



**International Convention on the  
Elimination of All Forms of Racial  
Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-first session

SUMMARY RECORD OF THE 1827th MEETING

Held at the Palais Wilson, Geneva,  
on Monday, 6 August 2007, at 3 p.m.

Chairperson: Mr. de GOUTTES

SUMMARY

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION  
SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE  
CONVENTION (*continued*)

Eleventh to fifteenth periodic reports of the Democratic Republic of the Congo

ORGANIZATIONAL AND OTHER MATTERS (*continued*)

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*The meeting was called to order at 3:10 p.m.*

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION  
SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE  
CONVENTION (agenda item 4) (*continued*)

Eleventh to fifteenth periodic reports of the Democratic Republic of the Congo  
(CERD/C/COD/15; CERD/C/COD/Q/15, CERD/C/COD/Q/15/Add.1)

1. *At the invitation of the Chairperson, the delegation of the Democratic Republic of the Congo took places at the Committee table.*

2. Mr. Lokwa ILWALOMA (Democratic Republic of the Congo) said that his country had over the last decade experienced recurrent wars that had caused massive and flagrant violations of human rights and fundamental freedoms as well as international humanitarian law. To end this tragic situation, the Congolese had begun negotiations that had led to the establishment of a transitional government. The government had held free and transparent democratic elections that had helped create new political institutions in which the issue of human rights and fundamental freedoms occupied a prominent place. Indeed, the Constitution of the Third Republic devoted more than 50 of its 229 articles to the issue of human rights and reaffirmed the country's commitment to human rights and fundamental freedoms. In his inaugural speech, the President of the Republic, Mr. Joseph Kabila Kabange, had proclaimed that the observance of human rights was, after democracy and good governance, the third pillar of the management of any modern state. Anxious to give concrete shape to this political will, the Ministry of Human Rights had spared no effort to develop several periodic reports for the various treaty bodies that monitor compliance with international and regional treaties.

3. In December 2005, the Transitional Government had organized a constitutional referendum that had led to the promulgation of the Constitution on 18 February 2006. With the support of the international community, the government established after the inter-Congolese political negotiations had called presidential elections and legislative elections at the national and provincial level that had led to the election of provincial governors. Following those elections, legitimate institutions had been established, namely, the President of the Republic, the two houses of Parliament, and the national and provincial governments and parliaments.

4. To maintain relations of good neighbourliness and a climate of peace and stability in the Great Lakes subregion, the Government had, on 15 December 2006 in Nairobi, signed a covenant on peace, stability, democracy and development in the Great Lakes region. The new political policy and institutional configuration that had emerged after the election had established in the Democratic Republic of the Congo favourable conditions for the declaration called for in Article 14 of the Convention.

5. In 2003, the Democratic Republic of the Congo had a population of some 60 million, belonging to 450 tribes. Besides French, which was the official language, four national languages were spoken in the Congo: Swahili, Lingala, Kikongo and Tshiluba. The economic situation had significantly deteriorated in the country, first because of the breakdown of bilateral and multilateral cooperation in the early 90s, and second because of the wars the Republic had endured over the past ten years. The situation had improved since 2001 and especially since the free, democratic and transparent elections in 2006. Politically, the Republic had had twenty-five years of one-party rule, followed by a transition period that resulted in

the holding of general elections in 2006. As regards the general human rights legal framework, the Republic had ratified 16 international and 4 regional human rights instruments. The Ministry of Human Rights was responsible for advising the Government on the promotion and protection of human rights. During the transition period, there had been a national human rights observatory, an independent public structure with a dual (legal and advisory) role in matters of promotion and protection of human rights. That observatory was no longer in being, but efforts were being made to restore it under the new Constitution.

6. The Democratic Republic of the Congo had a policy of integration of all racial groups, including through the recruitment to the public service and participation in public life. On 8 April 2002, delegates to the Inter-Congolese Dialogue had adopted a resolution on the protection of minorities that enshrined the equal rights of all Congolese communities and provided, where appropriate, for the adoption by the State of temporary incentives to accelerate and promote the equality of disadvantaged communities in accordance with Article 2 of the Convention. In Articles 10, 12 and 13, the 2006 Constitution established the principle of equality of all before Congolese law and the principle of non-discrimination. In Article 51, it established the obligation for the State to ensure and promote the peaceful and harmonious coexistence of all ethnic groups in the country. Article 61 laid upon every Congolese the duty to respect his or her fellow citizens, to treat them without discrimination and to maintain relationships with them that would help preserve, promote and strengthen national unity, respect and tolerance. The State had also adopted measures and criminal laws to prohibit and punish racial discrimination.

