

DEMOCRATIC REPUBLIC OF CONGO

A ROLEPLAY

PARTIES INVOLVED (8)

Elite Networks (3)

The DRC Government/Zimbabwe
Rwanda/RCD
Uganda/MLC

Internationals (5)

UN
South Africa
United States
Belgium
African Union

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November 17, 2002

We welcome your participation in the Democratic Republic of Congo peace talks negotiating simulation that will take place on _____, 2002 from 9:30-2:30. The venue will be room _____ at American University's Washington college of Law, located on 4800 Massachusetts Avenue, about four blocks past the main campus on the right driving away from downtown. The garage is located on the same side of the street as the Law School, with the entrance just past the Law School. You should enter the garage, where a parking attendant will direct you to appropriate parking. You should then take the elevator to the _____ floor. Lunch will also be provided for participants.

The participants have been divided into four teams representing each of the three elite networks as well as the international community. Please see the attached team list for your team assignment. The purpose of the negotiating simulation is to surface issues that real world negotiators will confront in the DRC peace talks, not to reach any preordained outcome. We plan to bring pertinent observations and conclusions about the simulation to the attention of the U.S. officials responsible for African affairs and would welcome your insights about negotiating matters when the simulation has ended. We plan to share our conclusions with all participants after all the simulations have been completed.

This letter contains a listing of all participants and their team assignments and a schedule for the component parts of the simulation. You will also be receiving by email a negotiating package that you should bring with you to the simulation and which includes:

- An overview of the issues presented by the conflict in the DRC, which each participant will receive.
- A scene setter for your team.
- Background papers on economic, security, powersharing and reconciliation issues.

We have established for purposes of this negotiation that the peace negotiation is occurring in the fall/winter of 2002. The Lusaka Accord, an agreement calling for a cease-fire and the removal of all foreign troops was signed in 1999. Laurent Kabila, the former president of the DRC was assassinated in 2001 and Joseph Kabila, Laurent's son, has taken power. Rwandan and Ugandan troops began their withdrawal from the DRC in October 2002 and have almost entirely withdrawn. A report by the UN criticizing the conflict participants for their role in the pillaging of the DRC's resources has had an impact on the countries involved.

The rules of the simulation are straightforward: there are no rules. However, there are strict time allotments for group meetings, private negotiations, and plenary sessions to address modalities of the process and substantive issues. Since we could not provide background material on all issues that delegations might conceivably raise, we chose issues that we believe are likely to arise. We are not assuming that all of these issues can

be negotiated during the simulation or that agreement can be reached on each of them. Each team will have to decide on its own priorities and tactics.

Please feel free to contact us prior to the simulation if you have any questions. Best wishes and good luck.

SIMULATION SCHEDULE

Note: All times to be strictly adhered to

- 9:00** Coffee and doughnuts available for participants
- 9:30-10:00** Introduction and review of simulation schedule and procedures
- 10:00-10:30** Individual team meetings to review positions
- 10:30-11:00** United Nations meets with DRC/Zimbabwe
U.S./ South Africa meet with RCD/Rwanda
Belgium/African Union meet with MLC/Uganda
- 11:00-11:45** Plenary: Affirm South Africa as the moderator, Pretoria as venue and set agenda.
1) Powersharing
2) Economics
3) Humanitarian Issues
4) Security
- 11:45-12:00** Break
- 12:00-12:30** Individual team meetings to focus on substantive negotiating issues
(Lunch will be provided during this meeting)
- 12:30-1:00** Small Group Meetings with representatives of each of the elite networks
Security-UN
Economics—Belgium/US
Reconciliation—African Union
Powersharing—US/South Africa
- 1:00-2:00** Plenary: Substantive Negotiating Issues
- 2:00-2:30** Review and Lessons Learned

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VIII. Participants:

Elite Networks

DRC/Zimbabwe

DRC Government—President of the DRC, took office when his father, Laurent Kabila, was assassinated in 2001. The international community has strong hope that he will move the peace process forward.

Zimbabwe—has supported the Kabila government since the beginning of the conflict and now controls diamond mines given to it by the Kabila government.

Rwanda/RCD

Rwanda- For the purposes of this simulation, RCD represents RCD-Goma, the major rebel group backed by Rwanda. RCD opposes the Kabila government. Rwanda entered the war in order to retrieve some of its Hutu people who fled Rwanda after orchestrating and carrying out the Tutsi genocide. Rwanda now has a stake in Congo's natural resources. Rwanda recently pulled troops out of the DRC and is working toward peace while still seeking justice for the Hutu rebels who carried out the Rwandan genocide.

RCD-Goma—faction of the Congolese Democracy Rally backed by Rwanda, which occupies a portion of eastern Congo and opposes the Kabila government. RCD-Goma is led by Adolphe Onusumba.

Uganda/MLC

Uganda—opposes the Kabila government and backs armed rebel groups in opposition to the Kabila government. Uganda recently pulled troops out of the DRC and is working toward peace.

MLC—Congo Liberation Movement, backed by Uganda, resides in the northern part of the Congo. MLC is led by Jean-Pierre Bemba.

Internationals

United States—during the Clinton administration, the U.S. was opposed to the Mobutu administration because of its ties to Sudan. The U.S. was allied with Uganda and Rwanda against Islamic extremism in Sudan. The U.S. now supports the Kabila government but will break away from Kabila if the government is found to be corrupt.

United Nations ([MONUC](#))—5,537 person U.N. peacekeeping including military personnel and up to 500 observers. MONUC's mission in the DRC began on November 30, 1999 and continues to the present.

Belgium—ruled the DRC as a colony for hundreds of years. Belgium has taken an interest in the peace process and has pledged aid as an incentive to make the peace process work.

South Africa—hosted July peace talks and put pressure on all sides to come to an agreement to end the war.

African Union—Seeks to play a part in a successful peace process in order to gain international recognition for itself and stability for Africa.

Other Rebel Groups

RCD-ML—faction of the Congolese Democracy Rally-Mouvement de Liberation, which is backed by Uganda and resides in northern Congo. RCD-ML is led by Ernest Wamba dia Wamba.

Interhamwe—generic name given to various political party militias that carried out the genocide of more than 800,000 Tutsis and 30,000 moderate Hutus. The Interahawame resides in the Great Lakes Region.

Ex-FAR—former soldiers who served in the Rwanda forces, but were ousted in 1994. Ex-Far resides in the Great Lakes Region.

Mayi-mayi—guerrillas drawn from local populations to fight with the Rwandan armies and the RCD against Hutu genocidaires.

Brief History of the DRC

The Democratic Republic of Congo (DRC) existed as a Belgian colony from late 19th century until its independence in 1960. In the late 1950's, growing agitation for independence was fostered by two main groups: the Congolese National Movement, led by Patrice Lumumba, and the Alliance of Kongo People, under Joseph Kasavubu. In June 1960, the Belgian Congo, amidst increasing nationalist and anti-Belgian sentiment was declared independent and renamed the Republic of Congo with Joseph Kasavubu as its first President and Patrice Lumumba as its first Prime Minister. Several events destabilized the country within the first year of independence: the army mutinied; the governor of Katanga, a large and resourceful province, attempted secession; and Prime Minister Lumumba died under mysterious circumstances. Col Joseph Mobutu briefly assumed power before ceding it to Kasavubu.

In 1965, Col. Joseph Mobutu (later Mobutu Sese Seko) again took over the government, centralizing power and declaring himself the president for the next five years. The Mobutu government quieted nearly all political opposition, and was elected president, unopposed, in 1970. On a campaign of cultural awareness, Mobutu renamed the country the Republic of Zaire and required citizens to assume African names. Mobutu nationalized many foreign-owned firms, forcing many European investors out of the country in 1973-74, only to invite foreign investors back a few years later without much success.

In the 1980's, Mobutu continued to enforce his one-party system of rule, despite the efforts of some groups, notably the *Union pour la Democratie et le Progres Social (UDPS)*, to remain politically active. Mobutu's attempts to quell opposition parties, increased domestic protests, heightened international criticism of the regime's human rights practices and a faltering economy placed great pressure on the regime. In 1990, Mobutu agreed to end the ban on multiparty politics, to appoint a transitional government, and in principle, to hold elections and draft a constitution. These elections never occurred.

In 1991, following riots in Kinshasa by unpaid soldiers, Mobutu agreed to a coalition government with opposition leaders but positioned himself to retain control of the security apparatus and important ministries. In 1992, the Sovereign National Conference (SNC) convened. The SNC included representatives from various parties and attempted to chart a democratic course for the DRC. The SNC elected a chairman, Archbishop Laurent Monsengowo and a prime minister, Etienne Tshisekedi, who formerly headed the UDPS. By the end of the year, however, Mobutu had created a rival government with its own prime minister. The competing governments merged into the High Council of Republic-Parliament of Transition in 1994 with Mobutu as head of state and Kengo Wa Dondo as prime minister.

Though presidential and legislative elections were scheduled to occur within the next two years, they never took place. In May '97, anti-Mobutu rebels backed by Rwanda and Uganda captured the capital of Kinshasa. Zaire was renamed the Democratic Republic of

Congo and Laurent Kabila was installed as president. In '98, after relations between Kabila and his foreign backers deteriorated, Kabila ordered all foreign troops to leave the DRC. Rwandan and Ugandan troops "mutinied," again, and mounted a campaign to oust Kabila, but were turned away by Angolan, Zimbabwean, and Namibian troops that backed the DRC government.

Uganda claimed, somewhat opportunistically, to support both the rebellion that installed Mr. Kabila and the current one in order to protect its border. But its soldiers were reportedly cashing in on Congo's wealth, taking out diamonds, gold, timber, and ivory. Uganda backed the Movement for the liberation of Congo (MLC), a Congolese rebel group consisting of approximately 10,000 guerrillas headed by Jean-Pierre Bemba. In Feb '99, MLC rebels, with Ugandan support, gained control of the Northern third of DRC. In addition to professing its need to protect its own borders, Uganda claimed to be siding with Rwanda, a longtime ally, to prevent another genocide.

The Rwandans initially committed troops to DRC in an effort to ensure its own security. The Rwandan government sought to dismantle and prosecute networks of Rwandan Hutu genocidaires who had found refuge in the DRC. Turned away when Angolan, Zimbabwean, and Namibian troops intervened on behalf of the DRC government, the Rwandans retreated and established de facto control over portions of eastern DRC.

In July 1999, the DRC, Rwanda, Uganda, and leaders of rebel groups, namely the Congolese Rally for Democracy (RCD) and the Movement for the Liberation of the Congo (MLC), signed a ceasefire accord in Lusaka. The signatories made a commitment to addressing the security concerns of the DRC and neighboring countries and to a final withdrawal of foreign forces. The agreement also reaffirmed the sovereignty and territorial integrity of the DRC in an attempt to address frequent transgressions of the DRC border by Rwandan, Ugandan, Angolan, and other forces.

In April 2002, DRC President Joseph Kabila signed the "Sun City Accord" in Sun City Africa. The agreement was aimed at the establishment of a power sharing interim government and the drafting of a constitution to lead to a democratically elected national government. The agreement provided that Joseph Kabila would continue to serve as President and that the leader of the MLC, Jean-Pierre Bemba, would serve as prime minister.

More recent bilateral accords, signed in 2002 by Kabila and Rwandan President Paul Kagame and Ugandan President Yoweri Museveni, respectively, committed Rwandan and Ugandan troops to pulling out from the Congo. These pullouts have largely taken place. Rwandan forces retreated with skepticism, keeping a watchful eye on the Rwandan Hutus and *interhamwe* remaining in DRC. In return for the withdrawals, the Kabila government agreed to disarm thousands of Hutu militiamen from Rwanda who fled to the DRC after perpetrating mass killings in Rwanda of Tutsis and Hutu moderates. The DRC government has also pledged to take action against rebels in the East of the country who have been hostile to the Ugandan government in Kampala.

The implementation of the aforementioned accords has proven difficult. The withdrawal of troops from the DRC has resulted in rebel groups and tribal warriors vying for areas left unoccupied. Rwandan authorities have complained that the DRC has not effectively decommissioned the *interhamwe* and feels that its security concerns are not being addressed. Ugandan government officials have criticized the Kabila government's inability to control its tribal factions. Additionally, MLC leader Bemba has asserted that Joseph Kabila is unwilling to share power, and has renewed calls for a new political order.

The future of the Democratic Republic of Congo largely will be determined by the Kabila government's ability to manage the pullout of troops from its territory, effectively address its refugee problem, gain stability through international investment in its rich mineral resources, and begin an inclusive transition to democracy. The recent troop pullouts have been relatively successful, but Uganda and Rwanda continue the plunder of DRC resources through elite networks and rebel groups that remain in the DRC. These rebel groups, involved in establishing a transitional government, distrust the Kabila government's commitment to democracy and ability to govern the DRC. The international players are eager to see an inclusive democratic government, but are most interested in peace and the flow of investment into the region. The international actors have not demonstrated polar allegiances nor treated any party as an antagonist, but have revealed some levels of support. The South Africans have shown a slight tendency towards aiding the Rwandans and RCD rebels, while the UN has shown support for the Kabila government. UN support for the Kabila government will not be unconditional, as evinced by a recent UN report uniformly denouncing all parties for illegally extracting DRC resources. The attitude of the internationals will change if it discovers that participants are engaged in activities that contravene the peace process.

TEAM SCENE SETTER

Democratic Republic of Congo/Zimbabwe

BACKGROUND

The government of the Democratic Republic of Congo (DRC) has been engaged in a conflict that has lasted 4 years. The government of Joseph Kabila came to power when Laurent Kabila, Joseph's father, was assassinated in January, 2001. The Joseph Kabila government has been seen in the international community as a positive force in seeking an end to the conflict.

Because the DRC does not have a strong army, the Kabila government invited other governments of neighboring states to come in and provide protection for him. He also invited rebel groups such as the Mayi Mayi to act as his security force.

Under President Robert Mugabe, Zimbabwe came to Mr. Kabila's rescue almost immediately and has remained his strongest supporter since hostilities first arose. But that support has come at a price for both countries, as Zimbabwe's economy sags with the costly war and Congo has been forced to grant sweetheart deals to Zimbabwean businesses interested in tapping rich diamond and agricultural resources.

The Zimbabwe government of Mr. Mugabe has sent between 7,000 and 11,000 troops to Congo to support Mr. Kabila, according to varying reports. The intervention is motivated in part by Mr. Mugabe's longing to be a major force in southern Africa and his rivalry with the leaders of Uganda and Rwanda. Zimbabwe has taken advantage of access to diamond mines under the control of Mr. Kabila. The Zimbabweans concluded

various contracts and economic agreements with Laurent Kabila, Joseph's father and predecessor, yet profits do not seem to have flown into Zimbabwe from the DRC.

Zimbabwe's military involvement in Congo is deeply unpopular at home. The full cost of the deployment has been concealed from international donors and is seen by many Zimbabweans as contributing to the country's economic crisis.

Indeed, the International Monetary Fund suspended aid to Zimbabwe last year because of suspicion that Mr. Mugabe misled it about the cost of supporting Mr. Kabila. That suspension of aid, among other things, has left Zimbabwe struggling to pay for fuel and facing inflation as high as 60 percent. So low are Zimbabwe's reserves of dollars and other foreign currencies that the country can no longer afford to import diesel fuel, which is in scarce supply. Neither the war nor the business deals have been gone well, and President Mugabe is under both domestic and international pressure to pull out.

VIEWS OF OTHER PARTICIPANTS

Uganda has agreed to pull its troops out of the DRC and has begun to do it. The MLC's stated purpose is to release the country from tribalism and move toward democracy and build normalized institutions.

Rwanda has agreed to pull its troops from the DRC and has begun the process. Rwanda is still concerned with the disarming of the Hutus who are using the DRC as a base. The RCD's stated goals are to stop people from wasting the resources of the DRC and to bring peace and stability to the country.

The international community sees the need for a peaceful end to the conflict in the DRC. Because of the fierceness of the fighting and the toll on the civilians in the DRC,

the international community is willing to help. But the internationals also realize that the conflict is very complex and may not be willing to commit to large numbers of troops or large amounts of money to aid in settling the conflict.

