

Mr Carl Bildt
Minister of Foreign Affairs
Chair of General Affairs
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SUEDE

Tuesday July 21st 2009

Dear Minister,

We are writing to you as a group of international non-governmental organisations working on conflict, human rights and humanitarian issues. We call on the European Union (EU) to take the lead in initiating stronger international action to break the links between the mineral trade and the continuing conflict in eastern Democratic Republic of Congo (DRC). We believe that Sweden, as the current president of the EU, and as a country perceived as neutral in the Great Lakes region, is in the best position to drive forward these reforms.

The role of natural resources, and more specifically the mineral trade, has been widely recognised as one of the factors fuelling the violence in eastern DRC since the start of the war. Non-governmental organisations and UN expert panels, among others, have documented how all the main armed groups have been making large profits from the illegal exploitation of minerals and relying on this trade to help fund their military efforts in one of the most brutal and abusive wars that the African continent has ever seen.¹

Successive peace agreements have failed to break these patterns. Despite recent developments, such as the improvement in relations between Rwanda and the DRC and the integration of the former rebel group, the *Congrès national pour la défense du peuple* (CNDP) into the national army, the exploitation of minerals in eastern DRC continues to be highly militarised. The armed groups and military units controlling many mining areas are carrying out horrific human rights abuses against the civilian population. As we write to you, brutal attacks against unarmed civilians in North and South Kivu are on the increase. Those responsible for the violence include the *Forces démocratiques pour la libération du Rwanda* (FDLR) and soldiers of the Congolese national army – both of whom are heavily involved in mining and trading in cassiterite (tin ore), coltan and gold. Without sources of funding derived from the mineral trade, it is doubtful that groups such as the FDLR would be able to sustain their operations at the current level.

¹These patterns are confirmed in a new Global Witness report “Faced with a gun, what can you do? War and the militarisation of mining in eastern Congo”, published on 21 July 2009.

Those buying the minerals produced by these groups include companies based in EU member states. Yet to date, EU governments have done little to curb this trade. They have been very reluctant to impose minimum requirements on companies registered in their countries to ensure that their trading practices are not fuelling the conflict, despite abundant evidence that existing systems, such as codes of conduct and other voluntary mechanisms, have been wholly ineffective in addressing this dimension of the trade.

We commend the strenuous efforts of the EU Special Representative for the Great Lakes region Roeland van de Geer to bring about peace and an end to human rights abuses in the DRC. We also welcome the creation of the task-force on natural resources in the Great Lakes region set up by a number of EU governments earlier this year. If governments are willing to tackle the role of the mineral trade in prolonging the conflict in eastern DRC with honesty and determination, the task-force could make a significant contribution to breaking the links between this trade and the continuing violence and human rights abuses. However, if individual governments continue to opt for soft, ineffective measures such as voluntary codes of conduct (as has been the case to date), or to protect the interests of companies over those of the Congolese civilian population, the task-force will be little more than a wasted opportunity. For the task-force to have any impact, it will need to consider, and adopt, more radical measures.

We are not aware of concrete, effective actions which have been taken in the six months that have passed since the first meeting of the task-force; meanwhile, the human rights and humanitarian situation in eastern DRC continues to deteriorate. Our impression is that each government has waited for others to take the lead, resulting in a situation of overall inaction. We believe that the EU is best placed to cut through this situation and demand that governments act promptly.

We are calling on the EU to take the lead in initiating the following actions:

- Draft and adopt EU legislation, which would be enforceable in all member states, requiring companies to carry out strict due diligence to ensure that they are not buying, selling or processing minerals which benefit any of the warring parties in eastern DRC. Companies, at every stage of the supply chain, should be able to demonstrate the exact source of the products and the identity of intermediary parties, with independently verifiable evidence. The legislation should provide for tough penalties against companies who fail to carry out these steps or who continue to trade with armed or military groups, directly or indirectly.
- Pending the adoption of such legislation, urge governments of member states whose companies are trading in minerals from the conflict-affected areas of eastern DRC to investigate the activities of these companies and to take strong action against those who are found to be trading in minerals produced by any of the warring parties.

- Ensure that the EU and member states assist the Congolese government in restoring the rule of law in the mining sector in eastern DRC.
- Urge, and assist, the Congolese government, to bring to justice members of the Congolese army involved in serious human rights crimes and the illicit trade in natural resources.
- Ensure that international peace efforts address the economic dimensions of the conflict and result in actions which prevent armed groups from financing themselves through the country's mineral wealth.
- Support the UN peacekeeping force MONUC to fulfil its mandate to "curtail the provision of support to illegal armed groups derived from illicit trade in natural resources", as provided for in UN Security Council Resolution 1856 (2008).
- Ensure that the task-force on natural resources urgently discusses the above measures and adopts a corresponding action plan, with a time-frame for implementation, at its next meeting.

Through initiating these actions, the EU could contribute significantly to excluding military and other armed groups from the mineral supply chain, thereby depriving them of one of their principal sources of finance and contributing to a reduction in the level of violence in eastern DRC.

These actions, in particular the adoption of legislation, would also set an important precedent in preventing the natural resource trade from fuelling conflict and human rights abuses in other parts of the world and could inspire countries outside the EU to implement similar measures. Draft legislation requiring companies to disclose the origin of their mineral supplies has already been introduced in the US Senate in May 2009²

Yours sincerely,

² See US Senate Bill S. 819, Congo Conflict Minerals Act of 2009



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