

For Immediate Release – November 7, 2007

International Appeal for the Publication of the Final Report of the Ministerial Commission on the Review of Mining Contracts in the Democratic Republic of Congo

(Berlin, Brussels, Kinshasa, London, Lubumbashi, Montreal, Ottawa, Washington) A coalition of non-governmental organisations from Europe, North America, and the Democratic Republic of Congo (DRC) launched an international appeal today demanding the publication of the final report of the ministerial commission on the review of mining contracts without delay.

The mandate of this commission, created by a ministerial decree on 20 April 2007, is to “examine partnership contracts and their impact on the recovery of these companies and national development, to propose, if necessary, modalities for their revision with a view to correcting any imbalances and related faults.”¹

The commission began its work in mid-June and was given a period of three months, which was extended until the end of October. According to documents and information available in Kinshasa and widely reported in the international press, it would appear that the members of the commission have finished the technical and legal study of over 60 mining contracts and have finalised their observations and recommendations. According to the Congolese press, this leak, motivated by various pressures on the commissioners to change certain elements of the report, has had immediate effects: a drop in the share value of some companies, and a police investigation into the source of the leak. The current uncertainty and the pointless search for the guilty parties would doubtlessly have been avoided with clearer and more diligent management of the process.

It is therefore imperative that the government make the full report public now in order to put an end to the uncertainty and suspicion which are tarnishing the mining sector and to enable all concerned to respond publicly. Furthermore, the authorities should announce the measures that will be taken to follow up the commission’s recommendations as well as the rules which will govern the pending renegotiation of mining contracts. If conducted properly, this initiative could herald a new era of transparency and equity in negotiations around both present and future contracts.

Finally, we call on Congo’s friends as well as international financial institutions, some of whom have themselves documented the unfairness and impropriety of certain mining contracts, to provide all the support necessary to ensure that the process launched by the governmental commission proceeds properly. If, in the course of its investigations, the Commission has uncovered gross illegalities and the DRC Government lacks the will or the capacity to take the recommended action, then it is the responsibility of the home governments to hold their companies to account. For the Congolese population, this would be a clear sign of international support for the establishment of transparent practices of good governance and the fight against corruption. Ensuring a lasting peace, reconstructing the country, and alleviating poverty all depend to a large extent on the success of this process.

“If conducted properly, the process of reviewing the mining contracts has the potential to contribute to restarting the Congolese economy, enhancing national development and laying the ground for good governance and the fight against corruption in the management of natural resources for the well-being of the whole population.”²

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¹ Arrêté ministériel no 2745/cab.min/Mines/01, 20 April 2007.

² *Consolidation du rapport du groupe des experts du Forum de la société civile sur un examen indépendant de 12 contrats miniers. Rapport de l’atelier du 16 et 17 octobre 2007. p. 2.* (Consolidation of the report of the group of experts of the Civil Society Forum on an independent study of 12 mining contracts. Report of the workshop of 16-17 October 2007, page 2.)

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Background

The DRC's natural resources have fuelled the conflicts which have devastated the country and the region since 1996, and continue to do so. Mining contracts signed during the wars and the period of political transition were negotiated in conditions which were unfavourable to national interests, as documented in numerous reports by national and international experts. The majority of mining contracts are not designed to contribute to the country's reconstruction, nor have they benefited the Congolese population as a whole. As noted by the *Conférence épiscopale nationale du Congo* (CENCO, National Bishops' Conference of Congo), "*Instead of contributing to the development of our country and providing benefits to our people, minerals, oil and forests have become the causes of our misfortune.*"³

For further reference:

- Reports of the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the DRC (2001 to 2003).
- *Restructure of Gécamines, Draft Phase 2*, IMC Group Consulting, November 2003, executive summary.
- *Commission spéciale chargée de l'examen de la validité des conventions à caractère économique et financier conclues pendant les guerres de 1996-1997 et de 1998* (Lutundula Commission), June 2005.
- *Projet d'évaluation juridique des accords de partenariat de la Gécamines* (contrat N31/COPIRED/SE/02/2005), Duncan & Allen, 6 April 2006.
- *Révision des contrats miniers, cinq cas d'études (rapport Kalala)*, September 2006; *Groupe d'experts du Forum de la société civile sur 12 contrats miniers*, August 2007.
- *Toute la vérité sur les contrats miniers*, Kenge Mukengeshayi, Le Phare, 2 November 2007, reproduced on the website: <http://www.africatime.com/rdc/index.asp>.
- *The economic aspects of key Mining Contracts: The economic argument for renegotiation*, Rights and Accountability in Development (RAID), April 2007.
- *The Congolese mining sector in the balance: lack of transparency risks undermining review of mining contracts*, Global Witness, 1 October 2007.

Communiqué signed by:

Canada: Alternatives, the Halifax Initiative Coalition, Development and Peace, L'Entraide missionnaire, Justice and Liberation/Canada, MiningWatch Canada, Terre sans frontières

Democratic Republic of Congo: ACIDH, ASADHO, Avocats Verts, CDF, CENADEP, CEPAS, CEPECO Bas-Congo, CIDB Equateur, CODHOD, CNONGD, CRONGD Bandundu, CRONGD Equateur, DIPY Sud et Nord Kivu, GAERN/CRONGD Kasai Oriental, GASHE Equateur, Groupe Jérémie, Héritiers de la Justice, IPROFAV, Maniema Liberté, OCEAN Kinshasa, OCEAN Province Orientale, ODECOLA Kasai Occidental, OSAPY Province Orientale, OSISA, Premicongo Katanga, Publiez ce que vous payez Kinshasa, Réseau CREF, Réseau Ressources Naturelles, RODHECIC.

Europe: Broederlijk Delen (Belgium), 11.11.11 (Belgium), NIZA (Holland), Fatal Transactions (Holland), Global Witness (GB), RAID (GB), Urgewald (Germany)

United States: Carter Center, Human Rights Clinic of the University of Columbia, Bank Information Center

³ "A vin nouveau, outres neuves » (Mc2,22) Ne pas décevoir les attentes de la nation : message de la CENCO", 7 July 2007.