



Security Council

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Letter dated 27 May 2025 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to refer to the letter dated 23 May 2025 addressed to you from the Permanent Representative of Rwanda, in which he reacted forcefully to the note verbale sent by my Government to the Secretariat of the International Conference on the Great Lakes Region (ICGLR), which I informed you of in my letter dated 21 May 2025.

My Government's note verbale was a response to the note verbale sent by the ICGLR Secretariat dated 16 May 2025, informing all ICGLR member States, including Rwanda, of the outcome of the extraordinary meeting of ministers in charge of mines of the ICGLR member States, held at the Mulungushi International Conference Centre in Lusaka, Republic of Zambia, on 2 May 2025.

Paragraph 2 of the ICGLR note verbale reads: "The Secretariat of the International Conference on the Great Lakes Region (ICGLR) wishes to inform the ministries that, following receipt of the report of the 30th meeting of the ICGLR Regional Committee against the Illegal Exploitation of Natural Resources, held from 28 to 30 April 2025 in Nairobi, Republic of Kenya, the extraordinary meeting of ICGLR ministers in charge of mines adopted the report and decided that an investigation into the allegations should be carried out by an ad hoc commission of inquiry, as described in the attached terms of reference" (see annex I).

Paragraph 1 (c) of the terms of reference for the investigation and preventive measures requested by the Democratic Republic of the Congo to address the smuggling of minerals into Rwanda states that the Audit Committee, at its 26th meeting, selected option two, namely, the establishment of an ad hoc commission of inquiry composed of two members of the Audit Committee and one member of the Regional Committee, all representing the three member States currently using the Regional Certification Mechanism, excluding the Democratic Republic of the Congo and Rwanda, namely, Burundi, Tanzania and Uganda, and that the commission should be provided with financial and technical support to carry out an investigation and, if necessary, recommend feasible actions based on the outcome of the inquiry (see annex II).

In addition, the terms of reference set out the objectives, scope, method of work and deliverables of the investigation, the duration and composition of the commission of inquiry, confidentiality and ethics, expected outcome and reporting requirements (see annex II).

While I will not comment on the ramblings of Rwanda, a country that habitually refuses to accept the facts, I note that Rwanda has already lost the battle for the truth.



My Government stands behind its note verbale and invites you to review the two documents annexed to the present letter, in order to ascertain the relevance of the information they contain.

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

(Signed) Zénon Ngay **Mukongo**
Ambassador
Permanent Representative

Annex I to the letter dated 27 May 2025 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Note verbale

The Secretariat of the International Conference on the Great Lakes Region (ICGLR) presents its compliments to the ministries of foreign affairs/external relations/regional integration of the ICGLR member States and has the honour to inform them that the ministers in charge of mines of the ICGLR member States held an extraordinary meeting on 2 May 2025 in Lusaka, Republic of Zambia, to examine the report of the ICGLR Regional Committee against the Illegal Exploitation of Natural Resources on allegations of mineral smuggling from the Democratic Republic of the Congo to the Republic of Rwanda and to discuss and agree on the best approach to resolve the problem.

The ICGLR Secretariat wishes to inform the ministries that, following receipt of the report of the 30th meeting of the ICGLR Regional Committee against the Illegal Exploitation of Natural Resources, held from 28 to 30 April 2025 in Nairobi, Republic of Kenya, the extraordinary meeting of ICGLR ministers in charge of mines adopted the report and decided that an investigation into the allegations should be carried out by an ad hoc commission of inquiry, as described in the attached terms of reference.

Please find attached the report of the extraordinary meeting of ICGLR ministers in charge of mines and the report of the 30th meeting of the ICGLR Regional Committee against the Illegal Exploitation of Natural Resources.

The ICGLR Secretariat avails itself of this opportunity to renew to the ministries of foreign affairs/external relations/regional integration of the ICGLR member States the assurances of its highest consideration.