7. Since 12 November 2004, the Democratic Republic of the Congo had a new Congolese nationality law that incorporated modern standards of nationality law and international conventions and put an end to the social divide created in the country by the nationality question. Thus, under Article 4 of the law, all ethnic groups whose people and territory made up what, upon independence, had become the Congo, were to enjoy equal rights and protection under the law as citizens. The law set the conditions for the acquisition, loss and recovery of Congolese nationality. The Democratic Republic of the Congo had no shortcomings in its application of Article 4 of the Convention.

8. The ethnic and tribal conflicts referred to in the report, in paragraphs 69 and 70, had been easing, especially in Ituri, in particular because of the transfer to the International Criminal Court of the warlord Thomas Lubanga, the organization of a peace conference in Ituri and the implementation of the national disarmament, demobilization and reintegration programme in the region. The situation remained worrisome in the east, especially in the provinces of North and South Kivu, where fighting between armed groups had displaced some 700,000 people fleeing the persecution and human rights violations perpetrated by those groups. For that reason, the Government had sent an interministerial committee to the provinces of North and South Kivu to resolve the conflicts between communities.

9. Returning to some questions raised by the Rapporteur in the list of issues to be taken up sent to his country, Mr. Lokwa Ilwaloma said that the Congolese population was young: the 10-to-14-year-old cohort represented 13% of the population and the 5-to-9s 15.2%. The Constitution did not recognize any minority group in that it enshrined the principle of the equality of all Congolese before the law and strictly prohibited any form of discrimination. Non-governmental

organizations had been invited to participate in drafting the report but none had deigned to attend. Jurisprudence on racial discrimination was virtually non-existent for the simple reason that complaints of racial discrimination were rare among the offences referred to the courts. Article 10 of the Constitution established the oneness and exclusivity of Congolese citizenship, given the citizen's duty of allegiance citizen to his or her country and the legitimate concern that holders of another citizenship could act against the best interests of the Congo. Under sections 12 and 13 of the Constitution, which established and guaranteed the equality of all before the Congolese law and the principle of non-discrimination, the Republic did not recognize separate and special rights belonging to any specific category of citizens. Regarding the land question, all of the Republic's constitutions since 1967 had enshrined the principle that the soil and subsoil were the exclusive property of the State and rights thereto could be granted only under the conditions provided by law. Article 45 of the Constitution obliged the State to promote respect for human rights through education and teaching. No law to enforce that provision had yet been passed, as the National Assembly had had other priorities. Now that the institutions created through the electoral process were in place, development of such a law was a priority of the Ministry of Human Rights. There was a need to hold training seminars regularly, as it would take time to change mentalities that had been shaped by a political history marked by massive human rights violations. As regards radio programmes, they included programmes on civic-mindedness among the people and, in particular, on tolerance and peaceful coexistence between communities.

10. Regarding the concerns expressed by the Chairperson in his note of 18 August 2006 to the Permanent Representative of the Democratic Republic of the Congo to the United Nations Office at Geneva, Mr. Lokwa Ilwaloma provided the following details: Law No. 73-021 of 1973, the Land Code, had transformed all lands formerly held by local peoples into State lands. However, the right of enjoyment thereof had been granted to the people living on the land and cultivating or using it. Contrary to the assertions of some NGOs, the law had imposed, before a grant of land could be made, a duty to conduct a preliminary investigation designed to ascertain the nature and extent of rights possibly held by third parties on the land to be ceded, to determine possible compensation. Only the payment of compensation gave free and clear title to the land. The forest moratorium imposed in 2002 had been extended in 2005 by Decree No. 05/116 of October 2005, which laid down the procedures for converting old logging titles into logging concessions. In spite of the moratorium, logging had continued, to the clear detriment of local populations. The reason for that was that during the war the central government had lost control of much of the country and that the moratorium had been inapplicable in areas under rebel control. Since reunification, the Government had decided to transform the old logging titles into logging concessions, which had the effect of suspending the issuance of any new titles for the duration of the moratorium. Under a June 2007 order, the Ministry of the Environment had cancelled 12 titles granted to companies that had not requested conversion, as well as nine other titles granted under the October 2005 decree. That order had allowed the State to recover some 3 million hectares of forest.

