



Security Council

Fifty-seventh year

Provisional

4634th meeting

Thursday, 24 October 2002, 3 p.m.

New York

<i>President:</i>	Mr. Belinga-Eboutou	(Cameroon)
<i>Members:</i>	Bulgaria	Mr. Sotirov
	China	Mr. Liu Haixing
	Colombia	Mr. Ocaziones
	France	Mr. Duclos
	Guinea	Mr. Traoré
	Ireland	Mr. Corr
	Mauritius	Mr. Koonjul
	Mexico	Mrs. Escobar
	Norway	Mr. Kolby
	Russian Federation	Mr. Konuzin
	Singapore	Mr. How
	Syrian Arab Republic	Mr. Obeid
	United Kingdom of Great Britain and Northern Ireland	Ms. Power
	United States of America	Mr. Rosenblatt

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).

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 3.15 p.m.

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 French*): I should like to inform the Council that I have received a letter from the representative of the Democratic Republic of the Congo, in which he requests that his delegation 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 him 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 rule of procedure.

There being no objection, it is so decided.

On behalf of the Council, I welcome 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 a seat at the Council table.

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

before them document S/2002/1146, which contains the text of a letter dated 15 October 2002 from the Secretary-General, transmitting 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 shall now give the floor to Mr. Mahmoud Kassem, Chairman of the Panel of Experts, to introduce the report.

Mr. Kassem: It is once again a great pleasure for me to address Council members, as well as the Ministers and Ambassadors of Member States whose presence today testifies to their interest in seeing the violent conflict and suffering of the past four years in the Democratic Republic of the Congo brought to an end.

I should like to begin by thanking the President of the Council, Ambassador Belinga-Eboutou, for his assistance in preparing for today's meeting on the Expert Panel's fifth report (S/2002/1146). I should also like to express the gratitude of the Panel to all Council members for the invaluable support and assistance that they have provided us during our current mandate.

I should like to express our deep appreciation to the Governments of Burundi, the Central African Republic, the Democratic Republic of the Congo, Kenya, the Republic of the Congo, Rwanda, South Africa and Uganda for meeting with the Panel during its stay in the region. I should also like to express our special thanks to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) as well as to the Offices of the Representatives of the Secretary-General and of the United Nations Development Programme (UNDP) throughout the region for their help. In addition, the Panel wishes to thank the Department of Peacekeeping Operations at the Secretariat for its continued support.

Since the signing of the Pretoria and Luanda Agreements, much progress has been made towards achieving peace in the Democratic Republic of the Congo. The parties to the conflict and those who have mediated the recent agreements have made bold commitments and must be further encouraged and supported. Yet, the Lusaka peace process does not address the crucial economic dimension of the conflict. Successes on the political and military front will ultimately prove unsustainable if the economic issues that contribute to prolonging armed conflict are not

resolved. That risk can be seen in the recent armed confrontations along the eastern border of the Democratic Republic of the Congo and in the northeast. The latest flare-up in fighting is motivated as much by economic advantage as it is by political gain.

Three distinct groups, which the Panel has chosen to describe as elite networks, have carved out separate spheres of economic control in various areas of the Democratic Republic of the Congo during the past four years. Those areas have been controlled, respectively, by the Rwandan army, by the Ugandan army and by the Kinshasa Government, which has depended on the Zimbabwean military to defend it.

The elite networks' grip on the economy of the Democratic Republic of the Congo extends far beyond precious natural resources to encompass territory, fiscal revenues and trade in general. Their exploitation activities involve highly organized and documented systems of embezzlement, tax fraud, extortion, kickbacks and false invoicing. They also include the asset-stripping of State companies and secret profit-sharing agreements. Many of those activities are orchestrated in a manner that closely resembles criminal operations.

The networks collaborate with organized criminal groups, some of them transnational organizations, in order to maximize profits. They draw on those groups for discreet support in military and commercial operations. They also use them to carry out money-laundering, illegal currency transactions, counterfeiting operations, arms trafficking and smuggling, all of which are highly profitable and some of which also aim at political destabilization.

The war economy directed by those networks functions under the cover of armed conflict, the manipulation of ethnic tensions and generalized violence, generating enormous profits from areas the size of many European countries for the benefit of small coteries of powerful individuals or the commercial wing of military institutions. It drains the Democratic Republic of the Congo's public treasury of revenues at the national and local levels, leaving the population without services and undermining the country's prospects for economic recovery and reconstruction. It opposes transparency, accountability, competition and regulation. It undermines stability and the restoration of State authority. It has provoked cycles of aggression and the proliferation of armed

groups, which in turn have led to patterns of displacement, malnutrition and mortality on a scale never before witnessed. Competition among a single network's members, who can be political and commercial rivals, fuels more instability and violence.

