

LORD BRETT



Minister in the Government Whips Office
Government Spokesperson for the Foreign Office

The Lord Chidgey
House of Lords
London
SW1A 0PW

05 March 2010

I am writing to follow up the Lords debate on the Democratic Republic of Congo (DRC) opened by yourself on Wednesday 3 February. The debate was attended by Lord Alton of Liverpool, Lord Sheikh, Baroness Cox, Lord Avebury, and Baroness Rawlings. Firstly, I must thank you all for your interest in the DRC. It is a measure of your concern that so many valuable questions were asked during the debate. I intend now to answer all of those questions that were raised that I was unfortunately not able to reply to on the day.

MONUC and the East

There were many questions about the role of the UN, particularly MONUC in the conflict in the East. Baroness Rawlings asked whether we are confident in the UN's strategy to tackle the conflict in Eastern DRC and whether MONUC was in need of more troops. MONUC currently has 21,000 troops on the ground in DRC which we believe is adequate. We are confident that MONUC does broadly speaking have the right strategy. Although both MONUC and FARDC (Congolese Army) have been relatively successful against the FDLR, the humanitarian cost of operations in the region up until now has been unacceptably high, and we are pleased to see joint operations enter a new phase.

A strategic review of MONUC will be carried out by Alan Doss, UN Special Representative of the Secretary General, which is due to be presented to the Security Council in April. The outcomes of this strategic review will feed into the renewal of the MONUC mandate in May 2010. It is hoped that the next five months leading up to the renewal of the MONUC mandate will be used to

House of Lords, London, SW1A 0PW. Telephone 0207 219 6151



help set the conditions for an altered UN presence after 31 May. We will be engaged throughout this process and will work to ensure MONUC is given a mandate that best allows it to bring stability to Eastern DRC

While the UK does not envisage an imminent drawdown of troops, the strategic review will provide an opportunity to reconfigure MONUC's resources to meet the future challenges. We hope in time that conditions will allow a phased drawdown.

Lord Alton asked whether we are pressing for the better planning of operations between FARDC and MONUC, including the sharing of intelligence information on key figures wanted for war crimes and the creation of joint protection teams for civilians. With the ending of operation Kimia II on 31 December opportunities for MONUC civilian and military teams to penetrate further into areas that have seen conflict will increase. It is too early to say how effective they will be, but these joint teams are seen as the way forward and support the return of state authority and Disarmament, Demobilization, Repatriation, Resettlement and Reintegration (DDRRR) efforts.

You asked about the extent of UK practical support to MONUC. The UK is a major financial contributor to MONUC through its UN peacekeeping obligations, which will be in the region of USD100m this financial year. The UK also funds communication equipment used by MONUC in its DDRRR work. During the course of 2009-10, the UK, through the Africa Conflict Prevention Pool (ACPP), provided \$391,000 for direct support to MONUC DDRRR operations. This went on: Enhanced Targeted Sensitisation to Repatriate FDLR Commanders; Capacity Building of Local Radio Stations in Dungeni and Yambio; Communications Support; Information System Support; Assessment of FDLR/FOCA Strength and Chain of Command; Enhancement of Information Operations; Project Administration and Reporting; and the provision of DDRRR Military Adviser Col. Guy Deacon.

Lord Alton was also interested in whether the UK plans to provide helicopters to MONUC. I can confirm that there are no plans to provide helicopters bilaterally. We understand from MONUC that three Troop Contributing Countries are exploring the possibility of providing additional helicopters.



Humanitarian Situation

Undoubtedly due in part to military operations, over a million and a half people are internally displaced in the east of DRC, dependent on aid and unable to return to their homes. Armed groups, in particular the FDLR, remain active and continue to commit human rights abuses.

Lord Avebury asked how one can reconcile the deterioration in the humanitarian situation reported by the UN, with their Humanitarian Action Plan for 2010. This Plan is needs based, and the reduction at the start of 2010 relative to the middle of 2009 is based on the DRC's needs as assessed by the broader humanitarian community. The Plans budget is reviewed mid year: in 2009 the budget was increased from \$831m - \$946m. Whilst a slight reduction in overall amount took place from mid 2009, the Plan for 2010 (\$837m) is still comparable to the original figure provided at the start of 2009 (\$831m).

