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## **Regional Experts and Stakeholders Consultations on Natural Resources and Good Governance for Sustainable Peace, Development and Transformation of the Great Lakes Region**

5-6 July 2017  
Nairobi, Kenya

### **I. Introduction**

On 5 and 6 July 2017 in Nairobi, Kenya, a “Regional Experts and Stakeholders Consultation on Natural Resources and Good Governance for Sustainable Peace, Development and Transformation of the Great Lakes region” was co-organised by the International Conference on the Great Lakes region (ICGLR) and the Office of the Special Envoy of the United Nations Secretary-General for the Great Lakes region (O/SESG-GL). The meeting gathered experts, representatives of Governments of the region, key development partners, including bilateral donors and UN agencies, private sector and civil society.

The meeting was initiated in response to the request by the Ministers of Defence of concerned ICGLR and SADC countries on 20 July 2016 in Nairobi, to convene a dedicated meeting on the issue of illegal exploitation of natural resources aimed at undercutting the lifelines of negative forces. The Ministers also noted ‘the need to identify countries, companies and individuals that trade and benefit from illicit economic activities of the negative forces in the region and to bring sanctions to bear through appropriate mechanisms, in line with the UN sanctions regime.’ This request was subsequently endorsed by the Heads of State and Government of the region during the meeting of the Regional Oversight Mechanism of the Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the region on 26 October 2016 in Luanda, Angola.

In preparation for the meeting, the Special Envoy of the United Nations Secretary-General for the Great Lakes region, Saïd Djinnit, had convened leading experts in the field of illegal exploitation of natural resources for a briefing on 28 October 2016 in Nairobi, Kenya. The briefing was focussed on providing guidance to O/SESG-GL on areas in which it can offer added value and good offices, in coordination with ICGLR and MONUSCO.

### **II. Objective of the meeting**

The expert and stakeholders discussed the status of implementation of the ICGLR Regional Initiative on Natural Resources (RINR) and other strategies aimed at combating the illegal exploitation and trade of natural resources in the region. Participants also assessed ongoing coordination of activities by partners, and the opportunities available to enhance support to the implementation of the ICGLR RINR and other relevant initiatives. Useful recommendations on how O/SESG-GL and ICGLR could enhance coordination amongst stakeholders for added value, through high level advocacy at the regional and international level, were also proffered.

### **III. Main elements from the consultations**

The meeting was formally opened by H.E. Pierre Kangudia Mbayi, Minister of State in charge of Budget of the Democratic Republic of Congo, who emphasised the importance of the fight against impunity of criminal networks, companies and individuals involved in the illegal trade of natural resources. The Minister stressed the importance of the review of the legal framework for the natural resources management, but alluded to ‘dark forces’ which impede the ongoing review and implementation of the mining code for the region. The opening of the consultations was also attended by Hon. Dan Kazungu, Cabinet Secretary, Ministry of Mining, Republic of Kenya, who called for coordinated regional actions, such as joint taxation and infrastructure efforts and to address the cross-border problems associated with the illegal exploitation of natural resources.

The Special Representative of the UN Secretary-General for DRC and Head of MONUSCO, Mr. Maman Sidikou highlighted the cross-cutting nature of the issues, and stressed that MONUSCO now actively analyses the natural resources dimension of the conflict dynamics throughout the country. The Mission has also established a Task Force on Criminal Networks. This Task Force, composed of the military, police and civilian components of the Mission, is tasked with analysing criminal networks and developing integrated strategies to address the problem.

The EU Head of Delegation in Kenya, Mr. Stefano Dejak, the UN Environment Executive Director, Mr. Erik Solheim, as well as Ambassador Josephine Gaita, the ICGLR National Coordinator in Kenya addressed participants. They called on the experts and stakeholders to provide practical and concrete recommendations towards establishing a regional system of sustainable exploitation of natural resources in order to ensure that natural resources become tools to promote peaceful, inclusive and sustainable development.

