

Recommendations Conference: The DRC's natural treasures: source of conflict or key to development?

Organised by Fatal Transactions¹ and Vrije Universiteit Brussel

Brussels, November 23-24, 2005

The group of experts: representatives of civil society from the DRC and Europe, the USA and Canada, business, academics, government representatives and media- that participated to the conference: 'The DRC's natural treasures; source of conflict or key to development' have concluded that up to today, Congo's natural resources have benefited a happy few, but have hardly contributed to the socio-economic development of its people, on the contrary.

Timing of the meeting was crucial: With the upcoming elections, the Congolese state is going through an essential phase in its history, and action has to be taken now, before the end of the transition, to set the stage for the elected government

Out of the discussions during the conference, Fatal Transactions has drawn the following recommendations regarding all actors that can make a difference²:

A. To the Congolese state (including Government and parliament)

1. To ensure that the rebuilding of the country includes input from all key stakeholders and primarily a strong voice from local communities
2. To implement and enforce the new mining and forestry code, including formalisation of artisanal mining, and hold companies responsible for any violations and to inform the population about the content of the codes
3. To encourage artisanal miners to organise and formalise themselves, in order to improve their standard of living, in collaboration with civil society and industry
4. To give a just positions or compensations to miners that have been fired from former parastatals
5. To promote diversification of the economy and diminish dependence on the resource economy
6. To actively participate in and implement the Kimberley Process Certification Scheme, EITI (Extractive Industries Transparency Initiative) process, not forgetting parastatals, in close collaboration with civil society
7. Reform customs and verification procedures in order to limit smuggling and illicit cross-border trade
8. To rapidly publish the report of the Congolese Parliamentary Commission set up to examine the validity of economic and financial contracts signed during the 1996 and 1998 wars, making it easily accessible for the larger public and to take action on its findings before the elections.

¹ Fatal Transactions is a campaign carried out by six European NGOs; Netherlands institute for Southern Africa (NiZA, the Netherlands), Medico International (Germany), Novib (Oxfam Netherlands), Broederlijk Delen (Belgium), 11.11.11(Belgium) and IntermónOxfam (Spain) Associate members are: IPIS (Belgium), BICC(Germany) and Pax Christi (The Netherlands).

² These recommendations are based on all the presentations and discussions during the conference, this does not imply that all the participants or speakers during the conference are in accordance with these recommendations.

9. Publish the independent audits of the various government institutions, including parastatals, in order to increase transparency.
10. To strengthen an independent judicial system in the DRC that can prosecute, before the elections, the presumed perpetrators of war crimes, corruption and pillage of natural resources. This prosecution should include officials from government, parastatals, national and multinational companies.
11. Individuals prosecuted for war crimes in the DRC should not be allowed to stand for office.
12. To ensure the freedom of press and freedom of expression and repeal existing clauses in the media legislation that place defamation within the criminal laws.
13. To adapt and implement a law to ensure public access to public information, including the administrations of parastatals.
14. To ensure the protection and the rehabilitation of the environment in the areas from which natural resources are extracted.

B. To the international (donor)community

1. To make all future non-humanitarian international and bilateral support to the Congolese government conditional, unless the Transitional Government of the DRC commits to start implementing reforms in the natural resource sector.
2. To press the Congolese government to publish the report of the Congolese Parliamentary Commission - set up to examine the validity of economic and financial contracts - signed during the 1996 and 1998 wars, making it easily accessible for the larger public and to take action on its findings before the elections.
3. Provide long-term financial and political support for MONUC to take a more active role in monitoring the illegal flow of natural resources, the link between natural resource extraction and arms trade, and continue to do so after the elections.
4. To support the artisanal mining sector informing and organising itself in order to improve its output and living conditions.
5. To invest in the diversification of the Congolese economy in order to diminish its resource dependence.
6. Make the OECD guidelines on Multinational Enterprises mandatory and applicable on the trade relations of enterprises.
7. To promote Revenue Transparency; ask governments and companies to Publish What They Pay, and support the EITI Process, facilitating civil society participation in this process.
8. To demand for a broader definition of 'conflict diamonds' within the Kimberley Process, that will include those diamonds that, although they are not mined in a conflict zone, are mined under circumstances of human rights violations
9. To hold companies involved in the exploitation, processing and trade of natural resources accountable for the mismanagement and illegal exploitation of natural resources in the DRC. Victims of these activities in the DRC should be compensated by these companies.
10. To demand for the prosecution in OECD member states of individuals or companies active in the DRC that violate the OECD anti-bribery convention
11. To support capacity building of civil society and government, including parliament, on all levels in order to enhance transparency.
12. To adapt a regional approach regarding the DRC: Address neighbouring, and other involved countries. In particular Rwanda and Uganda, but also Angola and Tanzania that still have vested interests in the DRC.