ISSUES

Security

For security in the DRC, foreign troops must withdraw from Congolese territory and recognize Congolese borders and sovereignty. The Kabila government has gotten Rwandan forces to repatriate in exchange for its pledge to pursue the Rwandan genocidaires hiding out in the DRC. The DRC government declared all political leaders of the Forces democratiques de liberation du Rwanda (FDLR) persona non grata and ordered them to leave the country within 72 hours. FDLR had claimed leadership of many of the Interhamwe (Rwandan Hutu militias) and the ex-FAR (Forces Armies Rwandaïses, the former national military), both of whom were held largely responsible by the Rwandan government for the 1994 slaughter of some 800,000 ethnic Tutsis and politically moderate ethnic Hutus. The DRC government has been criticized by the Government of Rwanda and RCD-Goma for not handing over the FDLR leaders to the International Tribunal for Rwanda. While some FDLR members have been repatriated to Rwanda, the DRC has assisted other FDLR leaders in fleeing punishment for their activities. If the Kabila government continues to assist FDLR leaders in fleeing Rwandan attempts at repatriation and prosecution, the Rwandan authorities may re-deploy troops to the DRC region or provide the RCD with weapons and supplies to go after the *interhamwe* and Hutu militias. Alternatively, if Rwandan troops are found to have eluded

MONUC forces, re-entered the DRC, or to have supplied RCD forces with weapons and other supplies, the Kabila government will cease its efforts to help repatriate the FDLR., and will be increasingly hostile to the Rwandan authorities.

Without a national patriotic army, the Congolese people will remain at the mercy of armies it does not control, and therefore at the mercy of all kinds of mutineers, armed bands, war lords (local and foreign), etc. and hence also to perennial political instability. To address this problem, the DRC government, the RCD &MLC all agree that the armies should be integrated to form a national Congolese army. The three parties disagree, however, on how the army should be run, and more importantly, on who should command the forces. The DRC will demand that the RCD and MLC troops fall into the ranks of the current DRC army and will be unwilling to accept other method of integration. Pressed by the international community to disarm, demobilize and integrate the foreign-backed rebel groups, Kabila will attempt to break up the organs of the groups and integrate them into the current army. While Kabila is eager to get these groups disarmed and demobilized, he fears that they will gain excessive power. Kabila will be willing to permit MLC or RCD leaders to assume low-ranking leadership positions, but will seek to avoid appointing rebel leaders to be generals, or other high-ranking positions. Kabila will also entertain the idea of a joint commission, including himself, to control the affairs of the army.

On the security of Kinshasa, the RCD and MLC members who will form the transitional government want assurances that they and their families will be protected at all times. The rebel groups will likely argue for significant numbers of their own troops (RCD & MLC) to constitute their security forces in Kinshasa. The Kabila government

will be skeptical of a police force in Kinshasa made up of rebels and will propose international monitoring or an international police presence.

Democratization

Joseph Kabila considers the position of President neither vacant nor negotiable. Kabila claims that he welcomes elections but refuses to negotiate his special status as President during a transition period. Joseph Kabila can remain confident that attempts at divulging him of the role of president will fail, as the international community has rallied behind him. The Kinshasa government is open, however to appointing leaders of opposition parties to lead the National Assembly (interim legislature) or allowing opposition leaders to serve as vice presidents. The Kabila government will be willing to agree to power sharing deals in theory, but will delay and attempt to avoid negotiations resulting in the specifics of the power sharing proposals. The Kinshasa government's reluctance to allocate de facto power to those named to vice presidencies will likely bring them into conflict with the MLC, who already believes that the Kabila government is not negotiating with good faith.

So far the Kabila government has been reluctant to say how much political power it will give the rebels who took up arms against Kinshasa with the help of Uganda and Rwanda, though it forecasts that The Democratic Republic of Congo (DRC) will have a transitional government by January 2003. Specifically, the government in Kinshasa is willing to propose two vice presidencies for the two rebel elements, RCD-Goma and the MLC, giving the seat of prime minister to the unarmed opposition and the presidency of Parliament to the *Forces vives*.

Though not ideal, an acceptable solution for the Kabila government would involve a provisional agreement, in which Joseph Kabila will govern along with four vice-presidents selected from the ranks of the government, the rebel Congolese Liberation Movement (MLC), the rebel Congolese Rally for Democracy (RCD) and the unarmed opposition. Kabila seems increasingly willing to recognize leaders of the MLC and RCD by naming them vice presidents, but opposition remains wary. Jean-Pierre Bemba, for example, named Prime Minister in the power sharing accord reached at Sun City, found himself without significant de facto power despite his “appointment” to the position.

The two main rebel movements, the MLC and the (RCD) are demanding "vertical power sharing" in the military, in the provinces, the intelligence and diplomatic services, the police, and state-owned companies, a concept rejected by the government of President Joseph Kabila. The government will now agree only on the sharing of the executive, the National Assembly and the senate.

Economics

The elite network of Congolese and Zimbabwean political, military and commercial interests seeks to maintain its grip on the main mineral resources of the government controlled area. Specifically, diamonds, cobalt, copper and germanium are high priorities. This network benefits from instability in the Democratic Republic of Congo. The network’s representatives in the Kinshasa Government and the Zimbabwe Defence Forces fuel instability by supporting armed groups opposing Rwanda and Burundi.

Even if present moves towards peace in the DRC lead to a complete and final withdrawal of Zimbabwean forces, the elite network's grip on the richest mineral assets in the country is likely to remain in place. Zimbabwe's political-military elite signed six major trade and service agreements with the Government of the DRC in August of 2002. The Zimbabwean Defence Force plans to set up new holding companies to disguise its commercial operations in the DRC and also to deploy a private military company in the DRC to protect its assets.

Humanitarian Issues

In its recent report, 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 [hereinafter the Panel] provided new relevant data and an analysis on the current situation in the DRC. (www.un.org, report: letter dated 15 October 2002 from the Secretary-General addressed to the President of the Security Council, S/2002/1146 [hereinafter the report]). Furthermore, it recommends actions to be taken by the Security Council "to help bring an end to the plundering of the natural resources of the Democratic Republic of the Congo". The current disturbances and plundering of resources by three elite parties in the Government-controlled area, the Rwanda-controlled area, and the Uganda-controlled area (as the Panel has assessed in its report) have great consequences for the humanitarian and economic situation of the DRC.

The leading parties and the criminal groups linked with them benefit from micro-conflicts and are unlikely to disperse from the region voluntarily. While the foreign military forces continue their withdrawals, the elite networks are changing their tactics in

order to be able to continue the exploitation. (see report at II. Change in tactics by elite networks).

The grand scale fraud and withdrawal of resources under the pretext of *effort de guerre* have contributed to the elimination of funds that should be available for public services. This is particularly noticeable in the two Kasai Provinces. Another factor that contributes to aggravate the humanitarian situation is the fact that most soldiers are not paid by the government and therefore finance themselves through theft and pillage. Instead of providing protection, they live off the population. Provincial governments do not take action to discourage such actions. Furthermore, the occupation of the agriculturally rich northern part of Katanga by the RPA has cut the southern part of from its access to food. This has lead to high rates of malnutrition and mortality, in particular amongst children.

As long as the ex-FAR/Interahamwe remain a threat based in the Congo, Rwandan and Ugandan forces are unlikely to depart. In the east, in addition to establishing the rule of law, some closure will have to come on the issue citizenship, and minority rights will have to be perceived and ensured. If the ex-FAR/Interahamwe threat were to be minimized, Rwanda would have no further justification for remaining in eastern Congo.

The government sees the humanitarian issues as important but is at the same time moderately opposed. They prefer to discuss issues such as demobilization and economics above for example refugee and IDP rights and protection.

MAIN OBJECTIVES

- The DRC will push to quickly build an integrated army in order to control the security situation in the DRC, but disagrees with the RCD and MLC as to who should command the forces and how the army should be run.

Acceptable minimum—raise an integrated army and share command among the three main groups.

- The DRC government seeks to retain control of the presidency. The Kabila government agrees with powersharing in theory, but will delay and avoid negotiating the specifics of powersharing proposals.

Acceptable minimum—Kabila would rule a provisional government along with 4 vice presidents from other groups.

- The DRC/Zimbabwe group seeks to maintain control of the mineral resources of the government controlled area of the DRC.

Acceptable minimums—As long as the business transactions are legitimate and at a fair price, the DRC/Zimbabwe group could legitimately extract the mineral wealth and pay tax on it.

TEAM SCENE SETTER

Uganda/MLC

BACKGROUND

Uganda entered the conflict in the DRC in 1998. The stated purpose of its entry into the conflict was to root out rebel groups that were using the DRC as a staging area to attack Uganda in its territory. Since establishing itself in the DRC, the Ugandans have been extracting minerals from the DRC, including diamonds, gold, timber and ivory.

Even with the extraction of resources, the war is costly and unpopular at home. As a result, the Ugandans have begun to pull out of the DRC and have agreed to finish removing troops by the end of the year. Uganda has backed the MLC (Movement for Liberation of Congo), one of the rebel groups in opposition to the government of Joseph Kabila. In return for the pull out of troops, the Kabila government has promised to disarm and drive out rebel groups so they can no longer use the DRC as a staging area for attacks against Uganda.

The Congo Liberation Movement (MLC) seeks to release the country from dictatorship and move toward democracy. The MLC seeks to normalize institutions, citing the army as an example, it seeks to have the army protect the population rather than terrorize it. The MLC seeks to rid the country of tribalism, abuse of power, nepotism and corruption. It also seeks to promote regional stability and security. The MLC wants to improve healthcare, education and employment opportunities for the young and move toward a more normalized civil society.

The MLC seeks to overthrow the Kabila government and rebel groups loyal to the Kabila government, including the Ex-Far and Interwame. The MLC backs the Lusaka accords.

VIEWS OF OTHER PARTICIPANTS

The DRC seeks a peaceful solution to the conflict. The government would like to retain power in some form. The government believes that the joint business ventures it has undertaken in cooperation with Zimbabwe are legitimate businesses.

Rwanda has agreed to pull its troops from the DRC and has begun the process. Rwanda is still concerned with the disarming of the Hutus who are using the DRC as a base. The RCD's stated goals are to stop people from wasting the resources of the DRC and to bring peace and stability to the country.

The international community sees the need for a peaceful end to the conflict in the DRC. Because of the fierceness of the fighting and the toll on the civilians in the DRC, the international community is willing to help. But the internationals also realize that the conflict is very complex and may not be willing to commit to large numbers or troops or large amounts of money to aid in settling the conflict.

ISSUES

Security

Ugandan troops have largely pulled out of the DRC, with the exception of 1,000 of its troops, which remain in Bunia at the request of the U.N. These troops will remain in Bunia, which has seen fierce local clashes, but Uganda has promised to withdraw

completely after Kinshasa, MONUC and local groups put in place forces to ensure law and order. Despite the pullout of Ugandan troops, Uganda may redeploy battalions in the DRC, defending its action by saying that fresh fighting threatens its border. The Ugandans accuse the DRC of supporting tribal factions who have seized power in mineral rich areas and attacked Uganda from rebel camps based in the DRC. The Ugandans, however, are not motivated solely by security. A recent UN Security Council report issued accused the Ugandans of setting up criminal cartels to continue plundering the vast natural wealth of DRC even after their troops had been withdrawn.

In July, MONUC held consultations with the Government of Uganda and the Ugandan Amnesty Commission, concerning a process of disarmament, demobilization, repatriation, resettlement and reintegration for 300 to 400 Allied Democratic Front (ADF) combatants present in the Democratic Republic of the Congo. The ADF are rebels attacking Uganda from within the DRC. Provided that the security situation around Bunia does not deteriorate, this operation is expected to commence soon. It is to be conducted under the overall supervision of the Ugandan Amnesty Commission and MONUC. The Donor Technical Group on Uganda, which consists of prominent international donors, has agreed to finance the operation, in which the role of MONUC will be limited to disarming and demobilizing the ADF combatants in the Democratic Republic of the Congo.

Ugandan-backed forces will continue to demand greater control by the Kinshasa government of tribal factions within its territory. If Uganda believes that the DRC is not doing enough to control the Congolese tribal warriors, it may decide not to return to Rwanda and to hold its strategic positions.

The negotiations over power sharing could largely determine whether the Ugandan troops repatriate or continue setting up networks to extract the DRC's mineral wealth. The Ugandan backed MLC, largely motivated by economic interest, will seek to be named vice president in charge of the mines in an effort to retain power in mining regions. If it appears that the Kabila government is not going to negotiate power sharing in good faith, expect the Ugandans to refuse repatriation, or alternatively, use the MLC to extract mineral resources. The Ugandans may then provide the MLC with reinforcements of ammunition and supplies to insure that the extraction of mineral wealth continues. If the Ugandans refuse to disarm and reintegrate, they will have difficulty gaining international support. MLC leader Bemba is already antagonistic to the U.S. Commanding approximately 10,000 troops, the MLC has the potential to disrupt the negotiations and renew cycles of violence.

RCD & MLC called for a complete merger of the three forces (FAC, RCD & MLC.) The Kabila government finds this unacceptable. The Kabila government previously withdrew its participation in the Defence and Security Commission after categorically refusing to adopt a resolution to restructure and integrate the armed forces into any other base than the existing government army. Instead, it demanded that the structure of the FAC be maintained and units from the rebel forces be maintained. It will likely be left up to the transitional government to determine "the restructuring and integration of the armed forces" from the troops belonging to the FAC units, Jean-Pierre Bemba's (MLC), Adolphe Onosumba's (RCD-Goma), Mbusa Nyamwisi's RCD Mouvement de liberation (RCD-ML), Roger Lumbala's RCD-National and the Mai Mai forces.

The RCD and MLC members to form the transitional government in Kinshasa want assurances that they and their families will be protected. The RCD and the MLC are calling for battalion-strength protection (about 700 to 1,000 men) in the DRC capital for each of their delegations. The RCD and MLC will argue for a police force largely made up of their own soldiers in an attempt to secure the safety of those rebel leaders who assume a role in the transitional government.

Democratization

The MLC rebels at Sun City proposed a revolving Presidency every three years, giving the seat of prime minister to the unarmed political opposition and the presidency of the Parliament to the *Forces vives*. This proposal is highly unlikely to succeed considering Kabila's stance that the office of President is non-negotiable. This stance is bolstered by strong support by the international community.

Congolese Liberation Movement (MLC) rebels have been blocking a proposal that four vice presidents be appointed to govern with President Joseph Kabila during a two-year political transition period, at the end of which the former Zaire would hold elections for the first time since independence from Belgium in 1960. MLC delegates argue that since one of the four will be drawn from government ranks, the move would give Kabila too much power. The Ugandans and MLC would be more comfortable without the government representative in addition to Kabila. The Ugandan-backed MLC will blast the Kabila government, but ultimately propose a deal in which Kabila retains the presidency with Bemba given significant power as vice president of the economy and mines.

The Ugandan backed rebels will reluctantly accept the deal granting Bemba a position as one of four vice presidents, while retaining Joseph Kabila as President, given that the DRC government agrees to their other major objectives. After all, the Ugandan backed group has enough power to disrupt the transition if they believe that the position of vice president does not afford them enough influence, or that Joseph Kabila remains too strong.

First, the Ugandans will attempt to secure a considerable guarantee that the position will not be merely nominal. Second, the Ugandans will push for elections to be held as soon as possible, within six months, or more realistically, a year. Third, the MLC placed on record that it wants control of the Ministry of Mining and Minerals. This demand could meet serious opposition from members of the international community in addition to those within the Congo.

Additionally, the two main rebel movements, the MLC and the RCD are demanding "vertical power sharing" in the military, in the provinces, the intelligence and diplomatic services, the police, and state-owned companies, a concept rejected by the government of President Joseph Kabila. The government wants to agree now only on the sharing of the executive, the National Assembly and the senate.