The networks' core members have the authority and the means to intimidate and to wield force, which are vital to monopolizing sources of revenue and to ensuring that they can act with impunity. Their power and influence enable them to shape national policies — diplomatic, military and/or commercial. They have the capacity to subvert the peace process in order to protect their economic interests and to ensure continued control over revenue-generating activities.

The use of national armies is only one of many means at the disposal of the networks for exercising economic control. The networks' strategies and operations continue to grow more covert and more opaque as international attention to them increases. Paramilitary groups, military-backed companies with civilian facades and foreign soldiers, who have quietly integrated into rebel armies and local defence forces, are a few of the tactics now being used by the networks, which have anticipated the consequences of growing international pressure for the withdrawal of foreign forces from the Democratic Republic of the Congo. Security voids and violent conflict among a myriad of armed groups of unclear or shifting affiliation could offer pretexts for incursions or for new deployments. They are also reminders that the role of armed groups should be taken into account in efforts to halt the exploitation, including through the implementation of effective and responsive demobilization programmes.

In the course of seven months of field work, the Panel has gathered extensive information, first-hand testimony and documentation on the exploitation activities of the networks' members. Knowledgeable sources and a long paper trail have permitted the Panel also to identify numerous intermediaries that help in marketing minerals and other commodities; the institutions that provide financial services; the companies that buy, process and resell the extracted resources; and the criminal organizations that provide transport, arms and other services. All share complicity in this conflict-driven trade.

The States where these individuals and enterprises are based are likewise responsible when

they take no action — for example, to investigate, prosecute and sanction or to enforce compliance with guidelines for corporate behaviour. However, in its recommendations, the Panel has focused on a very limited number of individuals and companies about which it has gathered the most detailed testimony and documentary evidence. Some of the names will be familiar; they have appeared in the Panel's previous reports.

The Panel hopes that its report can be used as a constructive tool by the Council and by international mediators to motivate the parties to fully honour their obligations under the recently signed agreements. Like its investigations, the Panel's recommendations are intended to be well-balanced and aim foremost at promoting peace and stability. The Panel believes that reconstructing and reorienting the region's economies are essential to peacemaking and peace-building. It has recommended that the international community emphasize a peace dividend in the form of economic incentives, which could serve to encourage Governments' adherence to peace agreements and to spur confidence-building and reconciliation.

The first tier of the peace dividend could be a set of agreements or initiatives on quick-disbursing aid for the Democratic Republic of the Congo and the other Great Lakes countries involved in the conflict. That aid would be destined for reconstruction and rehabilitation programmes that benefit local populations.

The second tier could be a set of agreements on regional economic integration and trade, which could emerge from regional discussions, including the planned international conference on peace, security, democracy and sustainable development. More incentives and means will be needed to promote regional integration, which would marginalize criminal and military-driven trade in favour of legitimate commercial development. Recently signed agreements may signal that the time for organizing this conference is approaching. The international community, and the United Nations in particular, can take a leading role in convening that conference.

The Panel has also called for intensive aid to be provided to rebuild and reform the State institutions of the Democratic Republic of the Congo, from the army and police to the customs service and the various ministries and agencies associated with natural resources. Through assistance commitments for post-

conflict reconstruction, the international community could help to establish legitimate and accountable civilian administration in the eastern part of the Democratic Republic of the Congo. International agencies and institutions could also collaborate in future efforts to review the validity of concessions and contracts signed during both wars in the Democratic Republic of the Congo, in accordance with the resolution passed at the inter-Congolese dialogue conference, held last April in Sun City, South Africa.

Certain measures should likewise be taken to deter or curb criminal exploitation and to help begin to reduce armed confrontation and the resulting humanitarian catastrophe. The Panel has proposed a set of disincentives, some of which are linked to compliance with the recent peace agreements. Those include restrictive measures, such as travel bans and the freezing of assets, phased cuts in official development assistance, verification of violations by businesses of the guidelines of the Organisation for Economic Cooperation and Development for multinational enterprises, and ongoing scrutiny of exploitation activities by a monitoring body that would report regularly to the Security Council.

