

International Development Committee

Oral evidence: [Fragility and development in the Democratic Republic of Congo](#), HC 99

Tuesday 15 October 2016

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Members present: Stephen Twigg (Chair); Fiona Bruce; Dr Lisa Cameron; Mr Nigel Evans; Pauline Latham; Jeremy Lefroy; Wendy Morton; Paul Scully; Mr Virendra Sharma

Questions 37 - 76

Witnesses

I: Bilge Sahin, Development Academic, SOAS, Sarah Cotton, Public Affairs and Policy Adviser, International Committee of the Red Cross, and Marie-Claire Faray, Member of the Executive Committee, Common Cause UK.

II: Luqman Ahmad, Project Director for Élan RDC, Adam Smith International and Peter Jones, Campaigner, Democratic Republic of Congo Team, Global Witness.

Examination of Witnesses

Witnesses: Bilge Sahin, Sarah Cotton and Marie-Claire Faray.

Q37 Chair: Good morning, everyone. Welcome to this evidence session as part of our inquiry into fragility and development in the Democratic Republic of Congo. We have two panels this morning; our aim is to run each panel for about 45 minutes. I welcome our first panel. We have had a bit of a technical problem so we do not have any amplification. The acoustics in this room are very good, so I do not think we need to worry, but we all just need to speak reasonably loudly so that everybody can hear.

Our practice as a Committee is that I will go straight into the questions, and when you have your first opportunity to answer a question perhaps you can say something by way of introduction. With the first panel, we have seven questions and 45 minutes. As a sense of how much time we want to spend on each subject, we have seven questions to cover in three-quarters of an hour.

Pauline Latham: I do not know who wants to answer this, but to what extent do you think cultural differences towards women are a contributing factor to the prevalence of sexual violence and gender-based violence in the DRC?

Marie-Claire Faray: My name is Marie-Claire Faray. I am a member of Common Cause UK and the Women's International League for Peace and Freedom. I have been campaigning on the DRC since 2001. I am here as the voice of the voiceless Congolese women, particularly those who have been affected by the conflict and invasion of the Congo, specifically since Opération Turquoise of the United Nations Security Council. I am here representing those voiceless women: those who have been buried alive in Muyenga, those who have been affected by the six days of war in Kisangani in 1999, and all the women who today have been silenced because of the political insecurity in the Congo. As you know, development goes hand-in-hand with political will for a stable DRC.

To respond to your question with regard to culture in the Congo, first I would like to explain one thing that is very clear for us as Congolese and particularly with regard to our history. Historically, when you look at the participation or even just the status of women in the Congo, as Congolese women—although I am British and I have been living in Britain for 25 years, all of my family is based in the Congo and I am originally from the Congo—culturally we live in a patriarchal society worldwide. The Congo, particularly some kingdoms in the Congo, had a matriarchal system, and the participation of women in the governance of communities was a key factor cementing the community. Today, it is stated that the participation of Congolese women has gone from full inclusion to discrimination to total exclusion at this moment.



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I am not going to say that this crisis of sexual violence and the lack of participation is a cultural problem. It is a phenomenon that has been effected through hundreds of years of history of slavery, colonialisation and dictatorship, and now this repetition of war and lack of rule of law in the Congo. That is where you see that the lack of participation of women, sexual violence and gender-based inequality are rampant, because of the lack of the rule of law in the Congo.

Bilge Sahin: My name is Bilge Sahin; I am a PhD candidate at SOAS and I am also a graduate teaching assistant in development studies at SOAS. My PhD topic is about the DRC, the rule of law and its effect on sexual violence crimes. I was in the North Kivu province from September 2015 until February 2016, so I would like to highlight some of the observations I made and interviews I conducted during my fieldwork. On the cultural issues, I agree with Marie-Claire: it is important that the interpretation of violence should not be attributed to Congolese culture or customs. On the contrary, relations that contain inequality, domination and exclusion need to be understood from different social, economic and political backgrounds. Gender roles in the eastern DRC are regulated through education, economic activities, religion, law and customary practices, and privileges for men's gender position in the political, judicial, economic and social domains have been created since the colonial era. When we say "culture", we need to look at a broader background for this.