Economics

The objective of the elite network in the areas controlled by Uganda has been to exercise monopolistic control over the area's principal natural resources, cross-border trade and tax revenues. Notwithstanding the apparent momentum towards normalizing relations

between Uganda and the DRC, the elite network continues to increase its economic hold over the area.

The network generates revenue from the export of raw materials, controlling the import of consumables, theft and tax fraud. The success of the network's activities in the DRC relies on three interconnected features: Military intimidation; maintenance of a public sector façade in the form of a rebel movement administration; and manipulation of the money supply and the banking sector, using counterfeit currency and other related mechanisms. Therefore, the Ugandans would be opposed to any serious economic reforms in the DRC. The status quo is very satisfactory to the Ugandan elite network. Economically speaking, this region has become a captive region where the types of commercial ventures are manipulated and the viability of local businesses is controlled. The network uses its economic influence to control the banking sector, which in turn allows the network to further control access to capital for commercial operators in the area. Furthermore, the flow of money is regulated by the network through currency trading and the widespread introduction of counterfeit Congolese francs.

The types of economic reform that would be needed to attract legitimate and substantial foreign investment in the DRC would certainly be met with great resistance by the Ugandan elite network.

Humanitarian Issues

In its recent report, 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 [hereinafter the Panel] provided new relevant data and an analysis on the current

situation in the DRC. (www.un.org, report: letter dated 15 October 2002 from the Secretary-General addressed to the President of the Security Council, S/2002/1146 [hereinafter the report]). Furthermore, it recommends actions to be taken by the Security Council “to help bring an end to the plundering of the natural resources of the Democratic Republic of the Congo.” The current disturbances and plundering of resources by three elite parties in the Government-controlled area, the Rwanda-controlled area, and the Uganda-controlled area (as the Panel has assessed in its report) have great consequences for the humanitarian and economic situation of the DRC.

The leading parties and the criminal groups linked with them benefit from micro-conflicts and are unlikely to disperse voluntarily. Even as the foreign military forces continue their withdrawals, elite networks adapt their tactics in order to be able to continue the exploitation. (see report at II. Change in tactics by elite networks).

The continuation of armed conflict is stimulated because UPDF have trained the militia of their Ituri commercial allies, the Hema, and provoked the need for the victims of Hema attacks to defend themselves. Lendu villages have secured their own local forces and frequently attack Hema villages. The widespread armed activity is characterized by opportunistic and chaotic encounters. As a result children are killed, adult victims are eviscerated, women are raped, property stolen, houses burned, churches demolished and whatever infrastructure exists is laid waste. (see report at 23).

To illustrate the grave circumstances, the Panel uses in its report the example of the attack on the village of Mpingi on 24 December 2001. A withdrawing group of Mayi-Mayi sought refuge in Mpingi and they were followed by APC. The entire village was destroyed, houses were burned, and residents who were able to escape fled.

It is estimated that in March 2001 North Kivu holds 620,000 displaced persons, which constitutes 16 per cent of the total population. This means that four out of five rural residents have been forcibly displaced since 1998. This is the highest number ever registered for Africa.

Civil society groups in Butembo found that 90 per cent of the displaced population lives on a few cents a day and eat one meal a day. Families break up to find separate means of survival. Women engage in prostitution, some older men return to what is left of their villages or mining sites, and the young men enter the rebel army. The latter causes the forces to swell and creates a large number of young boys without subsistence possessing weapons. Inevitable consequences are the spread of AIDS/HIV, the large numbers of child soldiers and the rape of women.

In general and applicable to all parties: all must adhere to the international law standards as have been set out.

A pressing issue is the return to Rwanda of forces that participated in the 1994 genocide in Rwanda. This issue was already addressed in November 1998 when the UN Commission on Arms Flows charged the Congolese government with constructing an alliance with forces that committed the 1994 genocide in Rwanda. The Congolese, Ugandans, and Rwandans dispute which came first: cooperation with the genocidaires (the Ugandan and Rwandan view) or the rebellion/intervention (the Congolese view).

The parties – the rebels and their government backers alike – have overlapping but not identical agendas and interests. Uganda also has pressing need for refugee and IDP relief. Despite Uganda's support to oust Mobutu, the establishment of what was hoped to be a government more supportive of border security priorities, and Uganda's

substantial operational independence in border regions, ADF (Sudan) militia attacks across the Congolese borders have not diminished. As a result of these attacks, humanitarian and security situation in the Rwenzori mountains region of southwest Uganda has deteriorated. Over 100,000 people have been displaced in Bundibugyo and Kasese districts.

Rwanda has a number of direct and indirect objectives behind its continuing involvement in the Congo such as security promotion: by displacing its war into the Congo and thus moving associated human rights and security problems out of northwest Rwanda. Another objective is human rights promotion: by protecting Congolese Tutsi populations and ensuring that ethnic cleansing or worse will not befall those populations. It is of great concerns to the Congolese that the Rwandan and Ugandan forces will not all want to leave the DRC until the last ex-FAR/Interahamwe has been captured. Against the backdrop of a lack of international support for the effort to counter the genocidaires, Rwanda acts as if its ends – the eradication of the threat of genocide – justify its means. This attitude is irrespective of how unwelcome by or costly to local Congolese populations.

Also there exist tensions and disagreements between Uganda and Rwanda over the prosecution of the Congolese war, which is further exacerbated by local disputes over the control of resources. There is no agreement regarding the choice of a justice system: Truth & reconciliation? International tribunal or national court? Sierra Leone example? Amnesty ?

Briefly stated, Rwanda and Uganda prefer to stay away from discussing humanitarian issues. In fact, they are opposed to resolving these issues because they need the strife and disorder to keep their own people in DRC and maintain power.

MAIN OBJECTIVES

- Demand that the government of the DRC control Congolese tribal warriors. If they do not, maintain presence in the DRC.
- MLC proposed a revolving presidency every three years. This is not likely to succeed.

Acceptable minimum—Bemba should be elected one of the four vice presidents.

- Exercise monopolistic control over the area Uganda/MLC controls including natural resources, cross-boarder trade and tax revenue.

Acceptable minimum—If the Uganda/MLC group gives up full control, suggest partial control, legitimizing businesses and collecting taxes.

TEAM SCENE SETTER**Rwanda/RCD****BACKGROUND**

Rwanda entered the conflict in the Democratic Republic of Congo in 1998. The major reason for entering the conflict was to combat Hutu groups who were using the Democratic Republic of Congo as a refuge after staging and carrying out the Tutsi genocide in Rwanda in 1994. Rwanda seeks to prevent Hutu groups from gaining strength and reentering Rwanda to finish the Tutsi genocide.

Once the Rwandan army arrived in the Democratic Republic of Congo, it began extracting resources from the mineral rich areas under its control. The war has been largely self-funding for Rwanda, since it can extract resources with impunity and pay for the support of its troops. Rwandan troops have been pulling out of the DRC, but some say that rebel groups affiliated with Rwanda, such as the RCD, will act as Rwanda's agent in extracting minerals from the DRC.

Rwanda is seeking political security in the outcome of the conflict in the DRC. It realizes that in order to make its borders secure, its neighbor's borders must also be secure. It seeks the dismantling of rebel groups including the ALR, Ex-Far, and the Interwame. It also will have a problem repatriating thousands of troops into its small territory and finding jobs for ex-military personnel. The pullout of Rwandan troops has shown that leaders are serious about working toward peace. Recently, however, the Rwandan government had threatened to go back into the DRC to quell outbreaks of fighting among rebel groups in the wake of the Rwandan troop pullouts.

The stated goals of the Congolese Rally for Democracy (RCD) are to stop people from wasting the resources of the DRC and to bring peace, security and stability to the region. The RCD seeks the overthrow of the Kabila government because it claims that Kabila has taken away the people's liberty, personalized institutions such as the army, the government and the Central bank, and made himself a totalitarian ruler. The RCD claims that Kabila has broken democracy in the name of security and allowed outside forces to come in, which have destabilized the country.

The main goals of the RCD are to get the neighboring countries out of the territory, promote security and peace and fight tribalism. The RCD has broken into factions including RCD-Goma, RCD-ML and a new faction called RCD-Congo.

VIEWS OF OTHER PARTICIPANTS

The DRC seeks a peaceful solution to the conflict. The government would like to retain power in some form. The government believes that the joint business ventures it has undertaken in cooperation with Zimbabwe are legitimate businesses.

Uganda has agreed to pull its troops out of the DRC and has already begun to do so. The MLC's stated purpose is to release the country from tribalism, move toward democracy and build normalized institutions.

The international community sees the need for a peaceful end to the conflict in the DRC. Because of the fierceness of the fighting and the toll on civilians in the DRC, the international community is willing to help. But the internationals also realize that the conflict is very complex and may not be willing to commit to large numbers or troops or large amounts of money to aid in settling the conflict.

ISSUES

Security

Rwanda believes that the DRC government's efforts at repatriation of the FDLR have not been carried out in good faith. Despite officially declaring that members of the FDLR to be persona non grata within the DRC, the Kabila government has helped some FDLR leaders avoid prosecution and repatriation, thereby offending Rwandan authorities.

In November, 2002, the first group of 69 Rwandan ex-combatants and 10 civilians left Kamina, where they had been contained by the Government, on an exploratory visit to Rwanda. The exploratory visit has clearly been facilitated by the signature of the Pretoria Agreement and the banning of FDLR by the DRC government in Kinshasa. The FDLR had been opposed to attempts to repatriate the ex-combatants. The group, which was accompanied by MONUC personnel and by South African representatives of the Third Party Verification Mechanism, was flown to Rwanda on MONUC aircraft and spent some 10 days in Kigali and their home communities. MONUC is following up on this exploratory visit with a view of repatriating all the ex-combatants at Kamina. MONUC's program of repatriation, however, remains voluntary. The Rwandans within the Congo will no doubt seek to avoid being repatriated to Rwanda and handed over to a Kigali government, which is eager to see that they are brought to justice. Kigali, however, is putting increasing pressure on the Kabila government to find and disarm the ALiR and *interhamwe*. The Rwandan authorities have not been content with Kabila's pursuit of the ALiR and *interhamwe*, and may secretly be reinforcing RCD troops to make sure that the groups sought by the Rwandan authorities are brought to justice. The

Rwandan army has departed, but its surrogates, the RCD-Goma rebels, are still believed to be present with RPA [Rwandan Patriotic Army] cadres in disguise, and will work for the secession of Kivu if they cannot win power in Kinshasa. One of the politico-strategic objectives of Kigali may be the dismemberment of the Congo. Under this theory, the main objective is to create an independent state of Kivu that would be ruled by Kigali surrogates, and would become Rwanda's motor of economic development. This situation is unlikely, but possible.

If the ALiR and *interhamwe* can be rounded up by Congolese forces and repatriated, the Rwandans will be more likely to remove all forces and cease their complicit support of rebel groups. The international community, currently sympathetic to the Rwandan pursuit of the genocidaires, will turn on Rwanda if it becomes apparent that Rwanda is motivated by greed, an idea increasingly given credence. Future scenarios will depend to a great extent on the attitude of the international community, and in particular the actions of the MONUC peacekeepers.

After the war, the Rwanda-backed RCD desires that the liberation army will form the nucleus around which the other armies, after rational demobilization, will be integrated. This position will be opposed by a Kabila government, whose troops have been fighting largely against Rwanda-backed forces. The Rwanda-backed RCD will disarm and be willing to accept integration into the current Congolese army (the FAC) if it is given either significant control over the armed forces, or if the dangers of the ALiR and *Interhamwe* are eliminated. The Rwandan government is extracting mineral wealth from the DRC and might re-deploy troops or reinforce its networks, justifying its actions in the name of national security. Because MONUC cannot be everywhere, it will be

difficult to tell whether claims of national security are justified and whether Rwandan deployments are legitimate.

The RCD & MLC called for a complete merger of the three forces (FAC, RCD & MLC). The Kabila government found this idea unacceptable. The Kabila government previously withdrew its participation in the Defense and Security Commission after categorically refusing to adopt a resolution to restructure and integrate the armed forces into any form other than the existing government army. Instead, it demanded that the structure of the FAC be maintained and units from the rebel forces be maintained.

It will likely be left up to the transitional government to determine “the restructuring and integration of the armed forces” from the troops belonging to the FAC units, Jean-Pierre Bemba’s MLC, Adolphe Onosumba’s RCD-Goma, Mbusa Nyamwisi’s RCD Mouvement de liberation (RCD-ML), Roger Lumbala’s RCD-National and the Mai Mai forces.

The RCD’s relationship with MONUC and the UN, though strained, is improving. RCD forces made several public statements against MONUC and specific threats against UN personnel when the tribal leaders that the RCD were fighting sought refuge on MONUC premises.

The RCD and MLC members forming the transitional government in Kinshasa want assurances that they and their families will be protected. The RCD and the MLC are calling for battalion-strength protection (about 700 to 1,000 men) in the DRC capital for each of their delegations. The RCD and MLC will argue for a police force largely made up of their own soldiers in an attempt to secure the safety of those rebel leaders who assume roles in the transitional government.

Democratization

The ideal plan for RCD-Goma, similar to the South African plan proposed at Sun City, is a first vice-presidency. The plan would put RCD-Goma in charge of the ministries of defense, the interior, the security services and of organizing the elections. The plan proposed at Sun City offended the Nationalist sense in DRC, and was viewed as a combined attempt by Rwanda and South Africa to effectively guide the transition to democracy. This attempt by Rwanda produced a backlash resulting in a counter-proposal by the Kabila government and the Rwandan-backed MLC, which largely excluded the Rwandans and the RCD from the power sharing structure. This agreement provided that Kabila remain in his presidential role, while Jean Pierre Bemba, leader of the MLC, would assume the role of prime minister. This agreement was backed by Congolese civil society and viewed as a sign of nationalist strength dispelling Rwandan and South African attempts to influence DRC power structure. Given the previous consequences, it is unlikely that the RCD will make bold propositions again unless backed by the US.

The RCD has since re-emerged as a substantial player in the power sharing negotiations. However, after having chosen to sit out of most of the Sun City talks and having been excluded from the previous power sharing accord, the Rwandan backed rebels remain on unsteady negotiating ground. The Rwandan rebels, mainly concerned with the repatriation of the ALiR forces remaining within the Congo, will argue that their vice presidential position should entail a substantial role in defense. Alternatively, the Rwandans will demand that their concerns be addressed through heightened efforts of the Kabila government to bring former ALiR members to justice.

Though not ideal, an acceptable solution for the RCD would entail a provisional agreement, in which Joseph Kabila would govern along with four vice-presidents selected from the ranks of the government, the rebel Congolese Liberation Movement (MLC), the rebel Congolese Rally for Democracy (RCD) and the unarmed opposition. The RCD will likely try to position itself in the vice presidency to insure that the AliR will be targeted.

The Rwandan backed RCD will push for vertical power sharing as well. The two main rebel movements, the MLC and the RCD are demanding "vertical power sharing" in the military, the provinces, the intelligence, the diplomatic services, the police, and state-owned companies. This concept is rejected by the government of President Joseph Kabila. The Kabila government will seek to avoid divesting itself of power over the military, police as well as power at the provincial level.

Economics

The Rwandan elite network's operations in the DRC are managed from the Rwandan Patriotic Army's "Congo Desk," which links the commercial and military activities of Rwanda. The elite network maintains close commercial ties with transnational criminal networks that often provide aircraft used for transporting coltan and diamonds as well as mining supplies. Control over coltan and diamond mines are priorities for the Rwandan elite network.

Between 60 and 70 percent of the coltan exported from the eastern Democratic Republic of Congo is mined under the direct control of the RPA. The coltan is removed using military aircraft or aircraft of transnational criminal networks. The coltan is taken

out of the country and no taxes are paid. The elite network would be opposed to any suggested new tax schemes for mineral exports.

Additionally, diamonds are very important to the Rwandan elite network. Diamonds are the prize that Rwanda has fought Uganda for in past years. The elite network has established an arrangement whereby the diamonds that it exports are largely undervalued, thereby reducing the amount of taxes due to the government upon export. Additionally, the Rwandan network deals heavily in “conflict diamonds” which it markets through criminal networks. Therefore, Rwanda will oppose the Kimberley Process, which is supported by the US and South Africa.