Economic exploitation remains the most potent motive and means for continued armed conflict in the Democratic Republic of the Congo. The actions that the Panel has recommended to curb exploitation, which is leading to increased criminalization of the economies of the Democratic Republic of the Congo and of the region at large, are an essential part of what the Panel envisions to be a holistic and viable peace process. They will require the systematic and sustained involvement of the international community. Decisive action by the Council is now needed to build on the momentum of certain military and political gains, to consolidate what could become durable peace in the Great Lakes region and to begin rebuilding the region's economies.

The Panel has tried, to the best of its ability, to produce a detailed, rigorous and well-documented report that sheds light on the many actors implicated in economic exploitation, as well in the violence and conflict that the competition for economic control continues to fuel. Its fact-finding activities have been helped by many courageous individuals, including those who remain in the Democratic Republic of the Congo and in the region. The Panel takes very seriously the possibility that its sources, whose

confidentiality the Panel intends to protect at all costs, could be targeted for reprisals.

In conclusion, I would like to emphasize that the Panel's recommendations are intended, above all, to protect the Congolese nation's most precious resource, its people. The toll of the conflict and the exploitation in human lives and suffering continues to mount, adding urgency to the need for action.

The President (*spoke in French*): I now give the floor to Mr. Léonard She Okitundu, Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo.

Mr. She Okitundu (Democratic Republic of the Congo) (*spoke in French*): Allow me, first of all, to do the pleasant part of my job, namely, to thank you on behalf of my delegation, Mr. President, for your excellent initiative to convene this public meeting of the Security Council to debate the matter of the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, in violation of its national sovereignty.

Before I continue, I would also like to pay solemn and well-deserved tribute to the outgoing members of the Security Council. I extend to them the gratitude of the Democratic Republic of the Congo for the tireless effort they have always exerted in pursuit of peace in my country. I would like to ask those friendly countries leaving the Council at the end of this year to continue to work to promote peace and international security through other United Nations bodies and through other forums, not only throughout the world but, in particular, on behalf of the countries and peoples of the Great Lakes region that have been victims of the murderous folly of some States.

Lastly, I would like to take this opportunity to congratulate Spain, Germany, Chile, Pakistan and, last but not least, Angola, a neighbouring fraternal and friendly country with which we have a long and rich history. I commend those countries on their election to the Security Council.

The Security Council has before it 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 in violation of its national sovereignty. The Council also has before it two documents submitted by my country, namely, the addendum to the Government's memorandum on this

question and a summary of that addendum. Those last two documents are clear and specific, and therefore require no comment on our part. I would, however, like to invite all members of the Council and Member States of the United Nations to read those documents, so that they may become more familiar with the reality of the pillage of natural resources in the Democratic Republic of the Congo, taking place in violation of its national sovereignty, as well as to be able to assess the gravity and scope of that sad phenomenon.

I would also like to thank the President for agreeing to our request to distribute those two national reports as official documents of the Security Council in order that all Member States of the Organization may be informed. These national reports, in addition to being more thorough and specific, also complement both the content of, and the recommendations made through, the outstanding work of the Panel of Experts.

Our consideration of the final report of the Panel of Experts is taking place at a time in the armed aggression when real prospects for peace are foreseeable, in particular in light of the signing of the Pretoria and Luanda peace agreements pertaining to my country and the initiatives to conclude a separate agreement with Burundi. Those prospects, which represent a turning point, have established a new dynamic that makes it possible to look to the future and serves to encourage the hope of the people of the Great Lakes region for a peace dividend. That is the merit of the policy of peace and openness followed by Major-General Joseph Kabila, President of the Democratic Republic of the Congo, who has declared 2002 the year of peace and reconciliation, a year whose major goal is to achieve national harmony and reunification in the country.

Having made this brief introduction, I shall now focus on the following issues: the principal conclusion of the Panel of Experts at all three phases of their work, the need to defend the rights connected with the sovereignty of the Democratic Republic of the Congo, and the recommendations made by the Panel of Experts.

Concerning the principal conclusion of the Panel of Experts, I would note that at all three stages of its work it highlighted the direct causal link between the illegal exploitation of natural resources of my country and the pursuit of armed aggression.

We commend the Panel of Experts for the relevant observations on this subject and are grateful to them for having the courage, in paragraphs 65 and 66 of the final report, to at least break the myth of fallacious security preoccupations advanced by Rwanda and to show that the presence of the Rwandan occupier is dictated instead by a desire to pursue criminal activities in the Democratic Republic of the Congo, which they are carrying out in close connection with their compatriots, that is, the authors of the genocide, the ex-FAR and Interahamwe, though they have been demonized and are supposed to be tracked down by Kigali.

