

Publish What You Pay Coalition Spotlight

Publish What You Pay Spotlight On:

Publish What You Pay (PWYP) Democratic Republic of Congo

The Democratic Republic of Congo might be one of the world's richest countries in natural resources, but its population ranks among the poorest with four out of five citizens living on less than 30 cents a day. DRC's resource wealth lies predominantly in minerals – notably coltan, cobalt, zinc, diamonds and copper - although it is also a small oil producer with production set to increase. Its untapped mineral wealth is estimated at 24 trillion dollars and the country holds 80% of the world's coltan reserves.

This paradox of plenty has been fuelled by opacity in the extractive industries and is one of the many and complex factors which contributed to and sustained the wars there which killed a staggering 5.4 million people between 1998 and 2007. Secrecy prevents citizens from accessing the information with which to hold their government accountable in order to ensure responsible management of the nation's natural resources. To reach the goal of ensuring DRC's mineral wealth benefits the whole population, Congolese citizens and organisations have been vigorously campaigning for transparency in the extractive sector.

The Congolese government too has made moves towards transparency, in 2005 publicly stating its intention to join the Extractive Industries Transparency Initiative (EITI). One of EITI's five sign-up requirements is that the government commit to working with civil society on the implementation of the initiative. In DRC – and indeed elsewhere – this represented a real opportunity for civil society to get more strongly involved in and have its voice heard on the management of natural resources. In order to fully benefit from this development, civil society organisations already involved in issues of natural resources decided to join forces and launched the PWYP-DRC coalition in January 2006.

The coalition is made up of thirty organisations and governed by four bodies: a general assembly (which includes all the member organisations), a coordination office (made up of a national coordinator – Maitre Jean-Claude Katende and an executive secretary, Léonie Kiangu), a committee and a board. The coalition focusses on four key objectives:

- Assisting the implementation of EITI in DRC
- Raising awareness among extractive companies for a regular publication of their payments to the Congolese government;
- Advocacy and lobbying of the government to publish what it receives from said companies;
- Raising awareness among the population in general and local communities in particular on the issues of transparency in the management of natural resources.

Supporting and taking part in the implementation of EITI has been one of the coalition's chief preoccupations. PWYP-DRC regularly held meetings evaluating the process and formulating constructive and objective criticisms allowing the country to progress – despite a lack of a political will – towards implementation of the criteria and principles of EITI.

In February 2008 the International EITI Board formally accepted DRC as a candidate country. DRC's first report – released 14 January 2010 – covers data from 2007; it was translated in the different languages of DR Congo and disseminated throughout the country. Failing to reach compliant status by the deadline of April 2010, the EITI board extended DRC's deadline to December 2010.¹ Once that date was reached - with DR Congo still not fully compliant - the EITI board declared DRC a 'close to compliant' country and gave it until June 2011 to take the necessary corrective measures. Because of the delay in implementing the recommendations put forward by the board and in the gathering of data, the DRC were not able to send the reports of 2008 and 2009 by the deadline of 12 June 2011. DRC's case will be examined by the EITI board meeting which will be held in October in Jakarta, Indonesia.

PWYP-DRC has also dedicated much time and resources to capacity building. From 2006 to 2007 the coalition organised several provincial (Kasaï Oriental, Katanga, Kinshasa) and national (Kinshasa) workshops to train its members to work with EITI, mining and forestry taxation as well as budget monitoring. In 2008 the coalition organised a two day information course on EITI for journalists in Kinshasa.

Capacity building is indispensable to the campaign for transparency in the extractive sector. Actors have to be trained and informed in order to have the necessary tools to negotiate their way through this field, particularly as it requires technical and specialist knowledge. Although the coalition has achieved much in its capacity building efforts, it remains a vast undertaking. Indeed, the campaign suffers today because replacing ex-activists has become a difficulty – not through a lack of volunteers but because another series of workshops have to be organised to train the new generation of campaigners.

An important achievement in PWYP DRC's capacity building efforts was the training of provincial parliamentarians. From 2008 to 2010 it organised training workshops on EITI and mining and forestry taxation for the provincial deputies of Kasaï Oriental (2007), the Bas Congo (2009), Equateur, the Oriental province and Sud-Kivu (2010). It also distributed documentation (mining code, forestry code and the EITI source book) to the parliamentarians.