[The Kimberley Process had its origins in the decision of Southern African countries to take action to stop the flow of “conflict” diamonds to the markets, while at the same time protecting the legitimate diamond industry. The Kimberley Process involves more than 30 governments, the European Community, the diamond industry and civil society and has been establishing minimum acceptable international standards for national certification schemes relating to trade in rough diamonds.]

The proceeds from the criminal sales of the conflict diamonds are then laundered by Rwanda through the purchase of large quantities of household goods in Dubai such as sugar, soap, cloth and medicines, which are then imported into the DRC and offered to local sellers at low prices. Therefore, Rwanda will be interested in stemming foreign imports and investments that could threaten its market share of household goods.

Humanitarian Issues

In its recent report 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 [hereinafter the Panel] provided new relevant data and an analysis on the current situation in the DRC. (www.un.org, report: letter dated 15 October 2002 from the Secretary-General addressed to the President of the Security Council, S/2002/1146 [hereinafter the Report]). Furthermore, it recommends actions to be taken by the Security Council “to help bring an end to the plundering of the natural resources of the Democratic Republic of the Congo”. The current disturbances and plundering of resources by the three elite parties in the Government-controlled area, the Rwanda-controlled area, and the Uganda-controlled area (as the Panel has assessed in its report) have great consequences for the humanitarian and economic situation of the DRC.

The leading parties and the criminal groups linked with them benefit from micro-conflicts. It is very unlikely that they will disperse voluntarily. Even when the foreign military forces continue their withdrawals, the elite networks have changed tactics in order to be able to continue the exploitation. (See report at II. Change in tactics by elite networks).

At the same time, with the RPA troop withdrawals, Rwandan officials have repatriated thousands of Congolese Tutsi refugees under duress from the camps around Byumba and Kibuye Provinces in Rwanda to North Kivu. According to the Panel’s report, the schools in the Rwandan camps have been closed and some camp structures have been razed to encourage further repatriations. (See report of the Panel at 6).

The Panel concludes with regard to the Rwanda-controlled area, that “the recent departure of troops should not be interpreted as a sign of Rwanda’s willingness to reduce

its considerable involvement in the evacuation of valuable resources, to reduce the level of armed conflict or to diminish the humanitarian crisis in the region.”

There has been a rapidly escalating disorder in Kalemie and an increased use of arms by a wide range of groups. Confrontations between the RPA and the FAC in November 1998 and October 2000 have resulted in considerable displacement of populations in the path of troop movements. (See report at 18, para.90). However, the most severe conflict with disastrous consequences for the population took place after these two confrontations. Troops affiliated with Rwanda and local self-defense groups seized material, property, food, cattle, retail goods and equipment on a grand scale.

Statements of thefts, killings, torture, extortions, rapes and piracy on Lake Tangayika perpetrated by RPA, ANC, the RCD-Goma, police and the Banyamulenge militia have been issued by the Catholic church in the eastern part of DRC. The church has received death threats in response to their campaign against these abuses.

Fear and threats have displaced a large number of people from their homes and have forced them to abandon their lands. An estimated 350,000 displaced persons in the northern Katanga area are living away from their homes in other cities or in the bush. (Office for the Coordination of Humanitarian Affairs, in report at 18).

The RPA, in managing the mines has recruited resident, imported or conscripted Hutus under forced labour conditions to exploit the mines. Villages are attacked and burned to obtain control over the mines.

Armed conflict caused population displacement, which has brought food insecurity, malnutrition and a high mortality rate. This applies to both the displaced groups of persons as well as to the host populations. In March 2001, an estimated 1.5

million persons were displaced in the areas occupied by Rwanda in North and South Kivu, Maniema and Katanga. (Office for the Coordination of Humanitarian Affairs, in report at 19). This number constitutes almost 14 per cent of the population.

In this situation of undermined local authority and abusive social environment, men are led to abuse women on a very large scale throughout the eastern DRC. International NGOs have provided reports on the hostage taking of groups of women who are submitted to long periods of sexual abuse.

Children are also a very vulnerable group that are used for purposes such as forced work in the mines, conscription into armed forces and as instruments of war. The number of child soldiers in the rebel armies is much higher than reported by the rebel administrations. Fifty per cent of local defense and Mayi-Mayi groups are said to be children.

All parties must adhere to the international law standards as have been set out.

A pressing issue is the return to Rwanda of forces that participated in the 1994 genocide in Rwanda. This issue was already addressed in November 1998 when the UN Commission on Arms Flows charged the Congolese government with constructing an alliance with forces that committed the 1994 genocide in Rwanda. The Congolese, Ugandans, and Rwandans dispute which came first: cooperation with the genocidaires (the Ugandan and Rwandan view) or the rebellion/intervention (the Congolese view).

The parties – the rebels and their government backers alike – have overlapping, but not identical agendas and interests. Uganda also has a pressing need for refugee and IDP relief. Despite Uganda's support to oust Mobutu, the establishment of what was hoped to be a government more supportive of border security priorities has failed.

Despite Uganda's substantial operational independence in border regions, ADF (Sudan) militia attacks across the Congolese borders have not diminished. As a result of these attacks, the humanitarian and security situation in the Rwenzori mountains region of southwest Uganda has deteriorated. Over 100,000 people have been displaced in Bundibugyo and Kasese districts.

Rwanda has a number of direct and indirect objectives behind its continuing involvement in the Congo such as security promotion. Rwanda hopes to move associated human rights and security problems out of northwest Rwanda by displacing its war into the Congo and thus. Another objective is human rights promotion. Rwanda hopes to ensure that ethnic cleansing will not befall its populations by protecting Congolese Tutsi populations. It is of great concern to the Congolese that the Rwandan and Ugandan forces will not all want to leave the DRC until the last ex-FAR/Interahamwe has been captured. Against the backdrop of a lack of international support for the effort to counter the genocidaires, Rwanda acts as if its proposed ends – the eradication of the threat of genocide – justify its means. This attitude is unwelcome by or costly to local Congolese populations.

There are also tensions and disagreements between Uganda and Rwanda over the prosecution for the Congolese war, which is further exacerbated by local disputes over the control of resources. There is no agreement regarding the choice of a justice system. The question is whether there should be truth & reconciliation, an international tribunal, a national court, something modeled on the Sierra Leone example or amnesty.

Briefly stated, Rwanda and Uganda prefer to stay away from discussing humanitarian issues. In fact, they are opposed to solving these issues because they need the strife and disorder to keep their own people in DRC and maintain power.

MAIN OBJECTIVES

- Urge the DRC to more forcefully disarm the interhamwe and the ALiR.
- Put a representative from RCD-Goma as one of the four vice presidents.
- Oppose the Kimberly process

TEAM SCENE SETTER

United Nations

BACKGROUND

The United Nations has been a major player in the DRC for a long time. In July 1960, just after Congolese independence was declared, the UN Secretary-General received a telegram from the leaders of the newly formed state asking for military aid. The UN was faced with a complete breakdown of civil order in the DRC that threatened people as well as property interests. The role of the UN has been scaled back, but is still important. The United Nations peacekeeping force, MONUC, has been in the DRC since November 30, 1999 and continues to the present. MONUC has 5,537 personnel, including military personnel and 500 observers. The stated goals of MONUC are to implement the Lusaka ceasefire agreement, work with all parties to release prisoners of war, facilitate humanitarian assistance and abolish land mines among other tasks.

The UN seeks a peaceful solution to the conflict in the DRC, but realizes it cannot commit troops to large-scale intervention and monitoring. One UN estimate stated that at least 100,000 troops would be needed to bring stability to the DRC. This is a number that the UN has not been willing or able to commit to.

The UN has had its share of setbacks in the DRC. In June 2002, a group of armed rebels from the RCD reportedly assaulted a guard and abducted two UN staff members. The staff members were assaulted and interrogated, but later returned. The UN has an interest in working to promote peace in the DRC, not only for humanitarian reasons, but also to promote economic growth and help the DRC become a regional power and lessen the role of the UN in Central Africa.

VIEWS OF OTHER PARTICIPANTS

The DRC seeks a peaceful solution to the conflict. The government would like to retain power in some form. The government believes that the joint business ventures it has undertaken in cooperation with Zimbabwe are legitimate businesses.

Uganda has agreed to pull its troops out of the DRC and has already begun to do so. The MLC's stated purpose is to release the country from tribalism, move toward democracy and build normalized institutions.

Rwanda has agreed to pull out its troops from the DRC and has already begun the process. Rwanda is still concerned with disarming the Hutus who are using the DRC as a base. The RCD's stated goals are to stop people from wasting the resources of the DRC and to bring peace and stability to the country.

ISSUES

UN - Security

The United Nations envoy has been helping to broker the peace talks, but the Security Council needs to look hard for the means to send additional peacekeepers to eastern Congo. Both the Kabila government and Rwanda are requesting help. At the very least, the UN could help to finance a South African mission.

The UN has 5,500 troops in the DRC, but its mandate is to observe, not keep the peace. Nor does the mission have the power to deal with the internally warring factions. Even if the UN Security Council were to increase the troops' mandate - a move few in the DRC think is likely - it is estimated that the Congo would require 150,000 peacekeepers

to give it a presence similar to one that brought peace to Sierra Leone over the past two years. Few in the DRC believe the international community is willing to commit those types of resources to an African nation, even one as resource-rich as the Congo.

The MONUC has established a disarmament, demobilization, repatriation, resettlement and reintegration presence in Goma, Bukavu and Butembo. Plans are under way for a similar presence in Kamina, Lubumbashi and possibly Shabunda to implement the process in an ad hoc way in those areas. Despite existing security constraints and the difficulties in accessing the armed groups, MONUC will consider the possibility of opening additional offices and sites for reception centres in the east of the country. With regard to the numerous attacks perpetrated by the Mai-Mai in the east of the country, MONUC has pointed out that these armed groups did not have a unique structure and has appealed to the government and RCD-Goma to locally resolve the problems created by the Mai Mai tribal warriors.

MONUC is mandated only to disarm, demobilize, and repatriate the foreign groups listed in the Lusaka Agreement. However, circumstances might arise when Congolese groups or individuals might present themselves at a MONUC reception center to surrender their weapons in the hope of becoming eligible for some sort of national Congolese demobilization and reinsertion program. MONUC will attempt to convince the Kabila government (through the UN) to assist with the disarmament, demobilization and reinsertion of Congolese armed groups into society.

The international community hopes Kabila will re-establish the state's authority in the Equator and eastern province and recruit MLC troops to start building an army.

Angola had already been given the green light from the US, France, and Belgium to take an active part in the reorganization and reinforcement of the FAC.

MONUC must prepare a detailed plan with regard to the possible expansion of civilian police activities to meet the rapidly changing circumstances on the ground.

There are currently 52 United Nations civilian police officers deployed in Kinshasa, Kisangani and Goma.

In accordance with Security Council resolution 1376 (2001), the civilian police are in the process of implementing a pilot project for training the local police in Kisangani. The programme includes a refresher course for already existing police units, specialized training for traffic and court police, as well as for criminal investigators. The latter comprises training for police cadets, and an advanced training course for police inspectors. As part of the programme, MONUC will proceed, as soon as possible, and in cooperation with bilateral donors, with the refurbishment of the police-training centre in Kapalata, as well as the procurement of basic materials such as uniforms, vehicles and communication equipment through the special trust fund established by the Mission for this purpose.

Powersharing

The UN will not take a strong position on democratization since it will focus on security and humanitarian issues. The UN should follow the position of the US on powersharing.

Economics

The position of the UN on the economic situation in the Democratic Republic of Congo has been most recently stated in the October 8, 2002 Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo. The following is a summary of the recommendations contained therein:

Reconstructing and reorienting the region's economies is essential to peacemaking and peace-building. Economic incentives should be emphasized by the international community in order to promote adherence to peace agreements by all parties involved. Additionally, disincentives should be enacted to apply pressure in the case of non-compliance with the agreements. In order to contribute to the economic stability of the region, both incentives and disincentives should be applied *forcefully*.

The economic incentives/disincentives should be monitored through a proactive monitoring body. Until now, all the parties involved in illegal exploitation of resources and other forms of wealth in the DRC have had no strong incentive to alter the economic status quo. It is necessary, therefore, to find measures that address fear of losing revenues. Such measures will only be effective, however, if a political process is undertaken simultaneously.

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. The first set of initiatives could be for quick-disbursing aid for the Democratic Republic of Congo and the other Great Lakes countries involved in the conflict for reconstruction and rehabilitation programs aimed at creating

jobs, rebuilding the infrastructure and improving conditions for local populations in the areas of education, health, water and sanitation.

Reconstructing and reforming the State institutions of the DRC, particularly the State's capacity to secure its territory and borders should go hand-in-hand with the withdrawal of foreign troops. The main purpose should be to enable a legitimate transitional government to control the country's natural resources without foreign intervention.

The establishment of a transitional government in Kinshasa should be accompanied by four elements: the disarmament of all rebel groups in the DRC; phased withdrawal of foreign troops; measures to drastically curb the illegal exploitation of resources and encourage legal exploitation; and the application of serious leverage through multilateral pressures and incentives.

The trade in commodities from conflict areas must also be regulated. Specialized industry organizations such as the International Gold Council and the International Coffee Federations could be asked, in cooperation with the United Nations Conference on Trade and Development, to monitor trade in commodities from conflict areas. This would result in a reliable body of data that includes information relating to the extraction of commodities, transit routes through neighboring countries and information on end-users and their operations. In turn, this data could be used for industry policing of individuals, companies and financial institutions that trade in commodities from conflict areas. This data could also be useful in the event that a moratorium is called for on the illegal trade in commodities originating in the DRC, such as coltan. (*Note: Rwanda/RCD is responsible for overseeing approximately 60-70% of the coltan mined in

the DRC. Therefore, Rwanda/RCD would likely oppose data collection and monitoring of the trade in coltan)

Humanitarian Issues

The international community is determined to push the humanitarian issues. They need to see a solution for the refugees and IDP problems. Currently, the UN places gender mainstreaming very high on its agenda. The issue of child soldiers is likely to receive much attention, especially after the example of Sierra Leone.

It remains difficult to have comprehensive reporting on the humanitarian situation, particularly in eastern Congo, due to the lack of field verification of many of the charges made. The UN Human Rights Commission needs extensive field research in order to make sweeping allegations. This is also relevant regarding the process of following up on the massacres in Zaire (now DRC) during the 1996-97 war.

Unsubstantiated allegations only feed rumor and fuel local desire to check Tutsi (and Hutu) aspirations by whatever means perceived to be necessary. Ironically, this situation increases impunity and vigilante justice. It also makes coercion more difficult by exacerbating relations between groups, particularly when false or exaggerated allegations pass as fact.

MAIN OBJECTIVES

- The UN can only commit a small number of troops to the security force of the DRC. Suggest building an army and retraining and building the police force. Maintain an exit strategy.

TEAM SCENE SETTER

South Africa

BACKGROUND

Because South Africa plays a key role in the political life of Africa and was not involved in the conflict in the DRC, it was a natural choice to serve as a moderator for peace in Central Africa. In 1998, South Africa hosted the Pretoria Talks. At the talks, president Nelson Mandela introduced the idea of a transition government that would be tasked with setting up the structure for democratic elections. Mandela said that Kabila was entitled to invite friendly countries to support him. In March 1999, Nelson Mandela called a meeting in order to try to convince Kabila's backers to soften their stand and allow the rebels to come to the table in peace negotiations. In July 1999, President Mbeki hosted talks to iron out the logistics of the peace process. It also set the stage for Lusaka on July 10, 1999. The South Africans hosted the Sun City peace talks and played a major role in brokering the Lusaka Agreement.