For the gender relations in the eastern Congo, from the interviews that I conducted with the local communities and the women activists there, I got some pictures about masculinities and femininities. Even though we cannot say this is what femininity is and this is what masculinity is, a general understanding is that masculinity was constructed through the practice of dominance and authority over women. It assumes certain acts of violence as natural and a legitimate right that men have, especially when it comes to domestic violence. Almost all the participants expressed the same thing.

Domestic violence and rape in the household is a very common thing, but this is understood as a normal part of the right that men have. The women participants that I talked about sexual violence with all expressed the same thing: "Sexuality is a duty for us and we have to obey what our husbands want from us. If they ask to have sex with us, then we have to obey this." In peacetime and during conflict, this creates a lack of consent, so men do not feel that they need to ask what women want in that situation. This has a spill-over impact on the conflict as well.

Sarah Cotton: My name is Sarah. I am from the International Committee of the Red Cross. Thanks very much for inviting us to join the evidence session today. The ICRC is an exclusively humanitarian organisation. We work to protect and assist victims of conflict and armed violence around the world, including in the DRC, where we have worked since 1960, with a permanent presence in then Zaire and now DRC in 1978. The DRC is our seventh biggest operation around the world. Sorry



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for that introduction; I just wanted to give a bit of context to the comments that I will make.

We have just under 900 staff in DRC spread over nine offices. We see that sexual violence is a problem in practically every situation of armed conflict around the world. Our delegations in the field are working in up to 30 countries to respond to this problem in various ways. Having said that, clearly DRC is a specific case, and the work that the ICRC does in DRC is the longest-running programme of its nature; it began in 2005. That work has clearly been ongoing for a long time and we have considerable concerns.

To come back to the question, I want to make the point that unfortunately it is not just women and girls who are victims of sexual violence in the DRC; it is also men and boys. We see this in the work that we do through various listening houses, which I am happy to talk about later, as well as the outreach we do within the communities. Although there is a link, and the other panellists have adequately described that, I would make that broader point about violence against men and boys as well. It is not as widespread, but still a significant problem.

Q38 Pauline Latham: Who are the primary decision-makers within the communities who need to be engaged to change the cultural attitudes towards women, and how can they best be engaged given that there are limited resources?

Chair: Can I encourage just one of you to answer that, in terms of timing?

Marie-Claire Faray: It is within the family that change will start, and women themselves, first of all, because they have to know their rights.

Pauline Latham: It is not only within families that this happens.

Marie-Claire Faray: No, it does not happen just within the family. As I say, it starts within the family. We look at it as an institution: there is the family; and then you go out of the family and look at the community as a whole where we have to engage with men, because they are in the position of power in the community. Then you go to the schools, the police, the legislature mechanism that is there, but ultimately we have the head of the country, the President, who is called the moral authority. The whole of the country often looks up to him to set a standard. Once a standard is set, it will follow at the national and at the local level.

Unfortunately, he does not set the standard. When there is sexual violence against women, he is not talking enough about it. The fact that he is not talking enough about it and condemning it publicly legitimises impunity. They have made some effort in having a special office for the President on sexual violence, but for Congolese women, given the



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situation at the moment, it is quite late. This should have been addressed years ago.

- Q39 **Pauline Latham:** Yes, but it had not, so who do we tackle now within communities to persuade them that they need to change the whole culture?

Marie-Claire Faray: Within the community, as I stated, it starts with the family, the churches and all the community leaders. You have churches. You have schools. You have the police. They are doing a lot of mainstreaming but, because there is a lack of rule of law, whereby a breach of law is unpunished, the result is that impunity is widespread.

- Q40 **Wendy Morton:** The ICRC reported that the full extent of the problem of sexual violence is often concealed because of a number of factors that prevent victims from coming forward, including the stigma associated with being a victim of sexual violence. How do you think that sigma could be addressed? Marie-Claire, could you answer first?