These workshops were of special importance as provincial parliamentarians exercise a particularly strong influence in the development of the provinces. They have the power to vote on the budget and they supervise provincial governors, who manage 40% of the mining and forestry royalties. These deputies have the potential to play a very significant role in promoting transparency and facilitating efficient tax collection. But no such role can be played by parliamentarians who have not received the necessary training and information.

Another highlight of the campaign in DRC was the hosting in 2011 of the PWYP Africa regional meeting in Kinshasa. These regional meetings are held in different African cities every two to three years. Representatives gathered from over thirty African countries as well as from Europe, North and South America. This meeting was

¹ An EITI candidate country has a timeframe of two years in which to reach 'compliant' status

a decisive moment in the shaping of the future strategy of the PWYP campaign in Africa and a good deal of its success can be attributed to the long hours of work that the DRC coalition dedicated to its organisation.

The conference facilitated the sharing of experiences and lessons and resulted in the taking of concrete new decisions and directions. A steering committee for the PWYP Africa campaign was endorsed and nominated. Participants validated strategic documents with defined action points for the campaign in various thematic areas (financial transparency, contract transparency, protection mechanism for activists etc...). This conference was an opportunity to demonstrate to the Congolese government – and indeed to all African governments – the extent to which the issue of transparency in the extractive sector is integral to the agenda of civil society, as well as giving PWYP-DRC higher visibility.

The conference coincided with the decision by the Congolese government – in a decree on 20 May 2011 – to publish all extractive contracts within sixty days of coming into effect. The Congolese government has largely come through on its pledge and published dozens of its contracts online. It has also disclosed documents relating to a controversial infrastructure for minerals deal with China worth \$6 billion dollars. However all is not yet won as more documents concerning this deal – and indeed other controversial ones – have yet to be published. The decree also has no mention of sanctions in cases of non-publication of contracts. Furthermore the contracts, now rendered public, have to be rendered truly accessible.

Yet despite these highlights, the work of PWYP-DRC has not been easy. The safety of activists has been a major issue. In July 2009 ASADHO/KATANGA² published a report on the Shinkolobwe uranium mine denouncing state authorities for supporting illegal and dangerous mining as well as for signing a contract with the French nuclear group AREVA under opaque circumstances. A few days later the President of ASADHO/KATANGA and PWYP member Golden Misabiko was arrested for allegedly “undermining state security” and “defamatory statements”. It was only after an intensive mobilisation by civil society in the DRC and through the PWYP network globally that M. Misabiko was freed a little less than a month after his arrest.

Another difficulty for the functioning of the coalition has been communication. DRC is a country similar in size to Western Europe which, combined with a poor transport infrastructure makes meetings between members very hard to organise, a situation compounded by a lack of resources. General assemblies are therefore particularly hard to hold, complicating coalition governance as these are an essential forum for agreeing on fundamental decisions.

A final obstacle to mention is the weak commitment by the Technical Secretariat of the DRC-EITI Executive Committee in ensuring the timely collection of data from the companies and financial authorities. This was at the root of the delay to the publication of the 2008 and 2009 reports. It should be noted that the large companies completed and sent in their declarations in time. However the financial authorities and small companies showed no hurry in the completion and dispatchment of declarations.

Indeed the publication of these reports and full implementation of EITI is one of the coalition’s immediate priorities even if the coalition is aware of the risk that once declared compliant the Congolese government might slow down its moves towards transparency and therefore require other incentives. Other future plans include

² *L’Association Africaine de Défense des Droits de l’Homme, Katanga chapter*

the training of more provincial parliamentarians and ensuring the Congolese government fulfils its pledge to publish all natural resource contracts. The coalition is also in the process of developing a charter to outline the principles and long term goals of the campaign and define the internal rules of operation and decision making. The charter, once approved by the General Assembly, would renew the mandates for the institutional leadership and set out the key challenges that must be faced in the future.

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Publish What You Pay Spotlights on National Coalitions are written by the PWYP international office and are based on interviews with national coordinators and key members of national coalitions. They aim to provide greater coverage and an improved understanding of national coalitions and their work on campaigning for greater transparency and accountability in the extractive industries.