



## SOUTH KIVU CIVIL SOCIETY

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### THEMATIC WORKING GROUP ON MINING AND NATURAL RESOURCES

**AN APPEAL FROM THE CIVIL SOCIETY ORGANISATIONS OF SOUTH KIVU IN THE DEMOCRATIC REPUBLIC OF CONGO IN REACTION TO THE ANNOUNCEMENT MADE BY THE *Security and Exchange Commission (SEC)* REGARDING THE TRUMP ADMINISTRATION'S DECISION TO ISSUE AN EXECUTIVE ORDER AIMING AT SUSPENDING THE DODD-FRANK ACT ("THE OBAMA LAW").**

1. We, the Civil Society Organisations of South Kivu in the Democratic Republic of Congo, working on the issue of post-conflict governance of the mining industry, gathered in Bukavu on 10<sup>th</sup> February 2017, have discussed the announcement made by the *Security and Exchange Commission (SEC)* regarding the Trump administration's decision to issue an executive order aiming at the suspension of the Dodd-Frank Act for a period of two years. It should be borne in mind that Section 1502 of the Act relates to conflict minerals in the Great Lakes region and that the backdrop to this Section is cutting the link between conflict and mining in the region.

As such, we wish to express our opinion to the *Security and Exchange Commission (SEC)* and to focus both national and international public opinion, but more specifically American public opinion, on the following points:

- ✓ For more than a decade the province of South Kivu in the Democratic Republic of Congo has been tormented by war and, in particular, by the worst abuses committed against peaceful civil populations by foreign occupation armies (from certain neighbouring countries) and national and foreign armed groups, where obtaining a monopoly on mining resources was the principal concern. The population of South Kivu is today still suffering from the wounds inflicted upon it with the burying alive of women in the Territory of Mwenga, and the bleak picture painted by massacres, large-scale sexual violence and rape against women and young girls, the decimation of entire villages, countless cases of forced labour, the very worst cases of child labour in the artisanal mining industry, targeted assassinations, extortion, torture, and the list goes on. These serious human rights violations, which are comparable to crimes against humanity, have always been followed by economic crimes characterised by the pillaging of natural resources, in particular mining resources, and by illegal payments.
- ✓ The advent of Section 1502 disrupted the status quo and caught the whole world off-guard. The shock led to companies listed on the US stock exchange no longer purchasing their supplies from the east of the DRC and, therefore, dragged us into a sort of de facto embargo situation. Initially, all sectors of our economy were suffocated and very nearly ground to a halt. Many mineral purchasing companies and financial institutions were forced to close down. Poor workers found themselves begging in big cities and many of the young men, formerly mine employees, were recruited by armed groups. Thus, insecurity resurfaced, fraud and the cross-border smuggling of mining products worsened and the provincial government saw a significant drop in its revenue at a time when it was faced with increasing social demand.

✓ A cold, hard analysis of Section 1502 began and it enabled public and private stakeholders, civil society and technical and financial partners to take on and control the provisions contained in the Section. This, in turn, led to a positive change as shown by the following points:

- The realisation among all stakeholders, both public, private and from civil society, of the need to effectively fight the expansion of conflict minerals in the province of South Kivu, in the DRC and in the Great Lakes region. It is for this reason that a "Manual of Procedures for the Traceability of Exported Mining Products" has been created in the DRC.
- Cut off from the illegal extraction of minerals, which was a major source of funding, armed groups are significantly less active. In the east of the DRC, around 8,500 children left armed groups between 2009 and 2015.
- In the past, mining made no contribution to the development of communities living in mining areas. Today, South Kivu has created a fund for community development in conflict-free mining production areas, including the construction of 2 schools and 2 health centres, not to mention other ongoing projects.
- The community, and its mining stakeholders in particular, are showing increased awareness that a child's place is at school, not in the mines. South Kivu has more than 43 mining sites (for the 3Ts or gold), which are officially recognised as providing fully conflict-free minerals to the international market. These *clean* sites are free from child labour, the presence of armed groups and human rights violations. Prior to the Dodd-Frank Act (DFA) coming into force, the existence of such mining sites was confined to the realm of fiction.
- Over the past 3 years, there has been a clear awakening in the minds of the chief stakeholders downstream in the supply chain of the need to create accompanying measures to help upstream stakeholders.
- The implementation of traceability initiatives for gold.
- The suspension of some high-level military officers in South Kivu due to their likely involvement in the illegal extraction of minerals.
- Etc.

2. Despite being thousands of kilometres from Washington (USA), the civil society organisations of South Kivu are among those most actively involved in speaking out in favour of the creation of a responsible mining industry and trade in minerals. These organisations are raising their voices and saying loud and clear that the decisions made by the US administration have a direct impact on the daily lives of everyone living in the province of South Kivu, the DRC and the Great Lakes region.

3. The civil society organisations of South Kivu working in the mining sector remain convinced that any step to suspend Section 1502 would undoubtedly lead to conflict minerals infiltrating the supply chain with devastating effects. Namely, the reactivation of armed groups and the feeding of terrorist and mafia networks linked to the prospective growth in massive fraud, smuggling of mining products, money laundering and illicit enrichment. Such a step would annihilate international, national, regional and local efforts to establish responsible mineral supply chains and would dangerously

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increase the capacity of armed groups to plague peaceful populations upstream, who were hit hard initially by poor global governance of these primary resources. Despite the numerous challenges ahead, the civil society organisations of South Kivu working in the mining sector recommend to the *Security and Exchange Commission* (SEC) that it use all possible legal and political means at its disposal to protect and maintain Section 1502 of the Dodd-Frank Act. By responding to this appeal, the *Security and Exchange Commission* (SEC) would be making a substantial contribution to the fight against the development of terrorist networks at a global level, and more specifically in the east of the Democratic Republic of Congo and the Great Lakes region.

In Bukavu, on 18 February 2017.

On behalf of the civil society organisations of Sud-Kivu working in the mining sector:

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01	ROAUL KITUNGANO	JUSTICE POUR TOUS	
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03	Jean Oreste TUBESER	Groupe KIREMIE	
04	JMATHI OLANJE	Atecutokos	
05	PATRICK NYAMATONWA	ACP / <sup>stream leader</sup> environnement saiev.	
06	Ir. Patrice IWABAUMA	I.G. Easbi	
07	Hortence MIGABO	Dynamique Femmes & Mines (DFEM SK)	
08	Remy KASIMBI	CRESA	
09	Delphin LUNANGA	ACASHOSHA	
10	Safanto BULONGO	Flux Impact / COSAC - RDC	
11	Bienvenu KARHAKU	BWA CAPGT	
12	Jean Bosco NOKETER	REPRODHOC-SK	
13	Pudent OPAOIT	INTERET ECONOMIQUE	
14	Oswald RIBASHA	ODMASH	
15	Pablo MUKI	CCJT	
16	De Patient BASTONSE	BCSC	
17	Solange WSIKU	le Souverain / Médias	
18	Marie MIGANI	CAPSA asbl	
19	Annie BUKORABIA	SEPPA (services pour la santé et le travail)	

20	Yvette SAFARI	SEPPAF (Service pour pour états liés)	<del>Signature</del>
21	Vendicien RWBONENT	GAM asbl	<del>Signature</del>
22	Adrien ZAWADI	COJESKI-RDC / SK	<del>Signature</del>
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24 25	J. O. MWARUKA	RRSF / OHRAE	<del>Signature</del>
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