11. Ms. DAH (Rapporteur for the Democratic Republic of the Congo) was pleased that the State party had resumed dialogue with the Committee after sixteen years of silence.

12. The Democratic Republic of the Congo had just weathered one of the most difficult periods in its history. Although the country was not fully pacified, it was to be hoped that the dark years were gone forever, that a page had been turned with the return to the rule of law, and that the ideals proclaimed in the Preamble to the Constitution of 18 February 2006 were now part of the daily lives of all Congolese. The stability of the entire region, and indeed the equilibrium of all Africa, were at stake.

13. The Democratic Republic of the Congo was the third largest country in Africa and, with some 60 million inhabitants, one of the most populous. Although in view of the natural resources on and under its soil the DRC must still be considered one of the richest countries in Africa and indeed the world, the reality was quite different. Thus, the State party had enormous potential, which could not, however, be fully exploited because its economy had been thrown into disarray or even ruined by multiple factors, such as looting, mismanagement and chronic instability.

14. The Sun City Agreement of April 2002 marked a crucial turning point, both because of the transformation of the Democratic Republic of the Congo into a state governed by the rule of law and because of its political leaders' determination to rebuild the economy.

15. Concerning the periodic report under consideration, Ms. Dah regretted that it had not incorporated the latest events the country had experienced since the end of the transition period, with the promulgation of the Constitution of 18 February 2006, and believed that most of the general information it contained would have been more appropriate in a core document, which had not been submitted. She therefore suggested the Congolese delegation refer to the Committee's guidelines for the development of initial and periodic reports and asked them to indicate whether such a document was being planned or under preparation.

16. Ms. Dah had questions about the importance of the Convention to the State party, an issue that was all the more important in that the country's stability and indeed its integrity had repeatedly been threatened by regional internal conflicts whose origins were tribal or ethnic. She also took it that the report had been prepared by the Interministerial Committee responsible for developing initial and periodic human rights reports that had been established by the ministerial decree of 13 December 2001 (para. 5) and asked its president, a member of the Congolese delegation, to provide information on how the report had been prepared and the relevant procedures and working methods.

17. Regarding the application of the Convention, Ms. Dah noted that the 60 million Congolese were divided into 450 tribes, further subdivided into five ethnic groups: Bantu, Sudanic, Nilotic, Hamitic and Pygmy (para. 105). However, noting that according to paragraph 17 of the periodic report, no ethnic group was in the majority, as all ethnic groups formed large groups with well-defined territories, she wondered whether that meant there were no minorities as defined in international conventions. If so, she also wondered how one should interpret Article 51 of the Constitution, which stated that the State had the duty to ensure and promote the peaceful and harmonious coexistence of all ethnic groups in the country and to protect and promote vulnerable groups and all minorities.

18. Regarding languages and dialects, Ms. Dah noted that there were some 250 spoken in the Congo, 90% being of Bantu origin, and that 4 had been given the

status of national languages: Swahili, Lingala, Kikongo and Tshiluba (para. 18). Recalling that Article 1 of the Constitution provided that the State would protect the other languages that were part of Congolese heritage, she asked how the State party ensured that protection in practice and saw to it that these languages would not disappear, together with the cultures they shaped.

19. Noting that Article 2 of the Constitution stated that the Democratic Republic of the Congo was made up of the city of Kinshasa and 25 provinces with legal personality, whereas formerly the country had been made up of 11 provinces, Ms. Dah asked the Congolese delegation to indicate by what logic that territorial division had been done and on what criteria, including ethnic or linguistic ones, it was based.

20. Ms. Dah was glad to observe that the Congolese authorities had planned to take a census in 2009, especially as the last one dated from 1970. She hoped that the census would more precisely capture some parameters that would be useful to the Committee, including the exact number of pygmies living in the Congo; according to some sources, their population was 10 to 20 times greater than the authorities estimated. She also hoped that the next census would assess the extent, distribution and impact of movements of refugees and displaced persons, as she imagined the Government could not fail to be interested in them, for reasons of security and economic development both.