I draw the Council's attention to the testimony of the Panel of Experts where, contrary to the information received as to the ostentatious departure of the last Rwandan soldiers from the Congolese territory, only part of the regular army troops have in fact withdrawn, upon pressure from the international community. There are still large numbers of troops on the Congolese national soil, for example, in Kisangani, Goma and other cities in the provinces of Kivu, where they have traded the Rwandan military uniform for that of Congolese Rally for Democracy (RCD-Goma).

We therefore thank the Panel of Experts, but also the Security Council for exposing the trickery in its latest statement on the situation in the Democratic Republic of the Congo. These are the same tricks that are at the origin of tragedy we are seeing now in Ituri and which are the pretext for occupying the city of Kisangani, which still has not been demilitarized by the occupying forces, in violation of Council resolution 1304 (2000).

My delegation highlights these two examples, Ituri and Kisangani, to illustrate the fact that these are two extremely revealing cases of unbridled, unpunished, systematic pillaging of natural resources and other forms of wealth from the soil and sub-soil of the Democratic Republic of the Congo. At Kisangani this pillaging has remained the same, while in Ituri it has taken on other aspects but maintains the basic operating premise.

I welcome the final report now under consideration because it describes the massive training by the Ugandan armed forces in that region of young people for the purpose of perpetuating the disorder once their troops have left, in order to justify keeping

them in Congolese territory and perpetuating the pillaging.

At the beginning of this month, the Tanzanian authorities intercepted a cargo of 36 tons of coltan, which Rwanda intended to ship through the port of Dar es Salaam. This is tangible evidence that some Mafia networks have not been dismantled, on the contrary. The final report of the Panel of Experts is very eloquent on the subtle change of tactics on the part of the aggressors, who are maintaining in place criminal networks that are fully devoted to them.

The report shows once again that this pillaging of the soil and sub-soil of the Democratic Republic of the Congo is a major element of the conflict: it is a large-scale, illegal exploitation, systematic and systemic, which accounts for, feeds and perpetuates the armed aggression and occupation of the territory of the Democratic Republic of the Congo for purely mercantile reasons.

The final report itself is very eloquent in terms of the criminalization of the economies in the Great Lakes region and on the emergence of important parallel economies. Large sectors of the economies are outside the control of the State. The different conflicts that have developed have given rise to criminal alliances between weapon merchants, private companies and some representatives of the public authorities of the aggressor countries. It is obvious that these groups, for different reasons, have one common interest in maintaining the dynamics of war. This interest takes the form of the quest for riches, both for individuals and for the State oligarchies. Current events in the eastern part of the Democratic Republic of the Congo show more and more clearly that the economic dimension of the war of aggression remains the determining factor.

So it is this frantic search for profit in the systematic exploitation of the wealth of the Democratic Republic of the Congo which must be the starting point of the Council's reflection if it wishes to take effective action.

Concerning the rights connected with the sovereignty of the Democratic Republic of the Congo, my delegation believes that the natural resources and other forms of wealth of the country must first and foremost benefit its people. The Congolese people are the main victim of these criminal activities. Justice must be done. Thus, to put an end to this shameful

pillaging, it is important for the Council to follow up on the whole set of recommendations made by the Panel of Experts, from its first report, in document S/2001/357, to the final one being considered today, which are inextricably linked.

Thus, my Government first reiterates its request for the implementation of all the recommendations by the Panel of Experts, including those contained in the first report, in particular the following.

First, the deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) must be accelerated, because only a full and final withdrawal of the aggressors will be such as to guarantee the cessation of the pillaging of the natural resources of the country. Secondly, there must be an effective demilitarization of Kisangani, reparations for property damage in the city and compensation for its population, in accordance with Council resolution 1304 (2000). Thirdly, with regard to the party which refuses to demilitarize Kisangani, as well as the country supporting that party, all measures which could be imposed on them must be applied, in conformity with the responsibilities and obligations, that the United Nations Charter confers on the Security Council.

Fourthly, there must be recognition of the serious moral, material and physical harm that the Congolese people are suffering as a result of this war and the criminal activities it has engendered. Fifthly, the reparation and compensation consistent with this harm must be set up in order to restore the rights of the Congolese people. Finally, judicial proceedings against the authors of these events and their co-authors and accomplices must be ordered. These demands are fully legitimate and topical.