The UK remains one of the leading humanitarian donors to the DRC with some £40 million in 2009 and already £39 million committed for 2010. The UK is also one of the most active humanitarian donors in DRC, chairing the Good Humanitarian Donor group. The UK will continue to monitor the evolving humanitarian situation throughout 2010 and can respond with additional support if necessary.

In answer to Lord Avebury asking whether President Kabila can deliver a sustainable peace with a reformed security sector that ensures respect for human rights. There is indeed a need to develop the DRC's state institutions and the international community needs to focus more on this. MONUC will continue to support the GoDRC in protecting civilians where it lacks the capacity to do so. The international community and MONUC are actively pursuing security sector reform with a view to ensuring that these institutions comply with human rights norms. The GoDRC has also launched its own initiative to tackle impunity, which we continue to support. UNSCR 1906 was designed to facilitate progress in these areas and the GoDRC is expected to have made significant progress on this by the end of the mandated period - May 2010.

International and local NGOs are shifting their programmes to deliver emergency humanitarian assistance direct to returning populations. Under its new mandate, MONUC's focus is more clearly on protecting civilian populations, and their military presence in the field is more flexible, with temporary operating bases being established weekly. The international community, including through MONUC is putting pressure on the FARDC to reduce human rights violations and bring those accused of abuses to justice. Ultimately, reducing the threat posed by the FDLR - through military



pressure and other means - will help reduce one of the major causes of insecurity in eastern Congo.

Baroness Rawlings and Lord Sheik were interested in what steps we are taking with EU partners to arrest FDLR leaders and supporters who live in the UK, and to disrupt the financing of the FDLR. HMG is actively engaged across the region and with international partners to disrupt FDLR networks and address the problem of FDLR leadership across Europe. We also provided assistance to the UN Group of Experts in the compiling of their report which named suspected members of the FDLR. We will be holding a meeting on Thursday 4 March on the FDLR where we will discuss this further.

In the debate many rightly pointed out that the regional nature of the conflict in Eastern DRC requires engagement for a comprehensive solution. Baroness Rawlings asked about discussions with other countries in the region about their role in the conflict; Lord Alton raised the issue of armed groups from other countries looting Congolese resources. The recent rapprochement between Rwanda and DRC was an important step towards promoting regional stability and we continue to engage with both governments on this. We are also engaged in continuing dialogue with the governments of Rwanda, Burundi and Uganda over the issues of exploitation of natural resources in the Great Lakes region.

You asked about the steps the UK has taken to encourage the Governments of DRC and Rwanda to pursue the temporary resettlement of FDLR combatants. Work on this has so far been directed towards permanent settlement in Rwanda. The Government of Rwanda has co-operated fully with the reintegration process into Rwanda so the temporary settlement solution, beyond a short processing period, has not been explored (delays in transferring former combatants and families have occurred due to the lack of helicopters in the theatre at that time).

Mining and Mineral Sector

Recent events in the DRC demonstrate that poor governance of natural resources can act as a significant contributing factor to the resurgence of violence, but they are not the whole story. Violence is motivated principally by political considerations, and the absence of DRC government control over its territory. Resolving these issues will help undermine illegal armed groups operating in the region and reduce the pressure they exert on natural resources.

It is important that DRC's mineral wealth is brought under legitimate control, both as a source of much-needed revenue for the state and to restrict



financial support to illegal armed groups. However, this is an extremely complex situation. The minerals sector is a cornerstone of the regional economy and efforts to sever the links between minerals and conflict will have to consider the potential impact on the local community.

I can confirm that UK representatives raise the question of FARDC units and commanders engaging in mineral trafficking regularly with the Minister of mines. While operations Kimia II and Amani Leo are geared in part towards wresting control of mines away from armed groups and giving them back to civilian groups, we recognise that elements of the FARDC are a part of this issue also.