21. Noting that the Congolese authorities had confirmed that national legislation did not contain any definition of racial discrimination in conformity with Article 1 of the Convention, Ms. Dah pointed out that neither the State party's periodic report nor the replies to the list of written questions denied the existence of ethnic conflicts. Observing that paragraph 69 of that report discussed the causes underlying the tribal and ethnic conflicts occurring in Shaba, Ituri and the eastern part of the country, she considered it would be useful to have information on the current situation in those regions.

22. Ms. Dah said that the Government had taken the initiative of calling for the creation of an international criminal tribunal to judge the war crimes and crimes against humanity committed in the Congo (para. 70). She asked whether the Government intended to ensure that the perpetrators of such crimes committed during or after the two wars were indeed prosecuted and punished, especially those who had committed sexual crimes against Congolese women of all ethnicities. She also called on the Congolese delegation to indicate whether the Congo had any short-term plans to revise certain laws to make them compatible with the international conventions to which it was a party. If so, that would be an opportunity to introduce a definition of racial discrimination into Congolese legislation, to revise anti-segregation laws of the 60s to make them more useful and bring them in line with the Convention, and to take into account the Durban Declaration and Programme of Action.

23. Contrary to the statement in paragraph 60 of the periodic report, Ms. Dah held that Congolese legislation did have shortcomings in terms of implementation of Article 4 of the Convention. Citing numerous cases of incitement to racial hatred, she asked the Congolese delegation to specify, in particular, what sanctions were planned against the politicians who, during the last election, had made speeches inciting tribal hatred on the hustings and in the public and private media.

24. The Rapporteur noted, from the written replies to the list of issues to be taken up, that the Congolese authorities explained the small number of complaints of racial discrimination by the fact that the Convention had not been sufficiently disseminated among the people. There were probably other reasons, for example users' mistrust of the judiciary, the high cost of litigation, and the flagrant impunity many offenders had benefited from, and continued to enjoy, in the name of appeasement and national reconciliation. She noted in that connection that the victims of sexual violence, often attributed to top-level commanders, had often been discouraged from filing complaints or had their complaint dismissed at some stage of the procedure.

25. On the issue of Congolese nationality, Ms. Dah welcomed the promulgation of the Law of 12 November 2004 on Congolese nationality, which had been incorporated into Article 14 of the transitional Constitution, then into that of 18 February 2006. Though it did resolve the issue raised by the 1981 Law on Zaïrean nationality (para. 71(b)), that new constitutional provision unfortunately created others, essentially because Congolese nationality was exclusive. That provision was also a problem for certain groups such as ethnic Tutsis, sometimes identified as Rwandans or Burundians and so denied citizenship. Nor did the real status of that citizenship seem to have been established, given the movements of refugees and displaced persons. One of the challenges facing the Congolese authorities in the coming years would be to make that constitutional provision enforceable.

26. As regards equal employment opportunity, Ms. Dah cited Article 36 of the Constitution of 18 February 2006, which stated that work was both a right and a sacred duty for every Congolese (para. 73), and wondered if that did not run counter to the other provisions of the Labour Code, which guaranteed employment to all workers, whatever their nationality (para. 74). Similarly, in the field of trade, it seemed that Congolese and foreigners did not have the same rights, as small business was the exclusive right of the former, who also paid less tax than the latter (para. 53).

27. Ms. Dah said that in the housing sector, there was not only discrimination, but de facto segregation, as in some towns a selection by ethnicity took place. In health, she asked whether the 2004 Plan of Action (para. 82) included measures to provide health care to the most vulnerable population groups and ensure their food security.

28. Ms. Dah regretted not having received any response to the questions concerning Pygmies' rights. She asked the Congolese delegation to indicate whether the latter's traditional lands had been identified in the land register and whether land title had been identified as individual or community-based. She also asked whether the Government intended to declare a new moratorium on forest land use and to address the problem of logging in the light of indigenous peoples' interests.

29. In conclusion, Ms. Dah thought the Democratic Republic of the Congo had shown a political will to rebuild and had committed to an unprecedented process of institutional reform. Unfortunately, several grey areas remained, which the State party needed to address urgently: namely, the persistent insecurity in the eastern part of the country, the national economy's poor performance, and the still fragile racial discrimination situation.

