Exploration Ltd. (Avmin)	Base metals	Kabarole Kasese Ntungamo	John Murphy	873 Ebb.	042-321236	042-21236
Muhindo Enterprises Ltd.	Kaolin	Bushenyi	Jamal Muhindo	92 Kla	231154	231327
Gold Empire	Gold	Bushenyi, Mbarara	John M. Muyambi	8898 Kla	233829	233829
Kitara Mining Company	Gold	Hoima	H.H.Solomon Iguru	1 Hoima	0465-40159	-
Glencar Exploration Plc.	Gold	Busia, Bugiri	J. Kagule-Magambo	9091 Kla	211216	321359
Busitema Mining Co. Ltd.	Gold	Busia	Mumtaz Kassam	182 Kla	236490	236486
Cluff Mining Ltd.	Gold	Kabale, Rukungiri	Agaba-Maguru	24353 Kla	343083	
Canmin	Vermiculite	Mbale				

## USEFUL CONTACTS

Name	Address	Tel	Fax	E-mail
i Commissioner Department of Geological & Mines	P.O. Box 9 Entebbe	320118/320656	320364	gsurvey@starcom.co.ug
Godfrey Zaribwende Rockman International Limited	P.O. Box 2100 Kampala	255011/348714		
Brian Westwood Uganda Chamber of Mines	P.O.Box 23051,Kampala			
Uganda Metal Industries Industries Association(Umida)	P.O. Box 8752 Kampala	531048/ 075694567	5302777	
Comesamia-Comesa Metallurgical Industries Association	P.O. 8752, Kampala	531048 075-694567	5302777	
Uganda Non-Metallic and Products Industries Association(UNMPA)	P.O. Box 92, Kampala	075-629802		
International Mineral exporters	P.O. Box 5812 Kampala, Plot 2A Nkrumah Rd.	Tel: 243526	Fax: 243526	
Korne (U) LTD. Mineral Exports	Plot 87, Kampala Rd. P.O. box 9816 Kampala	Tel; 236638	Fax: 259201	
Continental Exporters Gold Exports	Parliament Avenue P.O. box 6995 Kampala	Tel: 259202		

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#### MINERALS IN UGANDA - SUMMARY

	MINERAL	USES	RESERVES QUANTITY/QUALITY
1.	Iron Ore	Iron and Steel Industries; Alloys	Kashenyi 30 m surface, 5 FeO <sub>3</sub> Mematite Estimatec over 50 m tons
2.	Tin Cassiterite SnO <sub>2</sub>	Tin Solder, Tin canning, Tin Plate for roofs, plates and utensils	Reserves not yet qua grade varies from 0.5 kg / 30 kg / ton

3.	Wlframite (Fe, Mn)- $Wo_4$	Alloys, high speed tools resistant non-ferrous alloys	Kirwa Wolfram 2.5 x 106 average grade of 3.5 kb other reserves not yet qu and qualified
4.	Tantalite/Columbite (Fe,Mn, Nb, Ta) of scheelit (ca $Wo_4$ )	Alloy addetive to semi skilled temperature alloys, magnets, dental and surgical instruments, peupoints, reactifiers of alternating currents	Not yet qualified or quanti
5.	Galena (Lead) Pbs	Batteries	Not yet qualified or quanti
6.	Bismuth (Bi)	Alloys, conmelting with tin, lead Pharmaceuticals, Industrial chemicals porcelain, glass making pigments	Not yet qualified or quanti
7.	Berly $Be_3A12Si698$	Alloy ceramics, electrical porcerlain alloys for high and heat resistance, springs, motor brush holders and collector rings	Not yet qualified or qua Uganda in 60's used to p 10% of world berly
8.	Amblygonite $LiAPo_4$ (F, OH)	Fireworks; Paints	Not yet qualified or quanti
9.	Gold	Monetary, decorature arts, dental and medical suppliers, electronics Industrial applications	
10.	Copper		
11.	Cobalt		

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**NON-METALLIC MINERALS IN UGANDA**