South Africa has been extremely cautious about sending troops to the DRC to help implement the cease-fire and disarmament of rebel groups. The South African proposal suggests using troops from the rebel groups to police themselves, largely because it worries about becoming bogged down in the conflict in the DRC. South Africa is worried about "mission creep" in which the country ends up taking on a much larger responsibility than it originally intended. South Africa has an interest in gaining regional stability, which will lead to economic prosperity.

VIEWS OF OTHER PARTICIPANTS

The DRC seeks a peaceful solution to the conflict. The government would like to retain power in some form. The government believes that the joint business ventures it has undertaken in cooperation with Zimbabwe are legitimate businesses.

Uganda has agreed to pull its troops out of the DRC and has already begun to do so. The MLC's stated purpose is to release the country from tribalism, move toward democracy and build normalized institutions.

Rwanda has agreed to pull out its troops from the DRC and has already begun the process. Rwanda is still concerned with disarming the Hutus who are using the DRC as a base. The RCD's stated goals are to stop people from wasting the resources of the DRC and to bring peace and stability to the country.

ISSUES

Security

Mr. Mbeki has offered to dispatch 1,500 South African troops to help oversee a cease-fire along with the 3,000 U.N. observers already in the country. This is a scheme that might just work -- but only if countries beyond South Africa pitch in. South Africa will lobby other internationals to provide funds and peacekeepers, but will look to have an active role in the peace process. The South Africans have recently gained favor with the Rwandan government aiding in the repatriation of the FDLR.

Power-sharing

The South African government has shown support for Rwandan troops and has supported Rwandan power on numerous occasions. The ideal plan for RCD-Goma, similar to the was a South African plan proposed at Sun City, is a first vice-presidency, putting it in charge of the ministries of defense and the interior, the security services and of organizing the elections. The plan proposed at Sun City offended the Nationalist sense in DRC, and was viewed as a combined attempt by Rwanda and South Africa to effectively guide the transition to democracy. The South Africans will not take such a strong stance again. For the purposes of the dialogue, South Africa is assuming a “neutral” role, although it would like the transition to democracy to move speedily. When the situation arises, however, and does not appear blatant, the South Africans will influence the talks to assist the Rwandans.

Economics

South Africa’s position on economics is aligned with the U.S. position.

Humanitarian Issues

South Africa’s position on humanitarian issues is aligned with the UN.

MAIN OBJECTIVES

- Push for a quick and peaceful end to the conflict in order to gain credibility as a major player in African politics. Since the South African role has been that of mediator, it will continue in its current role.

TEAM SCENE SETTER

USA

BACKGROUND

The United States has not been directly involved in the war in the DRC. After the fiasco in Somalia in 1994, the U.S. has been reluctant to play a major role in any African conflicts. The U.S. seeks a peaceful solution to the war as soon as possible. Prospects for business and trade with the mineral rich country would be beneficial and welcome to the US. It also has a stake in the regional stability of the area around the DRC. The U.S. believes that because of the DRC's dominating position in Central Africa, stability in there is important to stability in the region. The U.S. says that it encourages peace, prosperity, democracy and respect for human rights in the DRC. The U.S. says that it has actively pursued these objectives since the beginning of the war in the DRC.

The U.S. hopes to see a strengthening of the reconciliation and democratization processes in the DRC. It hopes to promote stable, developing and democratic nations with which it can address security issues and mutually beneficial economic relations. The U.S. does not currently have direct bilateral aid to the government in the DRC, but USAID's program in the DRC for 2001 totaled \$100 million, which was spent by international and local NGOs for a wide range of relief and development projects throughout the country. In February 2001, the U.S. government announced a \$10 million aid package for refugee assistance in the DRC. In March 2001, the U.S. government publicly supported the Lusaka Agreement and urged the parties to stay with the agreement. The U.S. government has also made statements admonishing the RCD for its

failure to permit the deployment of U.N. troops in Kisangani. The U.S. also championed the progress made by the inter-congolese dialogue and its progress toward elections, but expressed regret that a peace agreement did not take shape out of the dialogue.

The approach of the U.S. has been an encouraging, but disengaged approach. The U.S. learned its lesson from Somalia that public opinion in the U.S. is low for involvement in Africa that might endanger American lives. As a result, it has taken the approach of giving money and support, but leaving the Africans to work out the problem of the DRC war for themselves. The U.S. does have a self-interested motivation for stability in central Africa to prevent terrorists from using the country as a recruiting ground or hide out in the midst of the conflict there.

VIEWS OF OTHER PARTICIPANTS

The DRC seeks a peaceful solution to the conflict. The government would like to retain power in some form. The government believes that the joint business ventures it has undertaken in cooperation with Zimbabwe are legitimate businesses.

Uganda has agreed to pull its troops out of the DRC and has already begun to do so. The MLC's stated purpose is to release the country from tribalism, move toward democracy and build normalized institutions.

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ISSUES

Security

It's important that outside powers -- beginning with the United States -- lean on Congo's neighbors to give up their cannibalization of the country and allow the state's reconstitution. Stabilizing the center of Africa may not be at the top of the Bush administration's crowded agenda these days, but a pledge of some diplomatic and economic capital to that cause in the coming weeks would be a wise investment. With large numbers of US troops committed elsewhere, the United States cannot be counted on to supply a substantial number of peacekeepers. The US government will relax its usually dominant role and allow South Africa to monitor security in the region.

Powersharing

US

The US remains politically engaged with the parties to the Pretoria accord, regional groups and the United Nations. The US is contributing financial support to make sure that the needs of MONUC are met. The US is in daily contact with the Congolese government and it is reported that the ban on FDLR members was a response to the request of President Bush.

In an important shift from its predecessor's stance, the Bush administration has decided to let the World Bank and International Monetary Fund (IMF) begin salvage work on the Democratic Republic of Congo without waiting for a less imperfect government to emerge in Kinshasa.

The US has eased registration requirements for political parties and is optimistic that Kabila will agree to share power in a transitional government similar to that of South Africa. Meanwhile, Washington has permitted the spigot of official finance to be turned back on for the first time since the early 1990s when Mobutu's arrears stretched even the tolerance of the World Bank and IMF.

The Administration will pay lip service to democracy as long as the next transitional government of the DRC provides access to its resources. For now, the US will put its support behind Kabila. If Kabila refuses the US access to its markets, expect the US to form allegiances elsewhere.

Economics

**Note: The United States and Belgium were chosen as the international role-players that would address economic/investment issues for a few primary reasons. First, both the US and Belgium are main trading partners of the DRC (see pages 10-11 of background issues paper). Secondly, the US was chosen due to its influence in resolving disputes worldwide and Belgium was chosen due to the unmistakable Belgian influence over, and involvement with, the diamond industry in the DRC. Additionally, the DRC is a former Belgian colony.*

1. The DRC must take steps to end the illegal exploitation of natural resources and other forms of wealth.

The US believes the existing certificates of origin or product certification regimes, including the certification scheme now in the process of being implemented under the Kimberley Process* are adequate for the purposes of stemming illegal trade.

*(*The US supports the Kimberley Process, which is chaired by South Africa had its origins in the decision of Southern African countries to take action to stop the flow of "conflict" diamonds to the markets, while at the same time protecting the legitimate diamond industry. The Kimberley Process involves more than 30 governments, the European Community, the diamond industry and civil society and has been establishing minimum acceptable international standards for national certification schemes relating to trade in rough diamonds. It is hoped that the certification scheme will stem the flow of rough diamonds from rebel-held*

conflict areas, in support of the existing UN Security Council sanctions, thereby contributing substantially to peace efforts.

The first meeting held to discuss the trade in conflict diamonds took place in Kimberley, South Africa, in May 2000 at the initiative of African producing countries. This technical experts' meeting was followed by meetings in Luanda, London, Windhoek and a ministerial stocktaking session in Pretoria in September 2000.

The UN General Assembly endorsed the work of the Kimberley Process in its Resolution 55/56, which was adopted on 1 December 2000. The resolution was co-sponsored by 48 states and was unanimously adopted. After the adoption of the Resolution, more states world-wide joined the Process. It therefore became known as the "expanded" Kimberley Process.

On 29 November 2001 the Kimberley Process completed the first phase of its work. Ministers from participating states meeting in Botswana declared that the detailed proposals for the international certification scheme for rough diamonds proposed by representatives from government, the diamond industry and civil society, provided a good basis for the envisaged certification scheme. Participants are currently focusing their attention on implementing the scheme nationally. It is envisaged that the scheme will become fully operational by the end of 2002.

The proposed control system will not only contribute to peace but will also protect the legitimate diamond industry. Less than 4 % of global diamond production is regarded as 'conflict diamonds', while a number of developing countries that are major producers and processors of diamonds depend heavily on the legitimate diamond industry for their economic and social development.)

Source: www.kimberleyprocess.com

2. The US joins Belgium, emphasizing the re-establishment of the State's authority throughout the territory of the Democratic Republic of Congo as essential to combating illegal exploitation. Furthermore, capacity building is needed to help achieve the re-establishment of the State's authority.

Humanitarian Issues

The U.S. does not have a prominent position on humanitarian issues. Follow the view of the UN.

MAIN OBJECTIVES

- Urge the DRC's neighbors to stop pillaging the economic resources of the DRC.
- Do not commit U.S. troops to the help resolve the conflict in the DRC.
Allow South Africa to monitor the conflict and intervene if necessary.
- Promote the Kimberly process to stop the sale of conflict diamonds.

TEAM SCENE SETTER

Belgium

BACKGROUND

Belgium has had a long history of rule in the DRC and seeks to maintain a relationship with the country. In exchange for extracting the mineral resources of its colony, Belgium offered schools, roads and Christianity. Belgium admitted in February 2002, that it played a part in the assassination of Patrice Lumumba, the DRC's first Prime Minister. The motivation for the assassination was to retain some control over the country's resources. Belgium denied playing any part in the assassination until last year, when new evidence collected by a parliamentary commission last year confirmed the direct role of Belgian agents in carrying out and covering up the murder. Belgium has denied the dark side of its colonial past in the Congo. But the Royal Museum for Central Africa is opening an exhibit in the fall of 2004 shedding an honest light on that period of history.

In September 2002, Belgian Primer, Guy Verhofstandt said he was optimistic that the Congolese peace process would be completed by the end of the year and offered monetary incentives to the DRC to set up a working administration. Details of the incentive plan are unknown.

On November 20, 2002, the DRC's petition against Belgium will be heard at the International Court of Justice. The Belgians got an arrest warrant for acting Foreign Minister Yerodia Adboulaye Ndombasi for war crimes and crimes against humanity allegedly committed when Mr. Yerodia made public calls for the Congolese population to kill members of the Tutsi ethnic group at the start of the rebellion against President

Laurent Kabila in August 1998. The DRC says that the new universal jurisdiction law, which allows Belgium to bring cases in its courts which have little or no connection to Belgium, violates the DRC's sovereignty.

VIEWS OF OTHER PARTICIPANTS

The DRC seeks a peaceful solution to the conflict. The government would like to retain power in some form. The government believes that the joint business ventures it has undertaken in cooperation with Zimbabwe are legitimate businesses.

Uganda has agreed to pull its troops out of the DRC and has already begun to do so. The MLC's stated purpose is to release the country from tribalism, move toward democracy and build normalized institutions.

Rwanda has agreed to pull out its troops from the DRC and has already begun the process. Rwanda is still concerned with disarming the Hutus who are using the DRC as a base. The RCD's stated goals are to stop people from wasting the resources of the DRC and to bring peace and stability to the country.

ISSUES

Security

Security is not Belgium's main issue. Follow the lead of the United Nations on this issue.

Powersharing

Democratization is not Belgium's main issue. Follow the lead of the U.S. and South Africa on this issue.

Economics

1. Belgium believes that the Burden of ensuring transparency in commercial and financial flows or supply chains should be borne primarily by private companies and should be based on either voluntary measures or the OECD Guidelines for Multinational Enterprises. However, Belgium is the sole supporter of imposing targeted sanctions against businesses or individuals profiting from the trade in “conflict goods”.

Note: Interestingly, of the 85 business enterprises considered by the UN to be in violation of the OECD Guidelines for Multinational Enterprises, 21 are Belgian companies. Belgium leads all other countries, with its total of 21 violators.

Belgium also believes the re-establishment of the State’s authority throughout the territory of the Democratic Republic of Congo as essential to combating illegal exploitation. Furthermore, capacity building is needed to help achieve the re-establishment of the State’s authority.

2. The DRC must establish an open and free market economy where:
 - a. Investors are welcomed
 - b. Currency and tax systems are legitimized and regulated

Humanitarian Issues

Humanitarian issues are not Belgium’s main issue. Follow the views of the UN.

MAIN OBJECTIVES

- Promote the welfare of Belgian businesses by working to remove them from the UN’s list of illegal businesses in the DRC.
- Seek to re-establish the DRC’s authority throughout its territory in an effort to stop exploitation of resources and growing of legitimate businesses.

TEAM SCENE SETTER

African Union

BACKGROUND

The African Union, formerly the Organization for African Unity, states as two of its main goals that it will promote the cessation of conflict and help build economic prosperity. The AU knows that the conflict in the DRC is an important stumbling block for Africa, both in terms of the instability it brings to the region and because of the vast mineral wealth of the DRC. The AU sees the DRC as a potential key to attracting private investors to Africa and boosting the economic growth of the continent.

The AU also says that it is in favor of building democratic institutions and bringing the rule of law to the African continent. The AU also promote cohesion among the peoples of Africa, one of the major problems over which this conflict is being fought. The AU no doubt sees that playing a role in the cessation of conflict in the DRC would bring the AU legitimacy and favor with the international community. It would probably also bring much needed aid to the region.

VIEWS OF OTHER PARTICIPANTS

The DRC seeks a peaceful solution to the conflict. The government would like to retain power in some form. The government believes that the joint business ventures it has undertaken in cooperation with Zimbabwe are legitimate businesses.

Uganda has agreed to pull its troops out of the DRC and has already begun to do so. The MLC's stated purpose is to release the country from tribalism, move toward democracy and build normalized institutions.

Rwanda has agreed to pull out its troops from the DRC and has already begun the process. Rwanda is still concerned with disarming the Hutus who are using the DRC as a base. The RCD's stated goals are to stop people from wasting the resources of the DRC and to bring peace and stability to the country.

ISSUES

Security

Security is not the African Union's main issue. Follow the lead of the UN on this issue.

Powersharing

Powersharing is not the African Union's main issue. Follow the lead of the US on this issue.

Economics

Economics is not the African Union's main issue. Follow the lead of the US and Belgium on this issue.

Humanitarian Issues

The international community is very determined to push the humanitarian issues. They need to see a solution for the refugee and IDP problems. Currently, the UN places gender mainstreaming very high on its agenda. The issue of child soldiers is likely to receive much attention, especially after the Sierra Leone example.

It remains difficult to have comprehensive reporting on the humanitarian situation, particularly in eastern Congo, due to the lack of field verification of many of the charges made. The UN Human Rights Commission needs extensive field research in order to make sweeping allegations. This is also relevant with regard to, not just current events but also to the process following up the massacres in Zaire (now DRC) during the 1996-97 war. Unsubstantiated allegations only feed rumor and fuel local desires to check Tutsi (and Hutu) aspirations by whatever means perceived to be necessary. Ironically, this situation increases impunity and vigilant justice. It also makes coercion more difficult by exacerbating intercommunal relations, particularly when false or exaggerated allegations pass as fact. The African Union's position is much aligned with the UN position on humanitarian issues.

MAIN OBJECTIVES

- Push to ensure that humanitarian issues are seriously considered during the negotiations. Seek to ensure that child soldiers and gender mainstreaming get sufficient attention.

* In reality, the interests of Angola and Namibia would also be represented, but have been left out for the purposes of this role-play. Angola is concerned with security of its borders, making sure that the UNITA rebels who have been using the DRC as a base from which to attack Angola are disarmed and disbanded.