Bujumbura, 16 May 2025

Annex II to the letter dated 27 May 2025 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Terms of reference for the investigation and preventive measures requested by the Democratic Republic of the Congo to address the smuggling of minerals into Rwanda

1. Background and rationale

(a) The Secretariat of the International Conference on the Great Lakes Region (ICGLR) received two letters from the Government of the Democratic Republic of the Congo (No. 130.01/DD/0503/2025, dated 18 February 2025, and No. CAB.MIN/MINES/KPKM/00965/01/2025, dated 21 March 2025) requesting ICGLR, the Audit Committee and the Regional Committee on Natural Resources to investigate the alleged smuggling of minerals into Rwanda and to take protective measures to address this illicit exploitation of and trade in its minerals. The Government of the Democratic Republic of the Congo also informed Rwanda of the decision taken by its Ministry of Mines to classify as “red” all mining sites in Masisi territory, North Kivu Province, and Kalehe territory, South Kivu Province, due to the suspected exploitation of minerals by the Rwanda Defence Force and their M23 allies occupying those territories.

(b) The ICGLR Secretariat convened meetings of the Audit Committee and the Regional Committee on Natural Resources to examine and submit concrete proposals to the ICGLR council of ministers in charge of mines. The Secretariat put forward, for the consideration of the Audit Committee at its 26th meeting, three potential solutions to the concerns raised and requests made by the Government of the Democratic Republic of the Congo.

(c) At its 26th meeting, the Audit Committee considered and refined option two, which was to establish an ad hoc commission of inquiry comprising two members of the Audit Committee and one member of the Regional Committee, all representing the three member States currently implementing the Regional Certification Mechanism, excluding the Democratic Republic of the Congo and Rwanda, i.e. Burundi, Tanzania and Uganda, and to provide it with financial and technical support to carry out the requested investigation and, if necessary, recommend feasible measures on the basis of the outcome of the investigation.

(d) In addition, the Audit Committee recommended that the question and the related recommendations be submitted to the 30th meeting of the ICGLR Regional Committee on Natural Resources for consideration and subsequent submission to the extraordinary meeting of ICGLR ministers in charge of mines, due to take place on 2 May 2025 in Lusaka, Zambia.

2. Objectives of the inquiry

2.1 General objective

Identify any evidence of illicit exploitation and/or trade in minerals from the Democratic Republic of the Congo in order to establish proof of the alleged smuggling of minerals between the Democratic Republic of the Congo and Rwanda and thereby demonstrate non-compliance of the mineral supply chains in this area with the standards and requirements of the Regional Certification Mechanism. As indicated in section III, paragraph 35, of the Manual of the Regional Certification Mechanism, the Audit Committee is responsible for conducting independent investigations and reporting on systemic issues related to the purpose of the Regional

Certification Mechanism. In addition, the ICGLR Protocol Against the Illegal Exploitation of Natural Resources of 30 November 2006, by which member States undertook to combat the illegal exploitation of natural resources, gives the Regional Committee full authority to act effectively, on the basis of the powers conferred on it by articles 25 and 34 of the Protocol. Those articles empower the Regional Committee to launch in-depth investigations, gather concrete evidence and propose effective measures to combat illicit activities.

2.2 Specific objectives

(i) Assess all tin, tantalum, tungsten and gold (3TG) supply chains in Rwanda to identify those where the minerals come from sites in the Democratic Republic of the Congo exploited and/or controlled by negative forces.

(ii) Make specific recommendations to strengthen the governance and operational efficiency of the Regional Certification Mechanism among the States members of ICGLR.

3. Scope of action

The ad hoc commission of inquiry shall be responsible for the following:

(i) Investigating the allegations of 3TG smuggling between Rwanda and the Democratic Republic of the Congo, as provided for in articles 25 and 34 of the Protocol Against the Illegal Exploitation of Natural Resources and section III, paragraph 35, of the Manual of the Regional Certification Mechanism.

(ii) Proposing specific measures to be taken against individual exporters or member States on the basis of the evidence gathered and the outcome of the inquiry.

(iii) Agreeing on the investigation's objectives and regional scope, the documents to be examined and persons to be contacted, and a timetable for the inquiry.