Marie-Claire Faray: I have not read the report specifically.

Wendy Morton: Sarah?

Sarah Cotton: Yes, thank you. Stigma is a huge issue in the DRC, sadly, as it is in many different contexts. The way in which we try to address this, and it answers the previous question as well, is by dealing with people who we feel can have an influence on this. We talk to the authorities at both a local and a national level, including armed forces, security forces, the police and armed groups, of which there are many in the DRC.

It is important to be able to talk directly to those actors who are accused of this problem, but then also those who may have influence over them. We see that, in the DRC in particular, radio spots and the messages we can put out through that means of communication are hugely important, as are workshops and even door-to-door outreach and engagement, which is done in North and South Kivu through our listening houses.

That outreach at a very different systemic level can, we hope, and we have experience of this, reduce stigma. That is done by, for example, working directly with communities to explain the services that are available to them, where they are and the importance of getting medical care within 72 hours of sexual violence taking place. This affects both the health of those individuals who feel able to seek care, and the relationships they have, because we know a lot of women and other survivors of sexual violence are rejected by their families and communities, and that is a huge problem. That communication at all levels is really vital.

- Q41 **Wendy Morton:** When we are talking about looking at ways of eliminating and tackling stigma, do you feel that there needs to be a different approach for male versus female? If so, do you have any



examples that you could share with the Committee?

Sarah Cotton: Yes, it is a really interesting question. One of the important things is to make sure that the services that are available are not pigeonholed for survivors of sexual violence, regardless of whether they are male or female. The centres that we support are open to any victims of violence, and, although large numbers of survivors of sexual violence go there to receive support, there are also others. That anonymity really helps.

There are then the relationships within the DRC, which are much better talked about by my colleagues here, regarding the role of women in society. That will have an impact. One particular example of how the ICRC is required to address the two issues slightly separately is because of our work in detention. We have good access to detention in the DRC, and one of the key dialogues we have with the authorities is to ensure conditions and treatment, which of course includes mistreatment, such as potential violations and sexual violence. Mitigating that risk is as important in the prevention aspect as it is in the response, but on the gender relationship I pass over to my colleagues.

Chair: We will come on to some of those issues in the next set of questions.

Q42 **Mr Evans:** If you have been a victim of sexual violence and you use the judicial system, is it sufficiently rigorous to ensure that you are going to get proper justice?

Bilge Sahin: Unfortunately not. First, it is very difficult to reach justice. As a victim, especially in the eastern DRC and the North Kivu province that I was in, there is a lack of infrastructure. It is very difficult to reach the big cities if you are living in a rural area or in a remote area. Unfortunately, only in the big cities can you find the big hospitals, the court that you need to apply to and lawyers. You have to pass through this difficulty to be able to reach that point and report your cases. Of course, there are lots of NGOs working on those issues, and then your case goes to the court.

There is a big problem about evidence collection when we look at the legal authorities. There is more reliance on international NGO reports than on going there and checking the data that they are collecting again, so there is a lack of evidence. There is a lack of efficiency. A case can take too long, and many lawyers have mentioned that sometimes they forget it, and then they leave that case on a shelf and it just disappears.

Especially as a woman in a remote area, you have to attend those trials constantly and have the burden of financial difficulties each time. These are the problems with the whole process. It is very difficult to reach justice. If justice is finalised and there is a decision, unfortunately, when we look at the decisions, talking about armed conflict violence crimes, they are all about low-ranking soldiers or scapegoats who are not in the



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attention of the commander anymore. Unfortunately, no proper prosecution has been made of powerful authorities or soldiers so far in the DRC. This is the first thing. If your perpetrator is going to get caught, you have to hope that it is not someone important; otherwise it is really difficult for it to happen.