Before even planning to study the recommendations in the final report, the Council should examine its own conscience and tell us what has been accomplished regarding the recommendations of the first report. My delegation is deeply concerned here. We remain convinced that any action which might have been taken by the Council to implement one or a number of recommendations in the first report of the Panel of Experts would have had a deterrent effect. Unfortunately, one must note that that was not the case.

As the Panel of Experts has rightly pointed out, in paragraph 96 of its report, this war has caused the death of more than 3.5 million Congolese since it was

triggered in September 1998, and it goes on to say that these deaths are a direct result of the occupation of the country by Rwanda and Uganda. In addition to human loss of life, criminal pillaging activities, which have gone on thanks to the war, have brought social economic losses which will have incalculable consequences for present and future Congolese generations.

The final report by the Panel of Experts contains a certain number of recommendations. My delegation agrees with most of them. The recommendation having to do with an international conference on peace, security, democracy and development in the Great Lakes region under the auspices of the United Nations and the African Union merits the Council's urgent attention.

We agree with the Panel of Experts that we must take advantage of the peace prospects which offer us the opportunity to organize this conference in the next few months. This is an opportunity that we must not miss, for the conference without doubt is the appropriate regional framework for seeking comprehensive solutions to the conflicts and the endemic instability that are tearing up the countries in the region. Organizing this conference should be a priority of priorities for the Security Council and the Secretary-General.

We also agree with the Panel of Experts that it is necessary to increase the United Nations monitoring capacity. The Council should pursue its consideration of such a mechanism. My Government is open to any suggestion, but we insist that the terms of reference for a monitoring body to be created by the Security Council be established with the Congolese Government's approval and in respect of the prerogatives of its national sovereignty, as guaranteed by the United Nations Charter and the Constitutive Act of the African Union.

If necessary, the Council might consider establishing a national monitoring commission that would enjoy adequate assistance from the United Nations and the international community through the national expertise of Congolese working in the United Nations system and the international expertise of foreign advisers or international civil servants.

As regards the recommendations concerning peace dividends, my Government shares the Security Council's view that the peace processes in the Great

Lakes region must yield peace dividends for our peoples, particularly those of the Democratic Republic of the Congo and Burundi, who have suffered the worst of the region's turbulence. However, making it a prerequisite in favour of the aggressor countries would be asking the international community to bow to the diktat of State terrorism and to reward aggression. It would be an unfortunate precedent. We must rather exert pressure, including through the suspension of all forms of economic assistance, until the effective and certified withdrawal of the troops of aggression from the territory of the Democratic Republic of the Congo. We must also place an embargo on them with respect to transit and the sale of my country's natural resources.

As to environmental destruction, my Government is requesting the assistance of the United Nations system in order to rehabilitate our ecosystem and to protect vanishing species, such as the okapi, the gorilla and the white rhinoceros that are symbols of pride in my country.

My Government recalls the relevant provisions of article 91 of Protocol I of the Geneva Conventions, which directs that

“A Party to the conflict which violates the provisions of the Conventions or of this Protocol shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.”

The Geneva Conventions also hold that the occupying party shall be held responsible for all damage in the area under occupation. My Government would recall that, in similar situations, the international community, through the Security Council or other United Nations organs, has taken steps to redress the harm suffered by the peoples of such States under foreign occupation.

The question of impunity and of reparations due to the Congolese people is of the highest importance. To that end, my Government would request the Security Council to begin considering the establishment of an ad hoc international criminal court for the Democratic Republic of the Congo to judge and convict those who are guilty of crimes against humanity in our country and to punish them and obtain compensation for all the harm done to the Congolese people.

My delegation is grateful to the Panel of Experts and to the Security Council for recalling, in all of its relevant resolutions on the situation in the Democratic Republic of the Congo, the need to preserve the national sovereignty, territorial integrity and political independence of my country. In this respect, my Government believes that it was within its legitimate rights to take all necessary measures to meet the armed aggression in accordance with Article 51 of the United Nations Charter, including seeking assistance from the States members of the Southern Africa Development Community by invoking their natural right to collective and individual self-defence. I need hardly recall that the aggression was ruled illegal by the international community.

Indeed, had Angola, Namibia and Zimbabwe not come to our salvation, and had all the ethnic groups of the Congolese people not clearly expressed their will to remain united and to exercise their self-determination as citizens of one and the same country, our country would at this moment be under the Rwandese yoke, with all its unpleasant consequences. Those friendly countries and the Congolese people have paid the price of blood for the survival of the Democratic Republic of the Congo, and we are grateful to them.