30. Mr. AVTONOMOV was glad to observe that the Democratic Republic of the Congo was planning to make the declaration called for in Article 14 of the Convention, whereby States parties recognize the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by those States parties of any of the rights set forth in the Convention (para. 9).

31. Noting that according to the report, there were five traditional religious denominations in the country (Catholic, Kimbanguist, Protestant, Orthodox and Muslim), Mr. Avtonomov asked the Congolese delegation to indicate what peoples had brought the Orthodox religion to the Congo.

32. Mr. Avtonomov noted that under paragraph 41 of the periodic report under consideration, all such persons were considered Congolese as belonged to ethnic groups whose territory made up what had become the Congo (now the Democratic Republic of the Congo) upon independence. In that regard, he would like to know whether a child born to parents that had acquired citizenship by naturalization was ipso facto Congolese or whether the child also must be naturalized.

33. Observing that the Pygmies were, because of their unique habitat, one of the most vulnerable peoples in Africa, Mr. Avtonomov asked what administrative and social protection measures had been taken by the State party on behalf of the Pygmies and what programmes were in place to ensure their enjoyment of their rights.

34. Mr. SICILIANOS understood that the Ministry of Human Rights had a purely advisory role and would therefore like the Congolese delegation to indicate whether, like all other ministries, it also had a decision-making role. He also asked why the national human rights observatory, which had been found useful by outside observers, no longer existed, and what kind of new institution for the promotion and protection of human rights the State party intended to create. Moreover, he would like the delegation to say whether their country recognized minorities—as the report indicated that a resolution on the protection of minorities had been adopted in 2002 but also that no minority group was recognized in the Constitution—and to provide more information on the temporary incentives being implemented for the most disadvantaged communities in accordance with Article 2 of the Convention, identifying those communities precisely. Regarding the absence of complaints of racist acts, Mr. Sicilianos noted that an absence of legal proceedings was not necessarily a good thing; rather, it could reflect a lack of awareness or trust in the judicial system among the people, or a fear of reprisals.

35. He welcomed the adoption of the Law of 12 November 2004, which was very important in that it incorporated the provisions of the Convention on the Reduction of Statelessness, but asked whether it had been applied in practice and helped restore the rights of persons of Rwandan origin. Finally, Mr. Sicilianos noted that the law providing for public ownership of the land presented problems in terms of land title and wondered what measures were being taken to ensure that indigenous peoples, such as the Pygmies, would enjoy their customary rights to their traditional and ancestral lands.

36. Mr. VALENCIA RODRÍGUEZ welcomed the signature, on 17 December 2002, of the Global and All-inclusive Agreement on the Transition in the Democratic Republic of the Congo, whose implementation was crucial for compliance by the



State party with its international human rights obligations. It would be helpful if the delegation could provide the Committee with further information on how the signature of that agreement would affect implementation of the Convention in the Congo.

37. To understand the ethnic and tribal conflicts that had ravaged the Congo, one had to reckon with the country's more than 450 tribes, speaking over 250 languages and dialects. Although conditions had improved somewhat in recent years, the main economic indicators were still worrisome. The Committee, for its part, was primarily interested in obtaining further information on the basic services available to the country's various ethnic groups in health, education, employment and housing. Detailed information would be particularly welcome on the practical application of Articles 76 and 77 of the Penal Code and awareness of those provisions among the members of the different tribes and ethnic groups.

38. Like the previous speakers, Mr. Valencia Rodríguez considered the delicate question of the acquisition, loss and restoration of citizenship to be an essential one. For that reason, he would like the delegation to flesh out the information given in paragraph 72 of the report on the adoption as of 12 November 2004 of a new law on Congolese nationality. In particular, what were the legal provisions governing the citizenship of spouses from different ethnic groups or tribes and their children, or the children of nationals married to foreigners? Had the enforcement of the law raised legal problems?

39. The State party stated, in paragraph 55 of its report, that all foreigners residing on its territory could benefit from the full enjoyment of civil rights. Mr. Valencia Rodríguez wanted to know what foreigners lived in the Democratic Republic of the Congo; whether there were still as many immigrants from neighbouring countries; and whether foreigners, perhaps refugees or asylum seekers, had filed complaints regarding the exercise of their rights. Again, rights to health and education were guaranteed *de jure*, in particular in the 2004 Plan of Action, but it was clear that there were many problems and that not all segments of the population had access to health care and education. Mr. Valencia Rodríguez asked the State party to seek the cooperation of international agencies to obtain the resources it lacked.