13. To demand from the International Criminal Court to prosecute the presumed perpetrators of war crimes, corruption and pillage of natural resources, if the Congolese state and judicial systems fails to do so.

C. To the World Bank

1. To support capacity building of civil society and government, including parliament, on all levels in order to enhance transparency.
2. To thoroughly assess sustainable alternatives to large-scale industrial resource extraction in the DRC.
3. To stop all funding in the timber sector until there has been a thorough independent review of the outcome of the Bank's support in these sectors to date.
4. To live up to its own standards and apply its own 'lessons learned' in the DRC, taking in account the lessons learned in Cameroon and by the post-conflict team within the World Bank.
5. To involve communities in the implementation of their projects: take a bottom-up approach to development.

D. To the international mining companies

+ other companies involved in exploiting, trading and processing natural resources from the DRC

1. To obey the law of both their home- and host countries and apply the same standards at home and abroad.
2. To try by all means to be a 'force for good', promoting peace and development instead of fuelling conflict.
3. To Publish What They Pay.
4. To live up to standards of Corporate Social Responsibility, including labour rights, the universal Declaration on Human Rights, the OECD Guidelines and the Voluntary Principles on Business and Human Rights.
5. To take out environmental and social impact assessments when starting a new mining or logging operation in a transparent way, in close collaboration with all stakeholders.
6. To consult local communities within the territory of a mining and logging concessions before and during exploitation.
7. To support local economic development.

E. The Congolese civil society

1. To raise awareness among the Congolese population about their rights in relation to the exploitation of natural resources.
2. To work closely with NGOs in the DRC and the rest of the world to ensure that the Congolese government, donors and companies feel a strong and consistent pressure for real change.
3. To be a watchdog: monitor resource extraction and revenue management on a local/region level and disseminate the collected information to partner organisations, media organisations, parliamentarians and relevant parliamentary committees.
4. To mobilise the population to take action to stop the pillaging of their country.
5. To collaborate more closely with the independent media.
6. To support and assist artisanal miners to organise themselves.

F. To the media in the DRC

1. To be a watchdog of the way natural resources are being managed and the way its revenues are being managed.
2. To collaborate closely with civil society on the monitoring of resource extraction.
3. To raise awareness about the plunder of natural resources in the DRC and the rights of the communities.
4. To increase their coverage in the provinces, in order to reach the communities that are affected by resource extraction.
5. Work closely with media and civil society in other countries

G. To 'International' civil society

1. To work closely with NGOs in the DRC and facilitate linkages between those and the rest of the world to ensure that the Congolese government, donors and companies feel a strong and consistent pressure for real change.
2. Build capacity of 'local' NGOs and media in assessing, analysing and disseminating information.
3. To be an outlet for the information gathered on a local level.
4. To campaign for binding regulations on business and human rights (OECD Guidelines), applicable wherever a company operates.
5. To support and collaborate with the Congolese civil society and media organisations that monitor the transition of the country, the organisation of the elections and the exploitation of natural resources.
6. International federations of labour unions, such as ICEM and ICFTU, should support their local counterparts, support the forming of local unions and support initiatives of artisanal miners.
7. To monitor and protect the rights of members of the Congolese media and civil society activists, in collaboration with local human rights defenders.

H. To universities/research institutes

1. To continue to investigate the structures of the political economy of the DRC with a multi-level approach. Make these findings accessible, especially to the population of the DRC.
2. Collaborate with Congolese research institutes, media and civil society in order to enhance the local investigative capacity.