The second thing is reparation, which is a huge problem that literally everyone in the fieldwork mentioned constantly. As a sexual violence victim, especially if you are stigmatised and rejected by your family and your community, you do not have any financial survival means. The reparation that you will get from the court is going to be an opportunity for you to start a new life, and this is one of the highest priorities that women have when they apply to court. When I asked them, "Why are you applying?" they said, "To get the money from the court so I can feed myself, feed my children and take them to school" etc.

This is the thing: reparation is not happening. So far, I have never come across a case where reparation has been paid. The problem is that perpetrators are often poor and they are not able to pay the money. The DRC justice system also accepts that, if the person who commits the crime is a state officer, the state has the responsibility to pay the reparation, but the state has not paid any reparations so far. This is the second problem.

The final problem is the prison system. When I asked the participants, they said, "No, I do not want to take them to court because they will probably escape and then come and find me, and it is going to be a big problem."

Q43 Mr Evans: Are there examples of that: where somebody has been accused and then the accused goes for the accuser?

Bilge Sahin: Yes—the accuser and their family. This is a very big problem. There is ongoing violence in the region and there can be lots of attacks on prisons, as happened in 2013. They attacked a prison and literally freed everyone in the prison; there was no one left. Those are problems: the prisons, reparation and justice, if it can happen.

Q44 Mr Evans: There are a load of deficiencies there that you have gone through. Is this being looked at seriously by anyone in the DRC?

Bilge Sahin: There are lots of different organisations working on it. MONUSCO is working on the prison management; it has a special programme on that. On reparation, I have not come across anything. I heard NGOs saying that it is a problem, but I have not come across what they are doing about it. As to having an efficient solution or decision from the courts, again, it is very difficult because as an NGO you have a limit, because the ultimate decision belongs to the state. There is a limit on how far you can interact with that.

Mr Evans: If it is not the priority of the Government, then it is not going anywhere.



Bilge Sahin: Exactly.

Q45 **Mr Evans:** You mentioned rural areas and the problems for people living in rural areas who are victims of being able to get access to the judicial system. There is such a thing as mobile courts, is there not? Is that working?

Bilge Sahin: Mobile courts are definitely working, because a huge amount of attention is paid by international agencies to the operation of mobile courts—"mobile hearings" is actually the correct way of saying it. The problem is, because the international agencies' funding facilitates those hearings, it is very dependent on the funding priority. Unfortunately, most of the international NGOs' funding is going to sexual violence crimes; not every sexual violence crime, but a very widespread amount, which covers a lot of incidents. Yes, they are working, but you need to have the attention of the international agencies; otherwise those mobile hearings are not going to operate.

Q46 **Mr Evans:** Finally, it is all about the culture, as we have been speaking about up to now, within the armed forces and security forces operating within the country, some of whom are perpetrators of sexual violence themselves. Is there any training within the armed forces and security forces to try to tackle this particular problem at root cause?

Bilge Sahin: I am not an expert on the military part.

Sarah Cotton: I am happy to respond to that. The ICRC is aware that there is training, because we support it, for armed forces and other security forces in the DRC, and sexual violence is mentioned within that. That is something that we have supported. Another aspect of that work has been that we have tried to train the military trainers, who then conduct this training more widely, but I cannot particularly comment on how that feeds into it.

Q47 **Mr Evans:** I guess it goes back to what Bilge is saying: if someone is a perpetrator, you need them to be dragged through the judicial system and convicted, as a warning to anybody else in the armed forces or security forces that this sort of behaviour is totally intolerable. Up to now, you say that evidence of this happening is very thin on the ground.

Sarah Cotton: Unfortunately, it is not an area in which we work on that side, but clearly the environment is unchanged. The allegations have been coming on this issue of sexual violence perpetrated by weapons-bearers for decades. Many organisations, including my own and others, have completely different perspectives and have been working on this for a considerable amount of time, and this issue is still here. We have to look at why the environment is unchanged. I know the questions you are asking are trying to get to that, but we would say that the requirement for political leadership continues.

Q48 **Mr Evans:** Is somebody doing that, though? You say the requirement continues. Is somebody doing it?