40. Mr. KJAERUM did not minimize the difficulties faced by the State party. He welcomed its resumed dialogue with the Committee, which he hoped would help it in its efforts towards democracy. The situation of indigenous peoples, including the Pygmies, called for special attention. A more thorough investigation should have been conducted nationwide. Nevertheless, the Committee would like to know the results and follow-up activities arising from the investigation. In any event, it was clear that many indigenous people had abandoned their land, which was mined, and were living in squalid conditions while working in agriculture on terms akin to slavery. The delegation might indicate what was being done to protect indigenous people against discrimination in the labour market. Statistics on the participation of different ethnic groups in the public service and state bodies as well as details of the actions taken to ensure good representation in the Government in the long term would also be welcome. It was praiseworthy that a resolution had been adopted providing for the possibility of taking special measures or incentives; it remained to be seen whether it had been implemented, under what circumstances, and with what results.

41. Referring to paragraph 50 of the report, Mr. Kjaerum said he understood the desire to impose sanctions on organizations and individuals that perpetuated discrimination; he believed, however, that dissolving tribal associations of a political nature could be a roundabout way of undermining the organizational efforts of indigenous people intent on defending their rights. He also noted that education was not entirely free in that parents had to pay tuition fees, which, some NGOs had reported, were prohibitive for some segments of the population, especially indigenous people. Measures should be taken to enable all children to attend school, regardless of parental income.

42. The Democratic Republic of the Congo was a country of origin and destination for human trafficking activities; men, women and children were victims of forced labour and sexual exploitation. The accession of the State party to the Convention against Transnational Organized Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, was a good thing, but specific legislation must still be adopted to embody those international norms in domestic law. Plans of action must also be implemented to give practical effect to those norms. Finally, like Mr. Sicilianos, Mr. Kjaerum called on the Democratic Republic of the Congo to establish a human rights institution fully compliant with the Paris Principles.

43. Mr. AMIR emphasized that one could not understand the situation of the Democratic Republic of the Congo without reference to its history. It was important to remember that at its inception, the Organization of African Unity had endorsed the artificial borders inherited from colonialism. Realistically, however, no other outcome could have been expected from the scramble for Africa in the late nineteenth century than the continent's current disastrous situation as the poorest in the world despite its vast subsurface wealth. Such was not the conviction of Mr. Amir alone, but also of such recognized Africanists as Jean Ziegler.

44. Mr. Amir said it should not be forgotten, either, that the Pygmies had been gradually disappearing for a long time, and that the process had begun even before colonization. The number of ethnic groups present on the African continent was so impressive that it was almost impossible, as things now stood, to guarantee all of them existence in law and enjoyment of all rights enshrined in the Convention. Patrice Lumumba had been assassinated for trying to build a modern, unified African state; the re-engagement of his political family gave hope to all those who wished to see the various ethnic groups treated on an equal footing in the State party.

45. Mr. LINDGREN ALVES asked the delegation to indicate whether the State party was really convinced that none of the 450 tribes in the country could meet the requirements for classification as an "indigenous population" in the international sense of the term, and whether the "Pygmies" gave themselves that name, or if only Europeans did.

46. On the issue of multiculturalism, Mr. Lindgren noted that Swahili was one of four official languages; he asked whether that language was truly a national language or had been imported from Africa's Indian Ocean coast. Referring to paragraph 105 of the report, he wondered whether the cultural policy of promoting and preserving the cultural identity of each of the country's tribes and ethnic groups, and preserving their languages, did not run counter to the goals of integration and building a nationwide Congolese culture.

47. Finally, noting in paragraph 40 that Congolese nationality was “one and exclusive,” Mr. Lindgren Alves asked whether a Congolese citizen naturalized in a foreign country, to gain access to the labour market for example, had in every case to renounce his Congolese citizenship.