Appendix A

MAPS

DRC Provinces

- [http://www.reliefweb.int/w/fullMaps_Af.nsf/luFullMap/571BBF92E664E57085256B81007B1CD9/\\$File/drc_afpop0102.pdf?OpenElement](http://www.reliefweb.int/w/fullMaps_Af.nsf/luFullMap/571BBF92E664E57085256B81007B1CD9/$File/drc_afpop0102.pdf?OpenElement)

Additional Map of DRC available at:

- <http://www.un.org/Depts/Cartographic/map/dpko/monuc.pdf>

TIMELINES

CNN TIMELINE

- <http://www.cnn.com/2001/WORLD/africa/01/17/congo.timeline/index.html>
- BBC TIMELINE
<http://news.bbc.co.uk/2/hi/africa/1072684.stm>

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- news.bbc.co.uk/2/hi/world/Africa/1136470.stm
- <http://www.nytimes.com/library/world/africa/020600africa-congo.html>

Background note: DRC

- www.state.gov/r/pa/ei/bgn/2823.htm

Background Note: Uganda

- www.state.gov/r/pa/ei/bgn/2963.htm

MONUC Background

- www.munoc.org/eng/onmonuc/background/EN_bacground.asp

UN REPORT ON DRC

- http://www.monuc.org/downloads/12th_report_monuc.pdf

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Comparative Democratization Process

- <http://democracy.stanford.edu/>

RCD Governance Position Papers

- <http://www.congorcd.org/political/pospapers.htm>

The Inter-Congolese Dialogue

- http://www.drcpeace.org/docs/doc244_1.pdf

“Peace in Congo – The Way Forward”

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International Peace Academy – “Peacebuilding in the Democratic Republic of Congo” by Dr. Musifiky Mwanasali

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Rwandan Repatriation

- <http://www.rwanda.net/english/News/news112002/news11032002.htm>

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<http://www.usatrade.com>

<http://www.mbendi.com>

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<http://www.fao.no/piccr/globwitn/gwzimbab.pdf>

<http://www.congorcd.org/political/pospapers.htm>

HUMANITARIAN ISSUES:

REFUGEES AND IDP

<http://allafrica.com/stories/200211190276.html>

<http://acc.unsystem.org/scn/Publications/RNIS/rnis22/drcongo.html>

Available at www.ICRC.org:

[1951 Convention relating to the status of refugees](#) and [1967 Protocol](#)

[1967 Convention governing the specific aspects of refugee problems in Africa](#)

[Guiding principles on internal displacement](#)

World Health Organization:

<http://www.who.int/disasters/emergency.cfm?emergencyID=8&doctypeID=2>,

reporting on 4 November 2002 on a cholera outbreak

WOMEN

Sexual Violence against women and girls in eastern Congo: report: Human Rights Watch, June 2002: <http://www.hrw.org/reports/2002/drc/> : Csete, Joanne and Juliane Kippenberg, "The War Within the War: sexual violence against women and girls in eastern Congo.

See also: <http://www.womensenews.org/article.cfm/dyn/aid/1014/context/archive>

Human Rights Watch WAR CRIMES IN KISANGANI:

The Response of Rwandan-backed Rebels to the May 2002 Mutiny

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<http://www.ichrdd.ca/english/commdoc/publications/women/congo/womenRDC-War1998-2001Eng-A.html>

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"Report Says Women Targeted during India's Violence":

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CHILD SOLDIERS

www.icrc.org under humanitarian law > children in war

http://www.hrw.org/press/2001/05/congo_soldiers0529.htm

<http://www.hrw.org/children/child-legal.htm>

[The Draft Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts](#)

[The ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour](#)

[Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts](#)

[Declaration on the Protection of Women and Children in Emergency and Armed Conflict](#)

[Relevant Treaties and Resolutions from the Coalition to Stop the Use of Child Soldiers Webpage](#)

[Children in Armed Conflict and Displacement: The Convention, Treaties and International Agreements \(CRIN Webpage\)](#)

Appendix B

INVESTMENT IN THE DEMOCRATIC REPUBLIC OF CONGO: BACKGROUND ISSUES

I. Introduction:

When President Clinton announced the Partnership for Economic Growth and Opportunity in Africa in 1997, he spoke of a new era dawning in the states of sub-Saharan Africa where democracy and free markets are becoming the driving force.

The United States, to the extent possible, should assist this transformation by helping to integrate Africa's nascent free market democracies into the global economy, Clinton said. At the time, the instability of Congo made it seem more of an economic risk than many other Sub-Saharan countries. In 2002 however, the prospect of peace and democracy in Congo make it an attractive candidate for private foreign investment.

"An Africa that is gaining vitality while technology, trade, communications, and travel are bringing millions into the global economy is a continent of greater stability, growing markets, stronger partners," the president said. Five years after President Clinton spoke these words, Congo is now poised to make its contribution to the Africa that is a continent of greater stability and growing markets.

Clinton's partnership initiative had five key elements: further opening U.S. markets to African products, increasing technical assistance to Africa, encouraging more investment in Africa, reducing the debt burdens of the poorest reforming countries, and holding annual high-level meetings between African and U.S. officials. "Our initiative opens the door to real, positive change," said Clinton. But, he added, only the African countries "carrying out serious reforms will reap the full benefits." The Democratic Republic of Congo has not carried out the types of serious reforms that President Clinton spoke of, and, in fact, a UN Report dated October 16, 2002 suggests that the level of economic corruption and fraud in the DRC is much greater than commonly known.

In terms of a role-play to resolve the conflict in the DRC, the level of economic corruption linked so closely to government would prompt the US and other international players to urge sweeping and systemic changes to the economic climate in the DRC. Ultimately, changes to the economic situation in the DRC will encourage and attract foreign direct investment due to the resource potential that the country possesses. In turn, as foreign investment continues and increases thereby drawing the DRC more

legitimately into the global economy, greater governmental stability and security should result.

II. Background information on foreign direct investment in *Africa Generally*

Source: United Nations Conference on Trade and Development Fact Sheet.

A. *A friendlier business environment*

Where is the best place to get a high return on your foreign direct investment (FDI)? The surprising answer is Africa, judging by data for African affiliates of United States transnational corporations (TNCs). Their FDI returns in Africa have averaged 29% since 1990. The profitability of their African affiliates has been consistently higher in recent years than that of affiliates in most other regions of the world, including those of the developed countries. In 1997, profitability was 25%, compared with a world average for United States foreign affiliates of 12%. Japanese companies also did much better in Africa than elsewhere, returning 6% on FDI in Africa in 1995 as against a 2% world average. A number of major corporations have already taken advantage of Africa's investment opportunities as indicated by the testimonials below.

B. *Why Africa dropped behind*

Nonetheless, FDI in Africa has increased only a little in recent years. Locational decision makers in many firms, and investment advisers of TNCs, have been slow to see the changing economic realities in many countries of Africa. Political events in a number of African countries have for a long time discouraged foreign direct investors. On their TV screens, company executives have seen civil unrest, starvation, epidemic diseases and economic disorder. Investment conditions until the early 1990s discouraged many companies from setting up shop in African States, especially as some companies found themselves subjected to expropriation when political winds changed.

C. *How the stereotype is misleading*

While such problems persist in some African countries, the tendency to lump all African countries together in a single negative stereotype clearly gives a wrong impression. As the new UNCTAD study *Foreign Direct Investment in Africa: Performance and Potential* underlines, the more than 50 countries in Africa more than a quarter of the members of the United Nations vary widely in history, development, political systems and economic climate.

In the 1990s, regulatory and other reforms have been introduced by a number of governments to make their economies more attractive to foreign investors. Today, the regulatory conditions established in many African countries are on a par with those in other developing countries.

D. *Reforms and initiatives*

Among the steps to improve the FDI climate taken by African governments are:

- **Improved environment**
Trade liberalization, strengthening of the rule of law, improved legal and support institutions, better governance, improved transparency and better transport and telecommunications have helped make it easier to do business in many African countries. Over 40 African countries are now members of the WTO, with more in the process of joining.
- **Economic reforms**
Many African countries have stabilized their economies, sometimes through the devaluation of overvalued currencies. They are reducing inflation rates and cutting budget deficits. Others are raising educational standards and, more generally, upgrading their human resources.
- **Private sector encouragement**
Many countries are stimulating economic growth by making life easier for the private sector. At least 17 have broad-based privatization programs in place. When one looks at particular sectors, the number is even bigger: some 25 countries in sub-Saharan Africa are transferring all or part of their telecommunications ownership from the state to the private sector. In South Africa, for example, Telekom Malaysia, together with SBC Communications from the United States, has invested US\$1.2 billion in Telkom South Africa. The results of the privatization efforts in Africa are already visible. Countries in which privatization has attracted significant FDI include Ghana, Mozambique and Uganda.
- **Better FDI regulatory framework**
The great majority of countries have substantially improved their FDI regulatory frameworks. Many more countries now allow profits to be repatriated freely or offer tax incentives and similar inducements to foreign investors. Many African countries have investment promotion agencies (IPAs), to assist these investors. At the international level, 37 African States are now members of the Convention Establishing the Multilateral Investment Guarantee Agency (and seven are in the process of fulfilling their membership obligations), 42 are signatories to the Convention on Investment Disputes between States and Nationals of Other States, and 26 to the Convention on Recognition and Enforcement of Foreign Arbitral Awards. Fifty countries have concluded bilateral investment treaties aimed at protecting and promoting FDI, and 41 have signed double taxation treaties.

E. FDI front runners

Some countries that have been among the most active reformers have already attracted the attention of foreign companies, as demonstrated by the example of seven African countries that established themselves as "front runners" in attracting FDI. These are Botswana, Equatorial Guinea, Ghana, Mozambique, Namibia, Tunisia and Uganda. The dynamism of their FDI inflows now rivals other well-performing developing countries. Though the seven countries account for less than one tenth of the continent's population and GDP, they received one quarter of African FDI in 1996.

In addition to the front runners, several African countries have been good performers in the FDI stakes for a number of years, including Egypt, Morocco and Nigeria. When

adjusted for market size (FDI per US\$1,000 GDP), a number of small countries have also performed well. The figures show that even least developed countries, such as Mozambique, United Republic of Tanzania and Uganda, can be attractive to foreign investors despite their very low income levels.

Also, some of Africa's companies have themselves become TNCs, thereby showing that they are internationally competitive not only in terms of trade, but also in terms of international production. South African Breweries, for example, has now invested in 11 African countries, employing more than 7,000 people and is listed on the London Stock Exchange.

F. More than just natural resources

Contrary to common perception, FDI in Africa is no longer concentrated in natural resources. Even in oil-exporting countries, services and manufacturing are key sectors for FDI.

- At the beginning of the 1990s, the primary sector accounted for only a little over 30% of the total FDI stock in Nigeria, while manufacturing attracted almost 50% and services close to 20%.
- Tourism FDI represents the second largest FDI sector in Egypt, after manufacturing. Egypt is also attracting FDI in research & development related projects from companies such as Eli Lilly.
- Morocco's FDI receipts have increased five-fold in the past decade, to reach US\$1.1 billion in 1997, most of it in manufacturing and services.
- Since the 1980s, Mauritius has been attractive to foreign investors looking for a place to set up manufacturing plant, including plants for electronic equipment.

G. International initiatives

Countries outside Africa, as well as the United Nations family, are also contributing to the improvement of Africa's prospects as an attractive location for FDI. They have undertaken a number of measures to promote FDI into Africa and have facilitated access to their domestic markets. Measures to accelerate foreign debt relief are crucial in this respect, as a means of supporting economic growth in Africa. Official development assistance has a significant role in helping to build infrastructure and support domestic development generally.

International organizations are also active. UNCTAD, for example, undertakes investment policy reviews in African countries and, together with ICC, has launched a project on investment guides and capacity-building. MIGA carries out assessments of institutional capacity for a large number of IPAs and, primarily through its Promote Africa field functions, assists them to formulate effective strategies for attracting FDI.

III. The corporate view of Africa 1999

"Several key African economies are growing at an impressive rate, encouraged by growing political stability and financial prudence. Trade and exchange rate liberalization

are features of the reforms designed to facilitate international investment and to achieve a positive economic climate.”

-Dominic Bruynseels, Managing Director, Barclays Africa

"We are seeing a gradual improvement in the economies around the region and accordingly we are expanding our business in countries where we are already present as well as opening up in new countries. Over the last four years we have re-opened in South Africa and opened branches in Tanzania, Cameroon, Algeria and Uganda."

-Anjum Iqbal, Africa Division Executive, Citibank

"We seek unique opportunities for growing our business in Africa, and we have put in place a unique Africa Strategy to accomplish that. We have also invested heavily in Africa, forming several joint venture partnerships to further strengthen our system. We see great opportunities to market our products to sub-Saharan Africa's 600 million consumers."

-Carl Ware, Senior Vice President, The Coca-Cola Company; President, Coca-Cola, Africa

"Offices throughout the continent and decades of African experience give Marubeni a good understanding of the continent's rich opportunities. Each country brings its own challenges but, whether it be in commodity trading, infrastructure, agriculture-related projects or in other business, we believe our long-term perspective and sustained effort will pay dividends."

-Yuichi Ishimaru, Corporate Vice President, Director, Chief Executive for Europe and Africa, Marubeni Corporation, Japan; Managing Director, Marubeni Europe plc

"Nestlé, has invested and continues to invest in Africa. Its manufacturing operation started in South Africa in 1927 and now extends over 12 countries, operating a total of 30 factories throughout the continent. The company's policy is to produce locally for local markets using local raw materials."

-Michael W. Garrett, Executive Vice President responsible for Asia, Oceania, Africa and Middle East, Nestlé

"To feed rapidly growing populations, agriculture in Africa urgently needs higher crop yields. These can be achieved through the effective use of improved seeds, fertilizers and state-of-the art crop protection products. Our company is meeting these agricultural needs by assisting local private distributors in their efforts to reach and supply small-scale farmers with these inputs. Results of private distribution have been particularly encouraging in Egypt, Tunisia, Morocco, Kenya and Zimbabwe where new business opportunities have been generated. Our company is committed to the African market, with local manufacturing in Egypt, Ivory Coast and South Africa, local organizations in 13 countries and close partnerships in most other countries."

-Rudolf Guyer, Head BI Africa, Novartis Agro AG

"Partnership, economic investment and long-term commitment lie at the heart of the Royal Dutch/Shell Group's approach to business in Africa. Shell companies operate in 33 African countries, employ 15,000 African staff and have some US\$3.8 billion invested in Africa. They pay an estimated US\$1.5 billion in direct and indirect taxes to African countries. They are responsible for about a fifth of African oil production involving major investments such as Shell Nigeria's proposed US\$8.5 billion integrated investment plan for oil and gas fields in Nigeria. I believe that business can deliver African investment but more needs to be done to create the economic, social and political environment in which companies can flourish and succeed."

-Phil Watts, Group Managing Director, Royal Dutch/Shell Group of Companies

"Standard Chartered has great confidence in the underlying potential of Africa and is making significant investments in its Consumer Banking, Corporate and Institutional Banking and Treasury businesses. These businesses, employing 5,500 people, are available to customers in over 130 branches in 11 countries in sub-Saharan Africa. Standard Chartered is not just reinforcing its already strong presence in countries where it is a household name, but is also expanding into new markets, including Nigeria, where a branch will open later in 1999."

-Christopher Wheeler, Area General Manager, Africa, Standard Chartered

"Unilever's direct presence now extends over 13 countries, while Unilever products are on sale in nearly 40 countries in sub-Saharan Africa. The objective of Unilever in Africa is to offer quality products at affordable prices, made available everywhere, every day. Unilever is committed to developing the skills and knowledge of local employees."

-Manfred Stach, President, Africa Group, Unilever

"Private investors rather than governments are developing mobile telecommunications in Africa. The market is promising, as cellular services are an excellent alternative to the overstretched fixed networks that are in place in many countries. Vodafone places great emphasis on political stability in making investment decisions and is currently concentrating on developing its mobile telecom businesses in Egypt, Uganda and South Africa."