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Sarah Cotton: On the political leadership, I am sorry; I cannot comment.

Marie-Claire Faray: I will have to contradict my colleague here with regard to mobile courts. At the grassroots, it is not working, because of the weak system. Once the mobile courts move, we go back to the previous climate in that village. We are in a situation of international impunity at the moment, because international impunity is reflecting regional impunity, national impunity and local impunity. As long as the United Nations Security Council resolutions and law are not respected at the local level, this is going to be reflected.

Q49 **Chair:** Can I move us on to issues around women's empowerment and two questions for Marie-Claire? The first is around politics and women's participation in politics. In western countries the process of increasing women's participation has been a very slow one over a long period of time. Do you think that the normalisation of women's participation in politics can be accelerated in the DRC and, if so, how?

Marie-Claire Faray: Yes, it could be accelerated in the sense that, at the moment, the DRC is a signatory to all the major legal frameworks, starting with CEDAW, going to the Maputo Protocol. The DRC has also adopted the Solemn Declaration on Gender Equality. It could be accelerated, with the political will, to enable more women to stand as candidates, and to change the electoral system to create a specific system for positive participation of women in their electoral roles.

This is not being implemented, because at the moment women do not have the economic power to be able to participate and to be a candidate. It costs a lot of money to make a campaign, so most of the money goes to the big political parties, and they align with men more than with women. There is a lack of political will to align more with women in political parties. The law is there, but it is not being implemented.

Q50 **Chair:** Can I ask you briefly about education and the role that it can play in empowerment of girls and women?

Marie-Claire Faray: Education plays a big role in the empowerment of women and girls. One of the key things that I wanted to link to here is stigmatisation, because Mrs Wendy Morton mentioned that. It is not just stigma with regard to victims of sexual violence; it is also the stigmatisation of the role of women in general in the Congo. There is, of course, primary education for young girls. You can see that the girls are encouraged to go to school until they reach 12 years old, but there is an issue when girls start menstruation.

That is when the gap widens. As soon as a girl starts menstruating, she is ready for motherhood, and in many cases girls are dropping out of education due to the problems and consequences of menstruation. For some parents, there is also a lack of funding. They prefer to fund boys because they have better attendance and they see them as better



providers. However, when they go to school, girls have better results, not only at secondary school but also at university.

One of the key issues, going back to the rule of law, arises when those girls reach university. We have a big problem in terms of implementing the law. Some girls, to finish their academic studies, have to bribe the teachers. Some teachers are asking for money from students in university, so it becomes a sexual exploitation of students, and this is not punished. There is a lot of impunity.

In terms of education, there are many challenges for girls, even if they have the capacity, in how their capacity is reflected, once they have graduated and want a job. It is a problem when they go to the job market. Some of them can pass the interview stage, but there are other things stopping them, because sexual favours are required by employers. There are key problems in that case as well, and women who go into politics also face this issue of sexual exploitation.

Q51 Jeremy Lefroy: When we were in Kinshasa, we came across a DFID funded programme called La Pépinière, and we had the pleasure of speaking to some of those involved. I must declare that I have met Marie-Claire Faray before when accompanying Ève Bazaiba MP a couple of weeks ago in Parliament. Looking at my notes, you noted that the conclusions were that young girls take risks and make sacrifices to get money.

They had a number of requests, which revolved around access to credit, access to education, opening schools in remote areas and opening centres to learn skills, in addition to the Government's reinforcing security measures and eradicating administrative harassment. We heard of many girls being harassed if they were trying to sell goods to make a bit of money. How effective do you think that this programme has been from what you know of it—or similar programmes?

Marie-Claire Faray: La Pépinière is one of the programmes I visited. It started just last year, and a lot of money has been invested. It is a very good project, given the importance of economic empowerment for young girls and for women in general through social entrepreneurship.