<b>ITEM</b>	<b>MINERAL</b>	<b>INDUSTRIAL USES</b>	<b>INDUSTRY IN UGANDA</b>
1.	Asbestos Ca <sub>2</sub> (Mg, Fe) <sub>5</sub> Si <sub>8</sub> O <sub>22</sub> (OH) <sub>2</sub>	Shingles, pipes, sheets, asbestos, cement, brakelinings, fireproof, curtain and cloth, insulation, gaskets, braided and limited paints.	Tororo Asbestos Cement Kitasimbwa Motors - brake linings
2.	Kaolin Al <sub>4</sub> Si <sub>4</sub> O <sub>10</sub> (OH) <sub>8</sub>	Paper, rubber, paints, sanitaryware, refractories, electric porcelain, pottery, white portland cement, filter, medicinal kaolin, insecticides	Papco Industries Corp. Jir Uganda Leather Industries African Ceramics Tableware Koki Kaolin (insecticides)
3.	Diatomite SiO <sub>2</sub> . nH <sub>2</sub> O	Filler aid in sugar, insulation, Filter absorbents, carrier for insecticides, scouring and polishing compounds. Mixtures in concrete pozzolana cement, metal polisher water glass manufacture	Koki Kaolin insecticides mixing with kaolin; West Nile Cooperatives for cotton filter swimming pools; Nile Breweries Filter aid
4.	Feldspar KAlSi <sub>3</sub> O <sub>8</sub>	Glass making, Pottery ceramics, Enamels, scouring soaps and compounds, Abrasives, porcelain and ceramic uses, poultry grit, roofing granulated, cast stone.	African Ceramics (Tableware); East African Industries Scouring powder (Vim)
5.	Gypsum CaSO <sub>4</sub> , 2H <sub>2</sub> O	Building lath and wall Board Sheathing and plaster, Farm use, portland cement retarder, Land Plaster, Oil sweetener and fertiliser, filler.	Uganda Cement Industries African Ceramics (moulds) sanitaryware
6.	Limestone CaCO <sub>3</sub>	Building stone, portland cement, filter refractories paper mills concrete and road metal alkalis works, asphalt filler whitening substitute, glass	Uganda Cement Industries Sugar Works, Uganda Leather Industries, Roads
7.	Mica KAl <sub>2</sub> (Al <sub>5</sub> Si <sub>3</sub> ) <sub>9</sub> (OH) <sub>2</sub>	Electrical insulation, Electronic tubes and capacitors, Asphalt roofing, paper coating, furnace peep holes, wall paper, paint lubricant, rubber goods	Robbiliac/Berge Paints Leyland Paints
8.	Talc Mg <sub>3</sub> Si <sub>4</sub> O <sub>10</sub> (OH) <sub>2</sub>	Ceramics paints, paper insecticides, electrical porcelain acid proof tables, rubber, talcum powder, laundry table, filler refractory blocks FRAFT pulp.	Uganda Electricity Board potential electric porcelain

9.	Vermiculite $Mg_3Si_4O_{10}(OH)_2 \cdot XH_2O$	Building plaster, Insulation of houses, Insecticides, soil conditioners, wall board and sound insulating paints, lubricants, motor dope.	Mining companies product for export
10.	Silica Sand $SiO_2$	Foundry sands, glass sands, glass grinding ceramics, abrasives, construction wiresaw, silica brick, furnaces, refractories, core sands, filler sands, lime bricks.	Construction compar African Ceramics Foundr etc.
11.	Marbles $CaCO_3$	Terrazo, concrete block, facing, ceramics, poultry grit.	Construction compan Dimension Stones for build
12.	Volcanic Ash	Lime pozzolana cements Filter medium, construction, Fertiliser.	Construction Indust Agriculture
13.	Kyanite $Al_2SiO_5$	Porcelain spark plugs, cores silliminate, laboratory ware, silliminate brick, glass plant refractories and refractories cement.	Furnaces, Oven Kiln linings
14.	Phosphates	Phosphate fertilisers, phosphoric acid (baking powder and cleansing preparations) metallurgical industries.	Agriculture
15.	Pumice and Pumicite	Scouring preparation, road grading, chicken litter, filler aid, building tile, floor sweeping, heat insulation, asphalt filler, rock gardens, Pozzolan cements, leather rubbing as toilet article, lithographing and electroplating	Building especially in Kiso fencing rock gardens (Kiso pozzolana cement

## **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*

