

Publish What You Pay

Open Letter to Secretary of State Hillary Clinton

The U.S. should do more to support transparency efforts in Africa

7 August 2009

Secretary of State Hillary Clinton
US Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Clinton,

Publish What You Pay (PWYP)*, the international civil society coalition for transparency and accountability in the extractive industries, is writing to draw your attention to the continued harassment of transparency and anticorruption advocates in Africa and the need for African governments to respect their commitments to encourage public debate on these issues. Civil society activists, including PWYP members, are actively promoting democratic governance and accountable management of natural resources in their countries and we believe they should be able to carry out their work in a free and independent manner, without fear of harassment or intimidation.

The recent arrest in the Democratic Republic of Congo (DRC) of Golden Misabiko, Chair of the African Association for the Protection of Human Rights, Katanga chapter (ASADHO/Katanga), which is a member of PWYP, serves as an example of the repression suffered by African citizens who have the courage to speak out on the lack of transparency and accountability in the extractive sector.

Mr. Misabiko has been in custody in Lubumbashi, Katanga province, since 25 July 2009. He was arrested by the Congolese Intelligence Agency (*Agence nationale de renseignements*, ANR) for the publication of a report on 13 July 2009 by ASADHO/Katanga entitled "Shinkolobwe Uranium Mine: from illegal exploitation to the contract between DR Congo and the French nuclear group AREVA." The report alleges illegal and dangerous exploitation of the Shinkolobwe uranium mine which had previously been shut down in January 2004 by Presidential Decree and refers to the signing of a contract between the DRC and AREVA, the French nuclear multinational, under opaque circumstances. Mr. Misabiko has been charged with "undermining State security" and "defamation" which are serious criminal offences under Congolese law.

Such incidents are growing across Africa, and PWYP members have faced intimidation and harassment in Gabon, Equatorial Guinea, Congo Brazzaville, Niger and Nigeria. Yet all of these countries have committed to encouraging dialogue with civil society on the transparent and accountable management of natural resource wealth, including within their participation in the Extractive Industries Transparency Initiative (EITI)**, an international mechanism for disclosure of payments and revenues from the extractive sector.

Government interference in the activities of civil society and harassment of individuals working to promote transparency not only violates fundamental human rights and the principle of democratic governance but also renders meaningless the commitment these countries have made to respect

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the free and independent participation of civil society in public debates around the management of natural resource wealth.

PWYP commends the United States of America for promoting good governance, anti-corruption measures and increased transparency in the management of natural resource revenues in Africa.

PWYP believes that the United States should do more to support efforts both on the continent and globally to reverse the resource curse and enable civil society to play its rightful role in ensuring that natural resource wealth contributes to economic growth, poverty reduction and increased benefits for a country's citizens.

PWYP urges the U.S. government to:

- call on the Congolese authorities to release Golden Misabiko and drop all the charges against him;
- ensure that the human rights of transparency advocates in Africa are safeguarded and their security is guaranteed;
- support the 21 EITI Candidate countries in Africa to fully implement the EITI within agreed deadlines, and encourage other resource-rich African countries to join the initiative as soon as possible;
- implement EITI in the U.S. and increase financial and technical support for EITI globally;
- support the passage of the proposed U.S. legislation that would require all companies registered with the Securities and Exchange Commission to publish annually their natural resource revenue payments to every country in the world; and
- encourage US extractive companies operating in Africa to conduct their operations in a transparent and responsible manner.

Thank you.

PWYP International

PWYP Africa

* Publish What You Pay (PWYP) is a global civil society coalition with over 300 member groups who work together for greater transparency in the oil, gas and mining industries. In Africa, PWYP is active in the following countries: Angola, Burkina Faso, Cameroon, Chad, Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon, Ghana, Guinea Bissau, Guinea, Côte d'Ivoire, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Niger, Nigeria, São Tomé and Príncipe, Senegal, Sierra Leone, Tanzania, Uganda, Zambia.

** The EITI is a global multi-stakeholder initiative for disclosure of company payments and government revenues from oil, gas and mining. The participation of independent civil society is a fundamental component of the multi-stakeholder nature of the EITI, which champions dialogue between governments, industry, and civil society.