

Conflict and the illegal exploitation of natural resources

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The illegal exploitation of natural resources and conflict, in the Democratic Republic of the Congo, have a direct nexus.

The final report by the Group of experts of the Committee on sanctions to the DRC concedes that given the nature of the conflict ... there are few documents that provide definitive proof of arms transfers, recruitment, command responsibility for grave human rights abuses and the illegal exploitation of natural resources ... and that the Group relied on eyewitness testimony from members of local communities, ex-combatants and current members of armed groups... while also considering expert testimony by government officials and military officers from the Great Lakes Region and United Nations sources.

However, and even with such limitations in obtaining information, the Group of Experts produces ample evidence on the activities of foreign armed groups active in DRC, namely the Allied democratic forces (ADF); the Forces démocratiques de libération du Ruanda (FDLR); the Forces nationales de libération. Concerning Congolese armed groups, the report mentions activities of the Movement of 23 march, the Mai Mai Yakutumba; the Mai Mai Morgan.

All these groups are liable of violations of international humanitarian and human rights law, such as the recruitment of child soldiers, torture and mistreatment, abduction and slavery, attacks on hospitals, forced conversion, sexual violence, massacres.

They are all engaged in the illegal exploitation of natural resources, from which they get resources to acquire weapons to

pursue their criminal activities, and the destabilization of the Democratic Republic of Congo.

The Group of experts, besides getting evidence on the criminal activities of these armed groups, got ample evidence on the illegal exploitation of illegal resources in the East of DRC, namely coltan, cassiterite, wolframite, which are transformed in tantalum, tin and tungsten, and the exploitation and smuggling of gold, as well as the killing of wildlife and trafficking in wildlife products

The Experts investigated the supply line, from the production sources in the East of DRC to Ruanda and Uganda to where the metals are smuggled and sold in world markets. However, the report does not mention, on the demand side, where the precious metals are sold, with the exception of gold, with the United Arab Emirates as a final destination.

Beyond the post-conflict what are the role of preventive and protective measures and UN sanctions?

In the report, the Group of experts make a set of recommendations to all stakeholders with some interest or leverage on this issue, namely the Governments of DRC, Ruanda, to South Sudan in connection to poaching, and DRC, Uganda and UAE in connection with gold.

A recommendation is made to the International Conference on the Great Lakes Region to launch a traceability mechanism for gold mined in the region.

The all issue of the conflict in the DRC, the presence of foreign armed groups, and the illegal exploitation of natural resources entails a regional perspective and the International Conference on the Great Lakes Region (ICGLR) adopted an initiative to engage the fight against such scourge.

Departing from some premises, namely the substantial amount of natural resources by which the region is endowed, that did not produce the socio-economic well being of its populations, due to disastrous effects of armed conflicts; also the key problem of the missing linkage between the supply chain and the formal economy, the ICGLR member States pushed The Regional Initiative against the illegal exploitation of natural Resources, through the development of a comprehensive approach to the predatory use of natural resources, aimed at breaking the link between mineral revenues and the financing of rebel armed groups.

Additionally, the Initiative put into practice six specific tools in order to curb the illegal exploitation of natural resources in the region: a regional certification mechanism, implying the tracking of the chain of custody of four selected natural resources, namely cassiterite, wolframite, coltan and gold; the harmonization of national legislations, by translating to national legislation the provisions of the Protocol among ICGLR member States; The Regional Data base on mineral flows, foreseeing the establishment of a regional database on the production and trade with selected commodities in the Great Lakes Region; The Formalization, by encouraging the transformation of artisanal mining, to increase transparency and help reduce fraud; The Extractive Industries Transparency Initiative peer learning mechanism, and the extension of the initiative to cover small scale mining; Finally a Whistle-blowing mechanism, aiming at capitalizing on the knowledge of individuals witnessing or participating in illicit mineral activities.

The ICGLR connected its activities with other relevant actors in the areas of mutual interest. So is the case of OECD with the Due diligence on Responsible Supply Chains of Minerals from Conflict-Affected Areas, with the objective of preventing the extraction and trade in minerals from conflict areas; the GIZ, of Germany and through it the European Union, providing

technical advice and support for the ICGLR; ITRI, an organization representing major tin producers; the Partnership Africa Canada, a non-governmental organization which undertakes research and policy dialogue on the promotion of peace and development in Africa.

The Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Region, while recognizing that significant progress was achieved over the past decade, recognizes that the local and regional peace processes laid the foundations for relative peace and stability in large parts of the country, with the eastern DRC continues to suffer from recurring cycles of conflict and persistent violence by armed groups, both Congolese and foreign.

The framework establishes benchmarks to be met by the DRC government, by the Region and by the international community.

As a recognition that the end of the conflict and the future of the DRC is inextricably linked to the Great Lakes Region, the Framework calls for the strengthening of regional cooperation, including deepening economic integration with special consideration for the exploitation of natural resources; a benchmark addressed to the international community consists in a renewed commitment to work towards the revitalization of the Economic Community of the Great Lakes Region and support the implementation of its economic development and regional integration.

Finally, regarding sanctions it is our view that sanctions must remain in place, and if possible refined, as a preventive and protective role.

In a Presidential Statement adopted in June 2013 the Security Council emphasized the importance of improving the work of and strengthening the contributions made by sanctions committees and the expert's groups and panels established by

the Council in dealing with the impact of the illegal exploitation of natural resources on conflicts in the countries under consideration ... furthermore, the Council expressed its readiness to consider imposing targeted and graduated measures in context of country-specific resolutions against individuals and entities involved in the persistent illegal exploitation of natural resources that play a role in triggering, financing or prolonging conflict when appropriate to the situation on the ground.

While armed groups continue active and proliferate in the DRC, while egregious violations of human rights persist in the country and its natural resources are plundered with complicities that are well established, and they continue to feed conflicts, the sanctions regime makes sense: as a tool to dissuade the prevaricators, as a tool to show to the international community how grave is the situation in its various dimensions; and, by understanding the situation in the ground and in full, the sanctions committees and the groups of experts are able to make pertinent policy recommendations to the governments concerned, to the Security Council, to regional stakeholders, to other UN organs and agencies, and to the international community at large.

In conclusion it is our deepest hope that the DRC goes beyond conflict and post-conflict; that its immense wealth benefits the Congolese people; that a new era of accountability and the end of impunity permits the full enjoyment of freedom in the country and in the region; and the end of armed and terrorist groups and external interferences allow Congo to fully determine its future, in peace, freedom and security after so many decades of conflict.