

12th Forum on Responsible Mineral Supply Chains

17-20 April 2018, Paris

Introductory remarks by Douglas Carpenter, European External Action Service

- Chair, Ambassador, Distinguished colleagues, I am very pleased to be here to reaffirm the **ongoing partnership between the EU and OECD to encourage Global implementation of the Due Diligence Guidance**. You asked us to focus in particular in this panel on **policy drivers** and on **stocktaking** and I will try to do so: as I am representing the Africa Department of the European External Action Service I will – notwithstanding the global coverage of due diligence – of course be focusing on the **Great Lakes** – in many ways the origin of our due diligence. I am not going to anticipate what will be said during this week on the specificities of the mineral supply chain (and there is a wealth of material to consider – on alignment of industry programmes, gender risks, cost recovery, and all the ingredients which are needed to make the different steps of due diligence actually work). Instead I want to focus on **what the EU is doing** and on what we see as priorities in this year 2018. And in particular I want to say that if 2017 was for us the year of **regulatory effort** then 2018 is one of **political and operational effort**.

- I am sure we will spend some considerable time discussing the trends on minerals trafficking in the Great Lakes this week, and certainly - if I recall the **2017 report of the UN Group of Experts** - there were a number of flashing lights including **on the negative side** that artisanally mined gold from conflict-affected areas was being exported in huge volumes through smuggling, and reports linking not only armed groups but also state actors to some of that smuggling. It was also shocking to read research by IPIS on the high proportion of gold miners in eastern Congo working under a permanent armed presence. **On the positive side** in 2017 there were “reduced instances of armed groups directly benefiting from the exploitation and trade of the 3Ts” and this good news is clearly linked to **traceability**.

- Chair, looking around the room and digesting the very diverse programme of sessions this week it is clear to me that each participant needs to establish their own comparative advantage - what they can bring to the table to make a difference? And of course we all have limited resources. And in these remarks I want to make a plea for the international community to play its **political** role in this very special year for the Great Lakes. I will come back to that.

- We have a number of colleagues here representing different strands of our work in the EU: on **regulation, on co-operation, and on political affairs**, and I do not want to omit our **chairmanship of the Kimberley Process** which was presented by HRVP Mogherini as part of our work for human rights – to make sure that diamonds produce wealth, not modern slavery. As you know, our focus this year is on strengthening the implementation and effectiveness of the

Process and on ensuring sustainable livelihoods for producing communities and we will be organizing a series of events in this context. You will hear much more about this during the week.

- Chair, last year Commissioner Malmström addressed this forum and asked for a focus on getting more **critical mass** in terms of the number of mining areas, industry sectors and governments implementing the global responsible mineral sourcing agenda. And of course that requires both **outreach and also support**. On the EU side I think that we are making some progress and I would like quickly to cover this.

- As you know, the **EU Conflict Minerals Regulation** was adopted one year ago. Although I am focusing on Africa, we stress the **global reach of this Regulation and also of course its compatibility with the OECD five step approach**. Its due diligence requirements for Union importers of Tin, Tantalum, Tungsten and Gold will apply as of 1 January 2021, but we and our Member States and companies are **already preparing** to ensure the effective implementation of the regulation. And I am pleased to say that we are confident that the EU is on schedule on both the obligations of the Regulation and the accompanying measures. For the sake of completeness, let me highlight some of the initiatives which the European Commission is busy preparing:

- Firstly, guidance to companies on the **identification of conflict-affected and high-risk areas**

- Secondly, guidance to Member State competent authorities on the so-called **ex-post checks** on importers,

- Thirdly, a regulation on the **methodology** to recognise supply chain due diligence schemes.

- These initiatives are well advanced and actually we are confident that they can be adopted in the course of 2018. A key next step building on these efforts will be for the European Commission to adopt an implementing act establishing a list of **global responsible smelters and refiners**. And we expect to obtain a first indicative, non-exhaustive list of **Conflict Affected High Risk Areas** in 2019, well in advance of the 1 January 2021 deadline.