I can also confirm that the UK fully supports the work of the UN Group of Experts who have led investigations into the companies and individuals benefiting from the illicit trade in natural resources. We have stayed in touch with the Group of Experts and have fully cooperated with all requests for cooperation. We take our obligations under sanctions very seriously and will not hesitate to support sanctions against any person or company against whom there is sufficient evidence, including UK-based companies or individuals. We expect all companies operating in the minerals sector in the DRC to follow high standards of due diligence, and to try to establish the route through which the minerals they buy have passed. We will continue to take reports that they are not doing so seriously, and will assess in each case whether there are grounds to consider recommending to UN partners that sanctions measures be imposed or supporting proposals for listings made by other States.

You and Lord Alton asked about what steps we have taken in the UK to pave the way for legitimate companies to operate in DRC with transparency and social responsibility, through, for example, more effective methods of monitoring and controlling supply chains used by UK firms operating in developing countries. We fully support the OECD guidelines and are actively engaged in OECD research into creating due diligence guidelines for companies operating in developing countries. We encourage British companies trading in natural resources from DRC to do so in a way which is socially, economically, and environmentally responsible, and to adhere to the voluntary guidelines set out by the OECD.

You asked what assistance HMG is providing to the DRC to develop legislation on due diligence to international standards and about DRC's commitment to EITI (Extractive Industries Trading Initiative). We understand that DRC will be able to sign up to EITI. The DRC ministry for mines and international donors are working to this end.



Our strategy for DRC places a strong emphasis on greater transparency and better management of the minerals sector, including in Eastern DRC. We are strong supporters of DRC efforts to fully implement EITI. With the deadline for validation fast approaching, we are working very closely with the DRC's National EITI Secretariat, the World Bank, Germany and Belgium to ensure that a credible validation report is produced for presentation to the International EITI Secretariat by the 9 March 2010 deadline. A validator was approved by the DRC National Executive Committee for EITI on 14 January 2010 and is expected to start work the first week of February. DFID staff in Kinshasa will help facilitate the work of the validator as much as possible. Together with the World Bank and the DRC Ministry of Mines we are currently developing a multi-year mining sector reform programme ('PROMINES') which aims to transform the way the sector is managed. PROMINES includes provisions for ongoing support to EITI implementation, but the nature of this assistance will crucially depend on the outcome of the validation process.

You wanted to know what guarantees we have received from the Congolese Government about the transparency of the Sino-Congolese deal and the management of the income to the DRC. The "Infrastructure for Resources" deal between the Chinese and Congolese governments will bring a much needed upfront investment in infrastructure for the DRC. This will be crucial for broad based economic development and growth. However, the international community - including DFID and the EU - had serious concerns that the size of this deal (originally \$9bn) would compromise DRC's longer term debt sustainability; with such concerns the international community was unable to approve an IMF programme for the DRC, which in turn had implications for progress towards debt relief. In late 2009, the Congolese and Chinese governments agreed a set of changes to this deal and the international community, including DFID, has seen the amended contract. The deal is now compatible with longer term debt sustainability in the DRC as confirmed by joint World Bank and IMF analysis. The World Bank is working with the government to ensure that the infrastructure projects selected represent maximum value for money. Roads projects will be a significant proportion of these. DFID has worked with the Ministry of Infrastructure to produce guidelines (about to be passed into law) that will minimise the social and environmental impacts of these (and other) road projects.

Lord Avebury asked about the recent agreement made by the CNDP to remove its roadblocks and whether they will handover control of the areas, such as Bisie the largest Cassiterite mine in eastern DRC, under its control. According to MONUC, the removal of the roadblocks is contingent upon various CNDP political party demands (integration of administrative staff and appointment of CNDP to senior government positions). These have yet to be met, so it seems that there has been little progress so far. However DRC



Government forces are now in control of the Bisie mining area and the government is making efforts through STAREC, their stabilisation plan for Eastern Congo, to demilitarise Bisie and increase government control.