The ICGLR Executive Secretary, Ambassador Zachary Muburi-Muita, noted that frameworks for good governance of natural resources in the region are in place and that the focus of collective efforts should be on implementation. To achieve this, he committed to work with ICGLR Member States and partners towards the good governance of natural resources in the region, in line with the RINR and the ICGLR Protocol against the Illegal Exploitation of Natural Resources. Moreover, ICGLR will look at strengthening its capacity, including the ICGLR National Mechanisms in the Member States, to carry out this task.

Members of the diplomatic community, among them Ambassadors from the Netherlands, Belgium and Switzerland, outlined their countries engagement with and support for transparent governance of natural resources, and offered to further engage and support ICGLR and UN efforts in this regard. Stronger donor coordination was emphasized and supported by a number of other representatives of the regional diplomatic corps, including from Norway, France and Australia, and where I was asked to facilitate subsequently.

At the closing session of the meeting, the Special Envoy of the United Nations Secretary-General for the Great Lakes region, Saïd Djinnit called on participants to be reasonably bold when making recommendations, as it was up to them – as a community of experts and stakeholders - to encourage the region to ensure the sustainable management of natural resources. I reiterated that my Office stands ready to support the ICGLR in the follow up on these recommendations. Moreover, the Special Envoy of the United Nations Secretary-General for the Great Lakes region, Saïd Djinnit, highlighted the connection between the sustainable management of natural resources, democratic governance structures, actions of negative forces and the fight against impunity. In this regard, the Office of the Special Envoy of the United Nations Secretary-General for the Great Lakes region will continue to support efforts to enhance judicial

cooperation in the region, including through the Great Lakes Judicial Cooperation Network in liaison with ICGLR, UNODC, OHCHR and UNDP and the UN Great Lakes Strategic Framework in general.

#### **IV. The recommendations**

The key recommendations made by the experts and stakeholders will be presented to the respective ICGLR mechanisms, namely the ICGLR Regional Committee on Natural Resources, the ICGLR National Coordinators and the Ministers of Mines.

They will also be brought to the attention of the Ministers of Foreign Affairs of the region for consideration prior to the next meeting of the Regional Oversight Mechanism of the Peace, Security and Cooperation Framework for the Democratic Republic of Congo.

### **KEY RECOMMENDATIONS**

#### **A. Towards increased ownership of the ICGLR Regional Initiative on Natural Resources (RINR) and sustainable natural resources management by the ICGLR Member States**

1. The International Conference on the Great Lakes Region (ICGLR) and Office of the Special Envoy of the UN Secretary-General for the Great Lakes Region (O/SESG-GL) will jointly engage with all the Governments of the region to promote the implementation of the Regional Initiative to fight against illegal exploitation of Natural Resources; including stepping up efforts to collect reliable production and export data; first engagement will focus on Uganda and other core countries that are not implementing the initiative.
2. The Regional Initiative on Natural Resources (RINR) should be implemented by all Member States of the ICGLR, in line with the Lusaka Declaration signed by Heads of State and Government on 15 December 2010. It is suggested that a regional sanction mechanism to fight/prevent acts that constitute an obstacle to the implementation of the RINR should be elaborated. The sanction mechanism should target all stakeholders including Member States, individuals and companies.
3. ICGLR Member States to harmonize taxation regimes at the provincial, national and regional levels in general and on trade of gold in specific, and to set the goal to ensure that all companies exporting natural resources from the Great Lakes region (with a focus on gold) will gradually be audited.