-Hans Kuropatwa, Director, Vodafone Group International

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III. Investment Climate in *Congo Specifically*

Sources: 1) UN 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), available at:

<http://daccessods.un.org/doc/UNDOC/GEN/N02/621/79/PDF/N0262179.pdf?OpenElement>

2) <http://www.usatrade.com>

3) <http://www.mbendi.com>

A. *Overview*

The current investment climate in the Democratic Republic of Congo is dismal. Compared to the foregoing descriptions of the growing investment opportunities in the rest of Sub-Saharan Africa, the Congo has much work to do and the role of foreign direct investment takes on an even greater importance. According to the UN 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), criminal groups linked to the armies of Rwanda, Uganda, Zimbabwe and the government of the Democratic Republic of the Congo have built up a self-financing war economy centered on mineral exploitation. Left to their own ways and free from private international financial and economic encouragement and pressure, there is little hope that these criminal groups will disband voluntarily.

Overall, the economy has been in decline since a policy of rampant nationalization was instituted in the mid-1970's, and the two wars fought in the country during the last four years have caused a sharp drop in economic activity. The current government views prosecution of the war effort as its first priority and has repeated many of the economic policy errors of its predecessor. Pervasive corruption, the lack of a functioning legal mechanism for conversion and repatriation of funds, macroeconomic mismanagement which has produced 500% inflation, a grossly unrealistic fixed exchange rate, and large and growing state debt to the local private sector are among the burdens companies

operate under in the DRC. The country is effectively partitioned into government and rebel controlled zones, cutting companies off from their holdings.

The future of the DRC investment climate remains uncertain. The Lusaka Agreement calls for a National Dialogue leading to new institutions. Successful implementation of the Lusaka Agreement will mean new "rules of the game" for investors. This will presumably represent a change for the better, but could disadvantage investors who conclude agreements in the late stages of the current political dispensation. If implementation of the Lusaka Agreement is not successful, the investment climate is likely to deteriorate even further in the short term. The long term outlook in the absence of implementation is unpredictable.

This report describes the investment climate in areas of the country under government control. Investors in other parts of the country are operating completely outside the authority of the recognized government of the nation, and can expect no recourse in the event of difficulties.

B. Openness to Foreign Investment

The government holds conflicting attitudes toward foreign investment. On the one hand, the government is aware that it desperately needs foreign investors to create jobs and to boost production, exports and government revenues. To attract foreign capital, it set up a new office at the Presidency to facilitate investment by helping investors overcome bureaucratic hurdles. On the other hand, many high officials exhibit xenophobic tendencies and vestigial Marxist distrust of international firms. Companies owned by expatriates (including fuel distributors, importers and banks) have been publicly accused of economic sabotage and blamed for inflation and fuel shortages.

Congolese laws governing investment, with only a few exceptions, do not differentiate between foreign and domestic enterprises. The investment code makes no such distinctions. Foreign-owned companies are subject to the same taxes and labor laws as existing firms. In 1999, however, the current government announced that it was reviving long-dormant regulations that reserved petty commerce to Congolese nationals and required all foreign companies to post a \$500,000 bond. While the government appears to have backed away from at least the latter requirement, this episode served as a reminder that a number of arbitrary, anti-foreign business measures adopted during the long reign of the previous regime remain on the books, and could be imposed at any time.

There are no formal limits on foreign ownership or screening mechanisms for foreign investment. However, in some of the sectors currently most attractive to foreign investors, such as mineral extraction and telecommunications, investors must compete for exclusive rights to finite resources, such as mineral deposits or bandwidth. The process by which permits are granted in such cases is not transparent and represents an arbitrary screening process.

There is no formal discrimination against foreign investors. All investors in Congo suffer

from multiple audits by various government enforcement agencies seeking evidence of violation of tax laws or price controls. Foreigners and Congolese alike suffer the consequences of nonfunctional judicial institutions.

However, it is important to note that according to the recent UN Report (S/2002/1146) there are three main politically and economically powerful groups (so called “elite networks”) operating in the Congo with whom the international investment community should be wary of dealing.

Specifically, the elite network of Congolese and Zimbabwean political, military and commercial interests that seeks to maintain its grip on the main natural resources—diamonds, cobalt, copper and germanium—of the government controlled area.

Additionally, the manner in which this elite network is exploiting these resources should be of concern to the international investment community.

UN Report (S/2002/1146) notes that the richest and most readily exploitable of the publicly owned mineral assets of the Democratic Republic of the Congo are being moved into joint ventures that are controlled by the network’s private companies. These transactions, which are controlled through secret contracts and off-shore private companies, amount to a multi-billion dollar corporate theft of the countries mineral assets. Some 30 businessmen, politicians and military officers are the main beneficiaries of the arrangements. The elite network has been trying to legitimize such corporate theft by marketing these assets to legitimate international mining companies. Clearly, reputable foreign investment interests should refuse to do business with this network of thieves.

C. Conversion and Transfer Policies

The Congo has a grossly overvalued official exchange rate, with essentially no hard currency available at the official rate. Investors seeking to convert local currency earnings are forced to operate on the black market or engage in complicated arrangements which amount to the same thing. While loopholes in regulations exist, such operations are at best legally questionable, and leave companies open to extortion by enforcement agencies.

Until January of 1999, dollars and Congolese francs circulated side-by-side in the DRC. In January, the Government decreed that all transactions must be conducted in Congolese francs (FC). This created difficulties since the official exchange rate, then 2.45 FC per dollar, was not a market clearing rate, and the Government had no reserves with which to support the national currency; the black market rate at the time was 3.2 FC per dollar. Until September 1999, black market currency exchange transactions operated relatively openly and the Congolese franc depreciated rapidly on the black market, reaching almost 16 FC per dollar in mid September. The official exchange rate was adjusted twice during the year, but remained only 4.5 FC per dollar in mid September.

In September 1999, reacting to a sharp drop in the parallel exchange rate and concerned about inflation, the Government of the DRC shut down non-bank money-changing

operations and announced that it was now illegal to possess foreign currency. It tightened import and export licensing regulations as well as regulations governing hard currency bank accounts. Since the fundamental problem (a shortage of foreign currency) remained, these measures were ineffective at combating depreciation and inflation, but accelerated the rate of economic decline. Since September 1999, a series of decisions have relaxed foreign exchange regulations. The government has also carried out two devaluations of the official rate. The relaxation of regulations has created some room for businesses to operate, but attempting to operate (more or less) within the law forces companies to engage in complicated and time-consuming practices. The gap between official and black market rates remains large, with the official rate standing at 23.5 FC per dollar in July 2000 while the black market rate stands at 60 FC.

The difficulties caused by foreign exchange regulations are compounded by price controls. Companies producing for the local market are periodically audited and forced to justify their prices. Since the imported content of their production was obtained at a black market exchange rate, auditors invariably come up with evidence of violations, which allow them to impose undocumented fines.

D. Expropriation and Compensation

During the 1970's, the Mobutu regime either nationalized Zaire's foreign-owned businesses or required that ownership be turned over to Zairians. Many foreign investors, however, maintained a significant role while taking in Zairian partners. Formal expropriation was not a significant factor during the last twenty years of Mobutu's rule.

Several American investors pursued expropriation claims under the U.S.-Zaire Bilateral Investment Treaty following looting during civil disorder inspired by military mutinies in 1991 and 1993. (See dispute settlement section below.)

Since Kabila came to power, some investors have lost their property through three different processes. The government created an "Office of Ill-Gotten Goods" which has seized privately held properties on the grounds that they were illegally obtained under the Mobutu regime, or in payment for allegedly unpaid taxes. One American investor's building was seized by this office, but later restored after Embassy intervention. In early 1999, several diamond mining companies, including two owned by Americans, had their concessions seized by the government and operated by government officials and soldiers. One of the mines was returned to its American owner after he negotiated a contract that provided the government with partial ownership. A third factor that has robbed investors of control over their property is the current war. Investors based in government-controlled territory have no communication with their properties on the other side of the country.

There is no evidence that American investors are discriminated against with regard to expropriation. Creeping expropriation has not been an issue in the DRC, although the generally harsh business climate has led many investors to abandon their activities in the

DRC. The only sector that appears to be particularly at risk for expropriation is diamond mining.

V. Specific Investment Prospects for Congo

A. Overview Chart of Foreign Trade in The Democratic Republic of Congo

Source : <http://jolis.worldbankimflib.org/Pathfinders/Countries/CD/cdforinv.htm>

Foreign Trade by Value (US\$ m; fob)		
	1997	1998
Exports	1,389.8	1,051.6
Diamonds	693.0	521.5
Copper and cobalt ^a	716.6	195.9
Petroleum	168.0	123.7
Coffee	253.1	113.3
Gold	10.9	1.6
Imports	807.4	546.3
Consumer goods	294.8	241.7
Machinery	129.4	99.5
Energy products	156.3	93.3
Raw materials	103.7	63.7

^a Gécamines production only. Source: IMF, International Financial Statistics.

Main Trading Partners (US\$ m)					
	1993	1994	1995	1996	1997
Exports to:					
Belgium- Luxembourg	409	590	629	634	553
United States of America	228	180	249	239	277
South Africa	80	100	101	119	108
Italy	55	86	142	74	48

Germany	36	33	59	62	42
Imports from:					
South Africa	106	108	214	252	192
Belgium- Luxembourg	134	152	209	232	165
Nigeria	50	52	58	64	71
Hong Kong	62	67	106	82	48
United States of America	39	44	85	81	42
Note: Based on partners' trade returns; subject to a wide margin of error. <i>Source: IMF, International Financial Statistics.</i>					

B. Best prospects for foreign investors to export non-agricultural goods into Congo

1. Used clothing and shoes

2. Telecommunications and computer equipment:
Poor domestic wired networks have encouraged the growth of cellular. Poor postal and package services have sparked interest in electronic document transit.

3. Refrigeration and air conditioning equipment:
Fluctuating current and heavy use raise demand for both new equipment and spare parts.

4. Electrical generators and distribution equipment:
Given the deteriorating and decentralized network, both individuals and firms are moving towards independent supplies.

5. Pharmaceuticals:
Basic, generic, antibiotics. The market has seen strong competition from south Asian producers and there have been recent outcries against the sale of outdated medicines.

6. Aircraft and related equipment:
Congo's air transport sector fills the gap in its poor land networks. Spare parts and used equipment is of particular interest.

7. Mining equipment:
Foreign mining companies have been cautiously returning to Congo since 1995,

although firm projects thus far have been few and small.

8. Forestry equipment:

As with mining, Congo has been seeing a slow reentry of players to a sector of enormous potential if export transportation problems can be resolved.

9. Agricultural equipment, herbicides, fertilizers:

Great agricultural potential but severe problems with rural roads and marketing systems. Potential sales are primarily to small farmers.

10. Four-wheel drive/off-road passenger vehicles:

Despite Japanese dominance, American-made vehicles in this category also enjoy a good reputation.

11. Road and building construction equipment:

An evident need and an oft-announced government priority, but financing is still questionable.

12. Cosmetics

C. Best prospects for foreign investors to export agricultural products into Congo

1. Rice: (Southeast Asian imports dominate the market, but American quality is appreciated.)

2. Wheat

3. Dried milk products:

The market is currently dominated by Dutch and South African imports

4. Processed tomato products

D. Prospects for foreign investors interested in the timber industry in Congo

Source: www.wrm.org.uy/bulletin/59/CongoDR.html

<http://www.fao.no/piccr/globwitn/gwzimbab.pdf> = Branching out:
Zimbabwe's resource colonialism in the Democratic Republic of Congo.

The Democratic Republic of Congo contains over 50 percent of Africa's remaining tropical forests; of its 2.3 million square kilometres, nearly half is forestland. Only Brazil and Indonesia have larger areas of tropical rainforest. The main species exported from DRC in 1998 were Sipo, Sapelli, Tola, Iroko, Afrormosia, Tima and Wenge. The main importing countries were Portugal, Germany and France. The export of timber is now more difficult to estimate and track, in part because much of the wood leaves the country via Congo Brazzaville, Cameroon, or other neighbouring countries.

The resumption of more organised logging activities will be linked to the return of a measure of political and economic stability. Efforts have been made to facilitate a peace process in the region, and there is now increased calm in the country.

In light of recent efforts to find enduring political solutions, foreign investors are re-gaining their confidence, and are returning to invest in the timber industry in DRC. Joseph Kabila has actively engaged with international financial institutions, and an IMF manager stated that there were good prospects for intensifying cooperation between the IMF and DRC. Kabila and the World Bank are supporting an economic strategy that rests to a very large degree on the extraction of the rich natural resources that exist in this enormous country.

VI. Suggested Steps for the Democratic Republic of Congo to take to promote foreign direct investment:

A. Codification of a restrictive view of foreign sovereign immunity.

1. The goal of this suggestion is to increase accountability and end the impunity enjoyed high ranking-officials and various levels of civil servants.

B. Establish an open and free market economy where

1. Investors are welcomed
2. Incentives for speedy rate of investment are built-in the investment codes

C. Speed the rate of economic development

Increase the rate of Capital Formation through:

1. Governmental Savings
2. Measures to Increase Private Savings
3. Provision of Greater Assurance of the Security of Holdings of Savings and
4. Promoting Political and Economic Stability

D. Development of new investment codes

1. Establish an Expert Investment Commission to develop new investment codes

for the DRC.

2. Solicit comments from potential investors on such investment codes
3. Finalize investment codes and aggressively pursue investment opportunities.

E. Increase the Quality of the Labor Force

1. Improve public health services
2. Improve education system
3. Improve existing educational infrastructure for children and women
4. Improved roads and cheap public transportation

Source of D-G: <http://www.congorcd.org/political/pospapers.htm>

Appendix C

**Background Paper on humanitarian issues caused by
the conflict that should be addressed**

International law, being created by states, is now changing from being state orientated to being focused on human rights, the protection of human rights, and on seeking accountability of those individuals, not merely states, who are responsible for violations of the above rights. War and war-like conflicts seem to go hand in hand with brutalities and flagrant violations of the law and human dignity. International humanitarian law is concerned with the protection of civilians, combatants and persons *hors de combat*. Hostilities in armed conflict inevitably have the strongest effect on the most vulnerable people that are present in the area where the conflict is taking place. Three vulnerable groups that have been identified by the international community as in need of extra protection are refugees and internally displaced persons (IDP), women, and children. Many international treaties seek to protect refugees and IDP, United Nations strives to mainstream a gender sensitive policy in all UN institutions, and most recently the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict has entered into force. The following addresses the humanitarian problems that arise in each of the areas controlled by the elite parties (as described below) in the DRC. Also the international legal regime applicable to refugees and IDP, women, and children is identified.

Refugees and Internally Displaced Persons (IDP)

I. Introduction of current situation

A trademark of armed aggression has been the targeting of whole villages with excessive violence, brutally raping and murdering of its inhabitants, removing livestock, food and other property and dispersing the residents. After the genocide that occurred in Rwanda in 1994 the DRC (previously Zaire) absorbed over a million Rwandan refugees. Some fled from the atrocities and some fled for the possibility of being prosecuted. The refugee camps that have been established along the border shelter both military and civilian populations. Amongst the persons living in the refugee camps those that were responsible for committing the genocide, *genocidaires*, were able to escape retribution and carry out small-scale attacks into Rwanda.

Refugees are people who have fled their countries, while displaced persons are those who have not left their country's territory. Thousands of displaced people are scattered in villages along the roads without food, shelter, housing, clothing and other basic needs and each day more arrive. Even today (11/19/2002) reports come in of hundreds of people that are again arriving in North Kivu Province in eastern Democratic Republic of the Congo (DRC) following fierce fighting between two rebel armies for control of Bafwasende and Niania in the neighbouring Orientale Province. The Rassemblement congolais pour la democratie-Kisangani-Mouvement de liberation (RCD-K-ML) of Mbusa Nyamwisi seized Bafwasende and Niania from Roger Lumbala's RCD-National forces; triggering a mass exodus to Luna, Eringeti and Beni, the main town in northern Nord Kivu Province and Nyamwisi's base.
(<http://allafrica.com/stories/200211190276.html>)

The total number of refugees and IDPs in DRC is estimated to be 585,000. This number does not take account of the unknown number of Burundi and Rwandan refugees who remain unaccounted for since the dispersal of refugee camps in Eastern DRC (then Zaire) in 1996. This number could be as high as 200,000. There are at least 23,000 Rwandan and Burundi refugees remaining in Eastern DRC. A UN investigation team, sent to look into allegations of human rights violations in Eastern DRC began work on 8 December 1997, after weeks of delays.