- As I said we are also advancing on some important **accompanying measures** such as support to SMEs, encouraging uptake of responsible sourcing policies among downstream companies - in other words companies producing goods including 3TG but which do not themselves import the metals and minerals into the EU - who do not have legal obligations under the Regulation. And of course a number of **projects on the ground**, including:

- “Promoting responsible supply chain in the area of conflict minerals (3TGs)” (supported by the Global Public Goods and Challenges [GPGC] programme) was approved in December 2017: this foster cooperation between producer and consumer countries on responsible sourcing of minerals through the European Partnership on Responsible Minerals (€ 5,395 million). The objective is to enhance the socio-economic conditions of the local mining communities, living at the extraction side of 3TGs that is the origin of the value chain, to make them possibly eligible to credit in due

time, to take care of gender discrimination and to address child labour in the mining areas. Our support will also target the capacity of local authorities.

- Support to OECD Due Diligence and responsible sourcing of minerals (from the Instrument contributing to Stability and Peace, with €4 million for the period 2014-2019).

- Support to the ICGLR Regional Initiative against the illegal exploitation of Natural Resources (RINR) (Note: €3 million from the Instrument contributing to Stability and Peace, a total of € 4 million for the period the period 2014-2016 and - under the Annual Action Programme 2017 - an indicative amount of €10 M of which the exact allocation to the RINR will be specified).

- Support to artisanal gold miners in Burkina Faso and Cote d'Ivoire and for ASM diamonds in the Central African Republic, which has been approved under the AAP 2017 and will be implemented in 2018-2020 (total €4 million).

Finally, I would like to stress the important work **to encourage third countries - producing as well as consuming – to adopt and implement policies for responsible sourcing of minerals** based on the OECD's guidance. Our efforts in this regard are based on three pillars:

- Political dialogues from technical to political level with major economies and countries of special relevance for responsible sourcing of minerals.

- Proposals to include reference to responsible sourcing of minerals based on the OECD's guidance in the trade agreements, for example in the agreement with Mexico.

- Substantial support (including operational funding) of the OECD's work on responsible sourcing, which include promotion and awareness-raising across the globe in producing and consuming countries alike.

But Chair this is not my key message today. Of course this is all important work but I want to end today with a more **political** conclusion - because after all this is a **highly political year in Central Africa** and because we in the EU remain convinced that the only way to breaking the link between illegal exploitation of ALL natural resources and the persistence of armed groups, is through the establishment of **state control, accountable governance and the Rule of Law**. Because the problem of illegal exploitation of natural resources is ultimately a problem of governance and **its persistence is both a security problem and a problem of human rights**. Sustainable due diligence is ultimately based on good governance.

- We believe that **holding credible, transparent, inclusive and peaceful elections** on 23 December can make it possible to overcome the political crisis by allowing a democratic transition in the Democratic Republic of the Congo (DRC) in accordance with its Constitution, the Saint-Sylvestre Political Agreement and the relevant United Nations Security Council Resolutions. And of course the EU is ready to support credible and inclusive elections **in**

cooperation with all Congolese actors and their partners, in particular the United Nations, the African Union, the SADC, the ICGLR and the OIF.

Successful elections in DRC can open that way to a lasting solution to the economic and budgetary crisis and to inclusive development and the resumption of regional economic integration: we all want this to succeed. Integration brings more freedom of movement but also brings more secure borders - **real co-operation between neighbours means real security.**

- Chair, finally the EU has always supported the **combined international, regional and national approach of the Peace Security and Co-operation Framework for the Great Lakes**, which Special Envoy Djinnit has done so much to advance. The UN Security Council clearly reaffirmed that the PSCF “remains an essential mechanism to achieve durable peace and stability” in the DRC and the region, and called on all signatories to fulfil their respective commitments to address the **root causes of conflict** and promote lasting regional development. And of course one of those root causes is the illegal exploitation of natural resources. Your vital work needs political dynamics behind it, and all of us – the Governments of and regional organizations of the Great Lakes region and the international community can make a difference. We are working hard with our partners on this, and I am pleased to tell you that in a ministerial meeting with SADC – of course a itself guarantor of the PSC Framework, which I myself attended two weeks ago in Pretoria, both sides underlined their commitment to holding of elections in DRC this year, in a spirit of dialogue and in the framework defined by the constitution, the St Sylvestre Agreement and Security Council Resolution 2409.

Chair, let me end here: nothing I say should undermine the great work that all of you are doing but the politicians also have their work to do, and never more so than now. Thank you