



Security Council

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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

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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