4. The ICGLR and O/SESG-GL to encourage and support criminal (civilian and military) investigation and prosecution into crimes related to the illegal exploitation of natural resources; including via support by the Great Lakes Judicial Cooperation Network, established by the ICGLR in coordination with the O/SESG-GL.
5. ICGLR Member States, in coordination with the private sector and national, regional and international stakeholders, to accelerate the development and implementation of a regional Artisanal and Small-Scale Mining (ASM) Gold Due Diligence Strategy; and ICGLR Member States to designate more areas as legal artisanal mining zones.
6. ICGLR Member States with the support from all stakeholders to focus on gold detection measures at border crossing and export hubs including to coordinate with existing initiatives such as *Initiative de Traçabilité de l'Or d'exploitation Artisanale* (ITOA).
7. ICGLR Member States with support from all stakeholders to reach out to aviation companies and custom authorities to raise awareness on transportation of gold via hand luggage; and further, to implement all recommendations from the Meeting of Services in charge of fighting against mineral smuggling and fraud held in Kinshasa, Democratic Republic of Congo in April 2015.
8. The ICGLR Member States should implement article 16 of the Protocol Against the Illegal Exploitation of Natural Resources, regarding the seizure and confiscation of illegally exploited minerals.
9. ICGLR Member States should implement the recommendation by Ministers in Charge of Mines held on 21 October 2016 on the Self-Financing Mechanism for the Regional Initiative to fight against the illegal exploitation of Natural Resources.

**B. Strengthening the capacity of the ICGLR**

10. Given the ICGLR's mandate on peace and security, under the ICGLR Pact on Security, Stability and Development in the Great Lakes region (ICGLR Pact) and the Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the region (PSC Framework), the ICGLR to remain the driver on the issues of good governance of natural resources in the Great Lakes region in

reference to the ICGLR Protocol Against the Illegal Exploitation of Natural Resources, in close partnership with relevant stakeholders.

11. With the support of relevant stakeholders, the ICGLR's organizational and financial management capacity should be strengthened in order to deepen the ICGLR's impact on good governance in general and to increase its support to ICGLR Member States for the implementation of the RINR in particular.
12. In light of the fact that the RINR tools have not yet been fully implemented, focus will initially remain on 3Ts (tin, tungsten, tantalum) and gold. Practices will serve as lessons learned for a potential future expansion of the RINR to other natural resources and commodities. Such potential future expansion would be the decision of the ICGLR Regional Steering Committee against the illegal exploitation of natural Resources.

### **C. Strengthening partnerships**

13. The ICGLR Member States to promote joint investment into natural resources extraction and trade in the Great Lakes region and address trade barriers amongst themselves.
14. Partnerships will be strengthened to increase coordination with international, regional and national stakeholders, civil society organizations and the private sector.
15. ICGLR's close coordination with the O/SESG-GL will continue in order to politically support the RINR, in line with the PSC Framework.
16. The partnerships will address coordination of efforts to avoid duplication; the Organization for Economic Co-operation and Development (OECD) has offered to facilitate a multi-stakeholders consultation to take stock of the RINR progress.
17. The partnerships will also address technical and financial assistance towards the implementation of the RINR. In particular, ICGLR will liaise with partners on a resource mobilization strategy for the Office of the Independent Mineral Chain Auditor (IMCA).
18. Efforts to be made to ensure stakeholders are better informed of ICGLR's efforts on issues of natural resources. In this regard, ICGLR will increase efforts towards information sharing and regular

reporting amongst partners. In particular partners should support the regional peer-learning platform on Extractive Industry Transparency Initiative (EITI), with a focus on capacity building and sensitization.

19. The ICGLR and O/SESG-GL to coordinate diplomatic engagement with Governments of claimed destination countries of (illegally) exploited natural resources commodities, specifically gold. The stakeholders made specific reference to China, India, Thailand, Turkey and the United Arab Emirates.
20. The ICGLR, with the support from UN and other partners, to engage directly with the international and national financial sectors to stimulate financial inclusion of ASM Gold producing areas and to curb illicit financial flows.
21. The ICGLR to accelerate the implementation of the ICGLR whistleblowing mechanism, which will serve the protection of stakeholders, amongst them civil society representatives.
22. On the topic of the fight against criminal networks, the ICGLR will coordinate with UN and other partners and stakeholders to address and assess the issue.
23. The ICGLR, the O/SESG-GL and the UN Sanctions Committee on the DRC to cooperate to promote implementation of the UN sanctions regime.
24. Donor countries and organizations to regularly meet for effective coordination of their efforts in support of the fight against illegal exploitation of natural resources.