The number of refugees from Congo/Brazzaville in DRC increased in October until there were estimated to be 40,000 in the country. Most of these people were living with families in Kinshasa and approximately 10,000 were housed in Kinkole camp outside of Kinshasa. A measles epidemic broke out in Kinkole camp in early October. Immunisation campaigns were immediately undertaken. Since the end of hostilities, voluntary repatriation has begun, and the number of refugees remaining in DRC is currently estimated to be 30,000.

Current estimates are that there remain 23,000 Burundi and Rwandan refugees in Eastern DRC [WFP 17/10/97]. Many feel there are up to 200,000 who are still unaccounted for. Insecurity caused by clashes between rebel groups and government forces have led to internal displacement in Eastern DRC of over 100,000 people. There are a number of other refugee and IDP populations in the DRC: internally displaced from Shaba, Angolan refugees, Sudanese, and Ugandan refugees. (<http://acc.unsystem.org/scn/Publications/RNIS/rnis22/drcongo.html>)

II. The international law governing refugees and internally displaced persons

International instruments that govern the rights and protection of refugees and internally displaced persons are the 1951 Convention Relating to the Status of refugees, the 1967 Protocol, the 1967 Convention governing the specific aspects of refugee problems in Africa, and the Guiding Principles on Internal Displacement.

The 1951 Convention relating to the Status of Refugees is the key legal document in defining who is a refugee. Furthermore it assesses what their rights are and what legal obligations rest on states in this respect. Amongst many others Burundi, DRC, Rwanda and Uganda are state parties to both the 1951 Convention and the 1967 Protocol. The 1967 Protocol removed geographical and temporal restrictions from the Convention.

Key issues that need to be dealt with are malnutrition, health & epidemic problems (the World Health Organization has recently reported on a cholera outbreak, see WHO website: <http://www.who.int/disasters/emergency.cfm?emergencyID=8&doctypeID=2>), asylum rights, minority rights.

Position of women

I. Introduction of current situation

Violence against women increased with the intensity of the conflict. All parties to the conflict have used rape as a weapon of war and women have reported many assaults

by RCD, RPA, Mai-Mai, AliR and government forces. It is used in a pre-meditated manner to force a population into submission through the subjugation of the women or to push communities for supposed loyalties. Sexual assaults are combined with extreme acts of violence that all carried out with total impunity. An exact estimate of how many women have been affected is difficult. Due to cultural inhibitions many victims are reluctant to speak, however in an estimate by Human Rights Watch in one territory during a short period of time (end 1999 and mid-2001) around 3,000 women have been raped.

Sexual Violence against women and girls in eastern Congo: report: Human Rights Watch, June 2002: <http://www.hrw.org/reports/2002/drc/> : Csete, Joanne and Juliane Kippenberg, "The War Within the War: sexual violence against women and girls in eastern Congo.

See also: <http://www.womensenews.org/article.cfm/dyn/aid/1014/context/archive>

Human Rights Watch WAR CRIMES IN KISANGANI:

The Response of Rwandan-backed Rebels to the May 2002 Mutiny

<http://hrw.org/reports/2002/drc2/>

International Centre for Human Rights and Democratic Development

"Women's Rights Violations During the Conflict in the Democratic Republic of the Congo,":

<http://www.ichrdd.ca/english/commdoc/publications/women/congo/womenRDC-War1998-2001Eng-A.html>

Also see Women's Enews, May 27, 2002:

"Report Says Women Targeted during India's Violence":

<http://womensenews.org/article.cfm/dyn/aid/921/>

Sexual crimes committed in conflict situations are most of the time the 'underdog', regarded as secondary offences or side effects of warfare. It is important to emphasize that the notion of rape as a violation of honour, rather than as an act of violence, obscures the violent nature of the crime and inappropriately shifts the focus toward the imputed shame of the victim and away from the intent of the perpetrator to violate, degrade and injure. Women in DRC are severely victimized and desperately demand an effective response from the international community to the atrocities that have occurred.

II. Prohibition of rape and sexual violence under international humanitarian law and women's rights

Despite the clear prohibition of rape and sexual assault by international law, no conventional or other international instrument defines this international crime. Rape and other crimes of a sexual nature are explicitly prohibited in the Geneva Conventions of 1949 and the two additional protocols. Article 27 of the Fourth Geneva Convention (Geneva Convention Relative to the Protection of Civilian Persons in Time of War, adopted 12 August 1949) applicable to international armed conflicts provides: "Women shall be especially protected against any attack on their honor, in particular against rape,

enforced prostitution, or any form of indecent assault.” Similar provisions can be found in Article 76 (1) of Protocol I and in Article 4(2) (e) of Protocol II. (Protocol I Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, entry into force 7 December 1978 and Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-international Armed Conflicts, entry into force 7 December 1978). The latter applies in situations of non-international armed conflict.

In the Statute of the International Criminal Court rape and outrages upon personal dignity are explicitly listed as separate offences under War Crimes in Article 8 paragraph 2 (b) sub-paragraphs (xxi) and (xxii). Many interesting reports on this issue can be found on the United Nations website (www.un.org), one of which is: Contemporary Forms of Slavery: Systematic Rape, Sexual Slavery and Slavery-like Practices During Armed Conflicts, Report of the High Commissioner for Human Rights, 27 June 2000, E/CN.4/Sub.2/2000/20

Another very important document which is often described as an international bill of rights for women is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979 (UN General Assembly).

III. Recommendations

Gender mainstreaming through national institutions

It is imperative that any attempt to improve the situation of women in DRC finds its way through regional systems even though it is based on international law notions. An enforced westernized model that does not succeed in its goals or survives simply because it does not meet the needs and demands of the situation at hand would not be suitable for its purpose. Gender mainstreaming should take place in at all levels and in every aspect, such as equitable treatment under and access to the justice system, access to education, work, and health care. Gender mainstreaming benefits economic development, community development, and creates healthier and more wealth for families.

Adequate protection and legal redress

Victims of sexual crimes in armed conflict rarely have access to adequate legal redress. It is unimaginable for them to simply call the local police to report the crime and expect to have that crime properly investigated. In many cases institutions such as the World Bank finance projects relating to access to justice, empowerment of women, and gender mainstreaming.

Deterrence and Prevention

The foundations of gender-based violence lie in the low status which women and girls have in society. To end the cycle of sexual violence and discrimination, which are aggravated in armed conflicts, the equal rights of women in society must be promoted and protected. Without the full equality and participation of women in the economic, political and cultural life of their societies, any measures taken to prevent the systematic rape and sexual slavery of women during armed conflict, in fact any form of gender-based violence, will fail.

A critical and practical point of consideration in deterrence of future crimes against women is related to the many women that stay in refugee camps. In refugee camps there should be a separation between different parties and between men and women in order to prevent further attacks within the compound. Women due to their weaker position are often victimized, get less relief than male refugees (or in return for sexual favors), and are subject to nightly retributions. Furthermore, there should be a facility where people can have their story registered. This will facilitate future justice and prevents the disappearance of anonymous victims.

Medical assistance

In a report submitted by the High Commissioner for Human Rights, the Committee on the Elimination of Discrimination against women recommends specific legislative and structural steps to shelter women from attacks and abuse. Further, it is suggested to provide women who are victims of violence with comfort, assistance, advice, guidance and information concerning legal redress. (Report of the High Commissioner for Human rights, on: *Contemporary Forms of Slavery; Systematic rape, sexual slavery and slavery-like practices during armed conflicts*, E/CN.4/Sub.2/2000/20. These recommendations relate to the women suffering under attacks from terrorist groups in Algeria, however, they are equally relevant to the situation in DRC).

Child soldiers

I. Introduction of current situation

The issue of child soldiers surfaced when 700 young recruits from the Bunia area were discovered at a UPDF training camp in Tchakwanzi, Uganda. Of this group 165 recruits were between 14 and 16 years of age. The demobilization of the children received a lot of attention. Also recently, the Governor of Bunea revealed that 60 per cent of recruits in training for the extremist Hema militia were under the age of 18. (see report at 24)

Children have particular needs and are particularly vulnerable. Important issues that rise in connection with child soldiers are age limitations to determine when a person is a child, accountability of the child soldier, and rehabilitation of child soldiers. The controversy in the law and circumstances relating to these issues is the fact that the child soldier is both a victim and a perpetrator.

II. International law governing child soldiers

International humanitarian law gives children special protection and sets a minimum age for participating in hostilities. The international law that deals with the issue of child soldiers consists of the 1949 Geneva Conventions and the 1977 Additional Protocols, the Convention on the Rights of the Child of 20 November 1989, The Optional Protocol to the Convention of the Rights of the Child on the Involvement of Children in Armed Conflict of 25 May 2000 (entry into force 12 February 2002), the ILO Convention 182 on the Worst Forms of Child Labour of 1999 (particularly articles 1 and 3), and the African Charter on the Rights and Welfare of the Child of 1990. (For the text of these treaties see www.icrc.org under humanitarian law > children in war).

The Convention on the Rights of the Child (CRC) establishes the definition of a child. When dealing with the applicable legal regime for children and armed conflict the Convention defers to the Geneva Conventions and Additional Protocols. In the CRC all provisions apply to children of the age of 18 and younger. However, the deferral to the Geneva Conventions creates a discrepancy with regard to the age limitation that has been set. Under Geneva law a child is allowed to participate in hostilities from the age of 15 and older. Participation from the age of 15 to 18 it is permissible under certain conditions, such as voluntary participation, no conscription etc. The part of the Geneva Conventions that applies to internal armed conflict is Common Article 3 which offers a more narrow protection than the other provisions of the Geneva Conventions which applies to international armed conflict. Thus, it seems that children between the age of 15 and 18 may participate in hostilities and therefore may be held liable for crimes they commit. However, the most recent Optional Protocol to the CRC on children and armed conflict reiterates a child as a person of the age of 18 and younger. Thus it prohibits the participation of children in hostilities. Pay attention to the language of the protocol: is it an obligation or a recommendation? This is relevant in cases of prosecution under national law.

The ILO Convention qualifies the use of children as soldiers in war and other hostilities as one of the worst forms of forced labor. The Convention also qualifies a person under the age of 18 as a child. With regards to age the ILO Convention uses the CRC definition.

The African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, agrees with international standards and the CRC, under its provision 18.

III. Accountability of child soldiers

The case of forced child soldiers has been addressed for the first time in the context of the Special Court for Sierra Leone. The Special Court deals with the issue of child soldiers under specific provisions. It is focused on children between the ages of 15 to 18. The fact that they can be held liable is yet very controversial. However, it has been expressed that the overall goal is to prosecute those with the most responsibility. This is formulated in the introduction and the objective of the Statute of the Special Court. This has been interpreted to mean the leaders, those who forced the children to take part in the hostilities. Definitely the prohibition is clear on the age of 15 and below. Also the way of recruitment is taken into consideration. The persons that can be deemed responsible can be prosecuted for the war crime of forcibly recruiting children. (the prosecutor of the Special Court has stated not to prosecute the children themselves).

The International Criminal Court also has jurisdiction to prosecute the conscripting and enlisting of children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities, under the war crimes provision, article 8 (xxvi), of its Statute. (unless the signatory State to the ICC Statute decides to prosecute the offender(s) itself).

IV. Recommendations and Rehabilitation

The battle to help the child soldiers is not just limited to preventing recruitment, but extends to rehabilitation. There are many reports issued on the psychological effects on children. The international community gives a strong push for rehabilitation. Even when children were to be prosecuted the punishment should be in the form of rehabilitation.

(http://www.hrw.org/press/2001/05/congo_soldiers0529.htm)

Of the many recommendations that have been made, the recommendations on the issue of child soldiers by Human Rights Watch are the most comprehensive:

To the RCD-Goma

- Issue and enforce clear orders to all RCD-Goma forces to stop the recruitment, abduction, training, and use of child soldiers. Demobilize, disarm, rehabilitate, and return to their homes all current child soldiers.
- Stop all forcible recruitment into the forces of RCD-Goma and allow recruits who do not wish to be in the armed forces to leave.
- Insist that the inter-departmental commission on the demobilization and reintegration of child soldiers established by RCD-Goma on May 15, 2000 begin to function effectively and allocate the necessary resources for it to do so.
- Allow MONUC and UNICEF access to military and local defense training camps.

To the Government of Rwanda

- Issue clear instructions to all Rwandan soldiers operating in the DRC to stop the recruitment, abduction, training and use of child soldiers in the armed forces of RCD-Goma or in the RPA and demobilize, disarm, rehabilitate, and return to their homes all current child soldiers. Those suspected of recruiting children should be arrested, investigated, and punished according to the law
- Issue clear instructions to all Rwandan soldiers operating in the DRC to stop all forcible recruitment of persons for RCD-Goma or RPA forces and allow recruits who do not wish to be in the armed forces to leave.
- Sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict without reservations, and submit upon ratification, a binding declaration establishing a minimum age of at least eighteen for voluntary recruitment.
- Ratify the 1991 Rwandan signature of the African Charter on the Rights and Welfare of the Child.

To the International Community

- Vigorously and publicly denounce the recruitment, abduction, training, and use of child soldiers and all forcible recruitment by all sides to the conflict in the DRC.
- Urge all parties to the conflict to initiate and make operational disarmament, demobilization, and rehabilitation programs for children, including the RCD-Goma inter-departmental commission on demobilization and reintegration of child soldiers, in accordance with their instruction of May 15, 2000, and assist with required funding.
- Provide political, financial, and technical support to civil society organizations focusing

on human rights and particularly those monitoring the problem of child-soldiers.

- Support the Office of the United Nations High Commissioner for Human Rights Field Office in Congo and increase its monitoring and technical assistance programs. In particular, the U.N. Office should be given the necessary support to place field officers in RCD-held eastern Congo and throughout government territory.

- Support and increase the human rights monitoring programs of MONUC.

(See HRW Report at <http://www.hrw.org/reports/2001/drc3/>)

Appendix D

Press Releases



Thursday, Negotiation day, 2003

“Uganda officers plunder DR Congo”

KAMPALA, Negotiation Day +4(AFP) - Kampala has criticized a UN report on plunder in the Democratic Republic of Congo (DRC) without directly denying allegations that Ugandan military officers were continuing to enrich themselves in the neighbouring country.

In a statement received by AFP on Thursday, Foreign Minister James Wapakhabulo welcomed the report's release but said it contained several "flaws", "factual errors", "hearsay" and "uncorroborated information."

But Wapakhabulo did not explicitly deny claims in the report, presented to the UN Security Council on Monday, that Ugandan army officers were among a score of senior officials exploiting the DRC's minerals, timber and wildlife.

Uganda had claimed it was ceasing its exploitation of the DRC minerals in response To previously issued UN reports.

The New York Times

ON THE WEB

AP WIRE

Date: 1/01/03

Rwandan forces have won control of town in the east of the Democratic Republic of Congo (DRC) with allied forces from the DRC's main rebel group, the RCD, sources from both armed groups said Wednesday.

The town, Kazimya, near Lake Tanganyika, had been a stronghold of Hutu militia from Rwanda and Burundi as well as of pro-Kinshasa Mai Mai fighters.

"We took Kazimya on Monday and chased the Interahamwe and Mai Mai forces to the south," an official of the Congolese Rally for Democracy (RCD) said, referring to Rwandan Hutu extremists and DRC tribal warriors.

Two Rwandan army battalions and one RCD battalion took Kazimya, according to a Rwandan officer.

DRC President Joseph Kabila had pledged to cease the support of the *interhamwe* and to round up, disarm and relocate these forces, whose presence in eastern DRC prompted Kigali to deploy thousands of troops there in 1998.

In a bid to end the devastating civil war that ensued, Rwandan President Paul Kagame promised in return to pull all of his troops, estimated to number more than 200,000, from the DRC.