My Government notes, however, that since the issuance of the addendum and the final report, there seems to be a desire to attack Zimbabwe for reasons that are well known. In this respect, it would be unwise to equate my country with the political-military entities created in the wake of the aggressor army. That would represent a misunderstanding of the reality of the situation, which is that of a sovereign country aggressed by its neighbours. In other words, the victim, bowed under the yoke of the oppressors, cannot be placed on an equal footing with them and their protégés.

My Government believes that condemning the initiatives that allowed us to defend our national sovereignty would be tantamount to forcing us to renounce the fundamental rights and duties of every Government to defend the sovereignty and integrity of its country by all means possible.

With a view to transparency, and out of respect for the will of the Congolese people expressed at the national dialogue in Sun City, South Africa, we have adopted a resolution on the creation of an ad hoc commission to consider the validity of agreements that

could serve as the framework for the reconsideration of certain contracts and concessions signed during the war.

My delegation further notes a contradiction between the excellent analysis of the Panel of Experts and some of its recommendations, particularly those banning travel for certain individuals or freezing their assets. We note that a list of those persons or of the names of the major culprits, whose actions were set out in the first and the final reports, is strangely missing, in particular those of the two major Rwandese and Ugandan sponsors, identified as such by the Panel of Experts.

More specifically, with respect to the accusations made against certain members of the Congolese executive, my Government would make the following observations. The incrimination of officials acting in their official capacity arises from the public mandate they assume on behalf and to the benefit of the Congolese people. Thus, it must be recalled that, with respect to the legal system of the Democratic Republic of the Congo, which is a State of law, any abuse or misuse of power, by whomsoever committed, is punishable by the courts and tribunals. Moreover, a national anti-fraud and anti-corruption commission has been established in the Democratic Republic of the Congo by presidential decree.

By way of example, I would point out that the Government has launched a clean-up of the economic environment, including through an official complaint lodged by the Ministry of Mines against the Minerals Business Company for non-conformity with the laws of the Democratic Republic of the Congo. This company is identified by the Panel of Experts, in paragraph 57 of document S/2002/1146, as having evaded the law in order to despoil the Congo of its resources in areas under Government control. The activities of that company have been suspended by the Government.

The Congolese State remains sovereign and therefore enjoys all the prerogatives of effective governance. Thus, all the resolutions of the Security Council on the war in the Democratic Republic of the Congo, beginning with resolution 1234 (1999) of 9 April 1999, have reaffirmed the territorial integrity, political independence and sovereignty of the Democratic Republic of the Congo, including over its natural resources.

Under the provisions of conventions, custom and even jurisprudence, international law recognizes that every Government, including that of the Democratic Republic of the Congo, has the right to use its own discretion in exercise of the full prerogatives of the State over its territory, its natural resources and its economic activities. Given all this, the actions of members of the Government are valid under international law and cannot, without prejudice to the principle of sovereignty, be equated with those of the aggressors and insurgents.

I cannot conclude without conveying my deep thanks to the international community as a whole, which, convinced that the Democratic Republic of the Congo has been a victim of aggression, is now fully committed to seeking a lasting solution. The international community should now make manifest its deepest and most concrete commitment to the settlement of this war of aggression, particularly through the renewal of MONUC's mandate and its swift deployment in the areas of ongoing tension.

We appreciate the praiseworthy efforts of the Secretary-General; the Security Council; Mr. Moustapha Niasse, the Special Envoy of the Secretary-General; and of MONUC, under the leadership of Mr. Amos Namanga Ngongi. We commend the devotion of the civilian and military staff, who are all committed to the return of normalcy and lasting peace in my country and the Great Lakes region.

Finally, I commend the Panel of Experts headed by Ambassador Kassem on its report, which establishes objectively, on one hand, the link that exists between the armed aggression that has victimized the Democratic Republic of the Congo and the illegal exploitation of its resources and, on the other hand, the parallel between this conflict and the pursuit of an occupation in whose shadow one of the greatest economic plunderings the African continent has ever seen is being carried out.

The President (*spoke in French*): Pursuant to a request that more time be allowed for the study of the report of the Panel of Experts, members of the Council have agreed that the discussion of the report be postponed. Accordingly, I will adjourn this meeting and will schedule the next meeting on this item in consultation with members of the Security Council.

The meeting rose at 4.05 p.m.