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Embargoed until: Midnight BST Wednesday 30 May 2012

Renewed fighting in eastern Congo highlights urgent need to end conflict minerals trade

Renewed violence in eastern Democratic Republic of Congo (DRC) underscores the urgent need for companies and governments to clean up Congo's minerals trade, said Global Witness in a new report published today.

The report, *Coming Clean – How supply chain controls can stop Congo's minerals trade fuelling conflict*, is based on field research carried out in DR Congo's Kivus provinces, which have been blighted by a minerals-fuelled conflict for over a decade.

The research shows how some companies have begun putting in place checks on their supply chains – known as due diligence – while others are refusing to do so. Earlier this month the Congolese government suspended two mineral export houses suspected of failing to undertake proper due diligence.

“The UN Security Council and the OECD have laid down clear standards of supply chain due diligence for businesses using minerals from Congo. The onus is now on companies to comply,” said Sophia Pickles, Campaigner at Global Witness. “By carrying out thorough checks on their supply chains, businesses can deny funds to abusive armed groups and help bring stability to one of the world's poorest and most volatile regions.”

Nascent progress in the Kivus risks being jeopardised, however, by a new rebellion instigated by Congolese army general Bosco Ntaganda. The report describes how Ntaganda, a career warlord wanted by the International Criminal Court, seized control of some of the region's richest mining areas and built up a highly lucrative conflict minerals trafficking operation prior to his April mutiny. Global Witness believes it is highly likely that proceeds from the general's racketeering are being used to finance the current fighting.

“Global Witness, the UN Group of Experts and others have long highlighted the risks of allowing mafia networks within the Congolese army to hijack the minerals trade. It is crucial that the Congolese government breaks the prevailing impunity by prosecuting senior officers responsible,” said Pickles.

Governments in the region and beyond must make it a legal requirement to abide by international standards designed to clean up Congo's minerals trade. This need is particularly pressing in the US. In July 2010 Congress passed a law – section 1502 of the Dodd Frank Act – which requires companies using tin, tantalum, tungsten and gold from Congo and neighbouring countries to carry out due diligence and report their findings publicly. However the Securities and Exchange Commission has failed to issue the rules to complete the law, with the result that companies are not implementing it.

“The crisis in eastern Congo demands a response from the SEC and the Obama administration,” said Sophia Pickles. “The SEC is over 18 months late in issuing its rules on conflict minerals. This is obstructing efforts to end the conflict minerals trade. Eastern Congo needs action and it is high time the White House stepped in and compelled the regulator to do its job.”

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Notes to editors:

1. The OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, which are global in scope, can be accessed at: <http://www.oecd.org/dataoecd/62/30/46740847.pdf>.
2. The UN 'Due diligence guidelines for the responsible supply chain of minerals from red flag locations to mitigate the risk of providing direct or indirect support for conflict in the eastern part of the Democratic Republic of the Congo', which were written by the UN Group of Experts on DRC and endorsed by the UN Security Council in 2010, can be accessed at: http://www.un.org/News/dh/infocus/drc/Consolidated_guidelines.pdf.
3. A Congolese government February 2012 decree adopted OECD due diligence standards into domestic law. It is now a legal requirement for companies operating in DRC's mineral's sector at all levels of the supply chain to undertake due diligence checks to the OECD standard. See *Arrêté ministériel N.0057.CAB.MIN/MINES/01/2012 du 29 février 2012 portant mise en œuvre du mécanisme régional de certification de la Conférence Internationale sur la Région des Grands-Lacs « CIRGL » en République Démocratique du Congo*, Article 8.
4. On 15 May 2012 the DRC's National Minister of Mines, Martin Kabwelulu, issued a letter of suspension to two mineral traders, TTT Mining (exporting as CMM) and Huaying Trading Company, both based in eastern DRC's North Kivu province. The letter accuses the two traders of buying minerals without doing due diligence checks on their supply chains to ensure that their purchases did not benefit armed groups or units of the Congolese national army. The letter describes the decision as a preventative measure and instructs the provincial authorities in North Kivu to launch an investigation.