We share Lord Avebury's concerns about control over mining areas in the DRC and we agree that the Strategic Review of MONUC should address the eventual demilitarisation of mining areas. In the most recent UN resolution concerning sanctions in the DRC (UNSCR 1896), the UN tasked the Group of Experts to draw up recommendations for guidelines for the exercise of due diligence in mineral industries. The Group of Experts was also tasked to focus its efforts on North and South Kivu, Ituri and Orientale Province. UNSCR 1896 reaffirms the UN's commitment to the sovereignty and territorial integrity of the DRC, but stresses that it is the primary responsibility of the Government of DRC to ensure the security of its territory.

SCR 1906, which sets out MONUC's mandate, has tasked the Secretary General with producing an impartial report of the situation on the ground as seen by the wider UN team operating in the DRC. The UK has made its position clear on this question and we would hope that the report would consider this important issue.

In answer to Lord Alton's question about the timetable for the implementation of the guidelines set out in resolution 1896, the Group of Experts was tasked with providing recommendations for guidelines for the exercise of due diligence. We expect them to do so by 20 October 2010. The recommendations would then need to be discussed and agreed by the Committee before implementation could be considered.

Human Rights

You asked whether the Government supports the call by Human Rights Watch and others for the international community to assist with measures to strengthen military justice in the DRC and for the creation of a special chamber to prosecute violations of international humanitarian law. The work being done on SSR includes the strengthening of military justice systems: DFID have allocated £60 million to be spent over five years on projects to increase accountability of the defence, police and justice sectors through strengthened oversight mechanisms, technical assistance and training. We agree that prosecution of human rights abusers and an end to impunity is an essential step in tackling human rights abuse and we fully support the investigations of the International Criminal Court (ICC) in DRC. We continue to press the government of DRC to hand over Bosco Ntaganda to ICC investigators.



On this same subject Lords Alton, Avebury, and Sheik asked for an update on Bosco Ntaganda and Laurent Nkunda. We have followed developments in the case of Nkunda and discussed them with both the Rwandan and Congolese governments. We understand that this matter is currently the subject of negotiation between them. Nkunda is not the subject of international criminal proceedings. We continue to lobby the government of DRC to hand Bosco Ntaganda over to the ICC.

I can confirm that the information requested by the UN Group of Experts regarding the FDLR leadership based in the UK has now been provided. We fully support the work of the UN Group of Experts and have cooperated fully with their enquiries. There was a short delay in supplying some phone numbers due to legal requirements related to privacy laws, but these have now been delivered.

We share Lord Sheik's concern over the situation for women in DRC. The Democratic Republic of Congo (DRC) is one of the most gender inequitable countries in the world and has some of the highest rates of sexual violence. Sexual violence is now widespread, with the use of rape as a weapon of war commonplace. With the ongoing conflict in Eastern DRC, sexual violence is used to humiliate and intimidate women and men of all ages, tearing up families and whole communities. The UN are currently reporting an increase of 30% in the number of rapes in South Kivu due to the military operations. Most of these rapes are being committed by the Congolese national army (FARDC). Most cases of sexual violence are committed by armed forces and groups against women and girls; although a recent Médecins Sans Frontières report from Ituri (September 2007) shows that 2-4% of sexual violence cases are against men and boys.

The international community is united in condemning the high levels of sexual violence, and the UK has played a vocal part in bringing HMG concerns to the attention of ministers and the president himself. This is echoed by nearly all visitors to the DRC. The APPG for the Great Lakes of Africa Region have been particularly active in lobbying for action on this. An HMG DRC Sexual Violence strategy has been developed and focuses our action on four levels:

- Prevention: Provision of Human rights training for elements within the FARDC; awareness raising of provincial authorities on sexual violence issues and implementation of the new DRC sexual violence legislation (Law passed in 2006).
- Medical and psychosocial response mainly through humanitarian partners. Provision of post exposure (PEP) kits and surgical



interventions for those in need. The Pooled Fund has helped treat more than 23,000 victims in 2007.