(iv) Reviewing the remedial and protective measures proposed by the Government of the Democratic Republic of the Congo on the basis of the findings of the inquiry.

(v) Appointing an external expert with experience in similar types of investigations to help the commission to draft a detailed, concise, clear and practical investigation protocol to facilitate and expedite its work.

(vi) Mobilizing the financial and technical resources necessary to conduct the investigation through annual contributions from member States, to guarantee absolute regional independence and ownership of the process.

The investigation shall cover the financial years 2022 to 2024, and 2025 to date, and examine mineral supply chains in eastern Democratic Republic of the Congo and in Rwanda, as well as transit routes within member States.

4. Method of work

The method of work of the ad hoc commission of inquiry shall be the following:

(a) Conduct a review of the existing literature on the topic.

(b) Interview all parties involved in the Regional Certification Mechanism.

(c) Analyse all data on production, flows of minerals and exports to determine the compliance of parties involved in the Regional Certification Mechanism.

(d) Investigate the process for issuing ICGLR certificates from the Democratic Republic of the Congo and Rwanda to exporters.

(e) Investigate any flows of minerals (illicit or informal) between the Democratic Republic of the Congo and Rwanda.

(f) Prepare a detailed investigation report setting out findings, root causes, risks and recommendations.

Through the ICGLR council of ministers in charge of mines, the ad hoc commission of inquiry will request member States and those involved in the supply chain, including but not limited to exporters and mine operators, to provide documentation in line with the various obligations under the Protocol and the Regional Certification Mechanism, and hold meetings and interviews with key stakeholders (parties involved in the Regional Certification Mechanism, civil society and local community leaders). The information gathered will form the basis of the recommendations to be presented for decision to the ministers in charge of mines.

5. Deliverables

5.1 Draft investigation report: an interim report shall be submitted no later than 45 days after the establishment of the ad hoc commission. The report shall contain the preliminary findings and recommendations on provisional protective measures to be taken to address the allegations of mineral smuggling. The report shall be forwarded to the Audit Committee and the Regional Committee for comment.

5.2 Final investigation report: the final report, taking into account the comments of the Audit Committee and the Regional Committee, and containing clear and practical recommendations, shall be finalized no later than 90 days after the start of the investigation.

5.3 The final investigation report shall set forth the conclusions, observations and recommendations, which will be examined first by the Audit Committee, then by the Regional Committee, before being adopted by the decision-making bodies of ICGLR, namely, the council of ministers in charge of mines and the Regional Interministerial Committee.

6. Duration of the investigation

The investigation shall be carried out within 90 calendar days from the date of the first meeting of the ad hoc commission.

7. Investigative team

The ad hoc commission of inquiry shall comprise one member of the Regional Committee and two members of the Audit Committee, to be appointed by the Regional Committee from among the member States using the Regional Certification Mechanism, with the exception of the Democratic Republic of the Congo and Rwanda, to provide expertise on the audit process and mineral supply chains; one expert from a specialized ICGLR centre with investigative skills, to be appointed by the ICGLR Executive Secretary; and one civil society representative from the ICGLR regional forums, to be appointed by the ICGLR Executive Secretary.

8. Confidentiality and ethics

The members of the investigative team must maintain the strict confidentiality of all information provided and consulted during the course of the investigation and comply with the highest standards of professional ethics.

9. Expected outcome

A comprehensive assessment of the request made by the Democratic Republic of the Congo for an inquiry into and protective measures against regional mineral smuggling, in accordance with the applicable regulations.

10. Reporting requirements

The ad hoc commission of inquiry shall prepare its report and forward it to the Chair of the Regional Committee, with a copy to the ICGLR Executive Secretary. The report shall be available in all official languages of ICGLR.

The Chair of the commission of inquiry shall present the findings of the investigation to the Audit Committee and the Regional Committee on Natural Resources on the dates fixed for that purpose. Once the report has been considered, it shall be presented to the council of ministers of mines.

(Signed) Ambassador João Samuel **Caholo**
Executive Secretary of ICGLR
