The Minister of Mines of the DRC should accelerate the finalisation of the measures for the application of the new Mining Code on CSR: mining royalties, cahier des charges and funding for community development.

The African Resources Watch (AFREWATCH), a non-governmental organization working for the advancement of human rights in the natural resources sector, welcomes the commitment made by the National Minister of Mines during a press briefing held on 2 July 2020 in Kolwezi in the province of Lualaba on the community-based nature of the innovations of the 2002 Mining Code revised in 2018.

During its intervention, the Minister expressed the wish to see the development of communities living around mining areas begin through the three opportunities contained in the 2018 mining legislation and at the same time instructed the heads of the decentralised territorial entities (ETDs) to put an end to the practice of aligning the large share of expenditure of mining royalty funds with the construction/rehabilitation of local administrative buildings and the operating costs of local public institutions. However, in its press release n°03/AFREWATCH/2019 of November 2019, AFREWATCH already expressed the concerns of the beneficiary opinion on the management and the allocation of the funds resulting from the payment of the mining royalty by the ETDs as well as all the uncertainties regarding the management of these funds.

For the effectiveness of this measure, AFREWATCH which shares the concerns of sister organisations, the latest of which are those of the Natural Resource Governance Institute in its report made public in July 2019 on Innovations in the new mining legislation of the DRC: opportunities, challenges and prospects for implementation, and of CORDAID in its evaluation report of the revised mining code named : two years after the revision of the mining code in the DRC: Local Communities Awaiting Societal Benefits, published in June 2020, instead calls on the national Minister of Mines to accelerate the process of finalising measures to implement the revised mining Code on mining royalties, cahier des charges and funding for community development. Failure to do so would mean postponing the improvement of living conditions for several communities and ETDs until later.

Therefore, in order to ensure the rapid operationalisation of the local organisations in charge of managing these funds, AFREWATCH recommends to the Minister of Mines:

- To finalise as soon as possible the measures to implement the revised Mining Code on the management of mining royalty funds, the development of the cahier des charges and the management of the funding for community development.

- To take, in the meantime, transitional measures, an inter-ministerial order determining the exclusive allocation of the funds of 15% of the mining royalty collected by the ETDs to infrastructures and projects of community interest defined in the local development plans;

- To ensure that the mining royalty revenues collected by the ETDs exclusively finance projects of community interest as set out in local development plans.

AFREWATCH

2 AFREWATCH, Press Release n°03/AFREWATCH/2019: "The government of the DRC called for the cancellation of the memorandum of understanding initiated by the provincial government of the province of Haut-Katanga on the creation of the solidarity fund for the distribution of mining royalties", Lubumbashi, November 2019.
3 https://resourcegovernance.org/sites/default/files/documents/innovations_de_la_nouvelle_legislation_miniere_de_la_rdc_opportunites_defis_et_perspectives_de_mise_en_oeuvre_0.pdf