- Judicial – provision of legal support to victims and support for accompaniment through the criminal justice process.
- Advocacy to generate political action by Government. The issue of sexual violence is raised on a regular basis by HMA and others to senior members of the government to generate political will to tackle the issue.

In answer to Lord Alton's concerns about street children in DRC, unfortunately there are no statistics in existence on the number of street children living on the streets of Kinshasa, and it is extremely difficult to estimate this number given the insecurity and vulnerability of this group. We have not monitored conditions in Angenga and Buluwo prisons. MONUC reports that there is no evidence that street children from Kinshasa have been imprisoned in Buluwo prison. They are still investigating whether street children are imprisoned in Angenga.

Education is an important part of our aid spend in DRC. There are at least 5 million Congolese children out of school. We have recently begun a major programme to help the Government of DRC reduce, and eventually eliminate, school fees in order to get more children into school. The first phase of implementation at a cost of £19m is currently underway.

LRA

Baroness Cox asked what the Government is doing to encourage a joined up regional effort across UN missions e.g. information sharing to tackle the LRA and whether representations have been made to the UN Secretary General about the creation of a regional political office to focus on the LRA.

Countries in the region (Uganda, DRC, and South Sudan) are already undertaking joint military operations to pursue LRA fighters across the entire region and to bring an end to their campaign of atrocities. We would like to see the UN increase its existing support for these operations though increasing the organisational co-operation between its peacekeeping missions in the region. It is also crucial that each mission to exercise their mandates for civilian protection to the fullest extent, and shares information on LRA activity in its area with other missions and countries in the region. We continue to impress upon the UN how important it is for existing UN missions in the region to work together effectively.



We have not made any further representations to the UN Secretary General on the LRA since the Security Council's discussion of the LRA on 17 November 2009. In addition to the Secretary General's suggestion of a regional political office, we think that co-ordination could be enhanced further by each mission gathering and sharing information on LRA activity to ensure that the regional UN presence in the area of operation of each mission is fully aware. It is also crucial for each mission to exercise their mandate for civilian protection to the fullest extent.

In answer to Lord Alton, we support the joint military effort led by the Ugandan People's Defence Force (UPDF), and we fully support the work of the ICC to arrest Joseph Kony.

In addition to the military effort Baroness Cox asked what steps are being taken with the Government of DRC to develop political and social welfare approaches to the problem of the LRA and what steps have been taken to ensure aid relief for victims, for the rescue and rehabilitation of abductees and for the reconstruction of devastated communities. We have also encouraged MONUC to focus on non-military action to increase surrender of LRA. The UK has provided funding to MONUC's DDRRR of £244,000 in 2009/2010. Areas of support relevant to LRA included:

- Capacity Building of local radio stations in Dungu and Yambio
- Communications Support
- Information System Support
- Enhancement of Information Operations
- Project Administration and Reporting
- DDRRR Military Adviser

The overall purpose of these projects was to increase the operational capacity of DDRRR and promote the disarmament, demobilization and repatriation of LRA combatants wishing to surrender in the context of ongoing joint military operations and by decreasing the presence of foreign armed groups contribute to the stabilisation of the DRC.

Finally Baroness Rawlings raised the issue of what steps we are taking to monitor the demarcation of oil reserves in Lake Albert to ensure the exercise does not lead to regional antipathy. The Governments of Uganda and the DRC agreed in 2007 to undertake this exercise jointly, after a series of border disputes. At the request of both Governments, we have provided historical information on the border. However, the Government of Uganda also indicated that they would not need any further assistance with this exercise. The oil companies who are involved in exploration and excavation in Uganda, are well aware of the sensitivities around Lake Albert, and have been careful to ensure that exploration has not been too close to the border.



I hope this letter answers all your questions. A copy will be deposited in the library of the House of Lords and sent out to the following peers: Lord Alton of Liverpool; Lord Sheikh; Baroness Cox; Lord Avebury; Baroness Rawlings.

Yours ever

Jim

LORD BRETT