48. Mr. TANG Chengyuan would like to know why the Democratic Republic of the Congo did not grant the status of indigenous people to the Pygmies, who were fully entitled to it. Otherwise, he said Pygmies could be considered an ethnic minority, with the greater need for protection in that it was economically disadvantaged and was harassed by other ethnic groups, the police or the armed forces. Recognizing that programmes for forest conservation and the creation of national parks threatened the Pygmies, whose survival was linked to the forest, he asked whether such programmes included measures to compensate the Pygmies.

49. Mr. Tang Chengyuan asked what measures the State party had taken to put an end to the tribal and ethnic conflicts raging in Shaba, Ituri and the eastern part of the country. He observed that though complaints of discrimination might be rare before the country’s courts (para.64), but that the World Bank, which was running a programme in the country, had received numerous complaints of racial discrimination.

50. Mr. THORNBERRY, wondered whether the animists referred to in paragraph 19 of the report were from a particular ethnic group, and if so, whether that ethnic group had a special relationship with some sites it considered sacred.

51. Mr. Thornberry, noting that it was not so much being granted the status of “indigenous people” that was important to members of a given community as the actual exercise of their rights, asked to what extent the State party recognized the various communities’ collective rights, both in theory and in practice. Quoting a report of the Working Group of Experts on Indigenous Populations of the African Commission on Human and Peoples’ Rights, he said that when disadvantaged population groups claimed indigenous status, most often their purpose was not to issue a reminder that they had been the first inhabitants of the continent, but merely to be heard and to call attention to their plight and the discrimination they were subject to.

52. Mr. Thornberry asked whether people who were evicted from their ancestral lands or sacred sites due to the creation of a national park were involved in the management of the park in question.

53. Mr. PILLAI, noting from paragraph 84 of the report that there were no inequalities between the various ethnic groups in the sphere of education, would be glad to receive information on the educational attainment of the various ethnic groups and asked whether the Democratic Republic of the Congo had found it necessary to adopt a national plan of action to correct developmental discrepancies between different ethnic groups, in accordance with the principles of the Durban Programme of Action.

54. Mr. Pillai would like to know how the State party had received the report of the Independent Expert on the situation of human rights in the Democratic Republic of the Congo, which cast doubt on the independence of judges and the judiciary, and what measures were being taken so that those officials could perform their duties independently, without any external pressure. Mr. Pillai would like to know whether the State party intended to make the National Human Rights Commission part of the

Constitution to guarantee its independence and autonomy and hence its effectiveness.

55. Regarding the State party's policy on forest lands, Mr. Pillai regretted that the Government had not brought in programmes for the resettlement of the groups affected, and asked the delegation to indicate whether the State party intended to do so.

56. Ms. JANUARY-BARDILL hoped that in its next periodic report the State party would provide updated information on the situation in the provinces of Katanga and Ituri and the progress of the peace process. For now, she would also like to know what the impact had been of the various measures (mentioned in paragraph 6 of the written replies of the Democratic Republic of the Congo to the list of issues to be taken up) implemented to put an end to those conflicts.

57. The expert also asked what measures were being taken by the State party to combat poverty and improve the country's socioeconomic situation, and in particular what specific programmes had been undertaken to that end, particularly to foster private initiative and make it easier to carry on a small business.

58. Ms. January-Bardill considered it essential for the State party, in its next periodic report, to provide a classification of the ethnic groups in the Democratic Republic of the Congo and a summary of the obstacles faced by each, identifying more precisely the issues that fell within the purview of the Convention and providing targeted solutions, for example following an exchange of ideas between the Congolese delegation and the Committee.

59. Mr. KEMAL said that in his view, the very fact that no one knew exactly how many Pygmies there were—the estimates given ranged from 270,000 to 4 million—was evidence of the neglect they had suffered. Nevertheless, it was common knowledge that members of that community suffered acute poverty and exploitation and that their survival was threatened by forest conservation policies.

60. Noting that under customary Bantu law, descendants of a chief or tribe could assert legal title to parcels of land with clearly defined boundaries and the other members of this community could thus be dispossessed of their land without recourse, Mr. Kemal asked what the State party intended to do to prevent the Bantu from being gradually deprived of their ancestral lands and eventually disappearing.

61. The CHAIRPERSON, speaking as an expert, asked why no NGOs had been willing to participate in the preparation of the report under consideration and whether the State party intended to make the declaration called for in Article 14 of the Convention.

*The meeting rose at 6:05 p.m.*