It could be effective if it is a long-term programme and if it is based where the needs are. It is based in the Gombe area, which is a very affluent and luxurious area of Kinshasa. These types of programmes need to be contextualised to where the service users are located, for instance in deprived areas of Kinshasa, and localised in other provinces where the need is. These types of programmes of economic empowerment should also be accompanied by a specific programme on gender mainstreaming, not only for the girls but also for the boys. Once the girl has economic power, she would be exploited by those who have powers in the community.



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It has to be contextualised; to go hand-in-hand with training on gender and training for girls about their body and their sexuality; and to be a long-term project. These projects have been funded by DFID. There is £4 million—or \$4 million.

Jeremy Lefroy: We were told £3.5 million or £4.5 million, so £4 million is a good average.

Marie-Claire Faray: It is very good. They have a pilot study, looking into the first phase of the project. There is a second phase, which will depend on the result of the first phase. It is very good. However, it is very important to contextualise this project. It is good that they have gender champions, who are Congolese women, involved in these projects. However, we need to look at previous, similar projects. What were the challenges? What needed to be done?

I am not sure whether DFID is involved enough with the grassroots organisations of Congolese women, because, as we understand it, DFID's budget is sectoral and thematic, and sometimes it does not always respond to the need of the women. We have been campaigning since 2006. We have done our own evaluation as Common Cause and as WILPF, talking with DFID and asking it to fund the local organisation directly. DFID does not directly fund local women's organisations, because its work is more sectoral and thematic, and it does not specifically target organisations for women. We have asked DFID to do that in future.

Q52 **Dr Cameron:** DFID and the wider international community are committed to programmes that seek to reduce sexual and gender-based violence and to empower women. Are these the right focus for the programmes to tackle gender inequality, and is there anything missing from the current approach that you would like to see happen?

Bilge Sahin: I have not looked in detail at DFID's projects, to be honest, but, from the couple of reports and representations that I have read, there is one thing that I would like to mention here. Especially in the terminology part, there is a big problem, because DFID's reports that I have come across talk about gender-based violence, which sounds equal to violence against women and girls.

There is a problem in the terminology. The word "gender" is being used technically, but "gender" is a very political term. There is a misunderstanding that "women and girls" is equal to "gender". This is very problematic because, when we define the problem in the wrong way, as being a problem for women and girls, we are missing the solution part. As Sarah mentioned, we are missing the boys and men, for example. When we talk about gender, the people who create these reports need to understand gender in a much broader sense; it should not only be adding some women and girls to the project or trying to achieve numerical data. It should be a broader gender understanding and gender solution.



Marie-Claire Faray: Having looked at DFID for over 10 years now, we feel that the sectoral and thematic approach might not give long-term solutions or have a long-term impact. They have to really target women in specific projects, contextualising the needs on the ground. They have to trust organisations that are on the ground—Congolese women's organisations—and find out what their needs are. They already have all these documents. The reports are there. All they need to do now is tap into the projects.

Of course, they need to audit those projects, but not by bringing in new organisations. La Pépinière is an organisation run by an NGO that comes from the UK. That means that they had to install that project, fund that project, fund salaries, and there is a lot of money going into the bureaucratic mechanism.

Dr Cameron: They should use organisations on the ground.

Marie-Claire Faray: Yes.

Q53 **Dr Cameron:** What, very quickly, would you say is the most important single factor to achieve gender equality?

Chair: If you can do that in a minute, you will get a big prize, because we have one more question.

Marie-Claire Faray: Gender equality can only be achieved through the rule of law in the Congo; that is it. The fact that the state is weak and institutions are weak means we will not achieve gender equality. In this country, we are, as women, campaigning on gender equality, and it is already a challenge just here in the UK. Imagine that in the Congo, where we have had 20 years of war.

We need gender equality to be addressed through the rule of law, and we need international examples. The UK, as a United Nations Security Council member, has to set a standard, and this standard will be followed at the regional, national and local level. At the moment, I would try to link development with political will, because there cannot be any prosperity in the Congo without democracy.

Chair: The final question is very relevant.

Q54 **Paul Scully:** Bilge, do you think there is a specific role for men, boys and male decision-makers? How do you think we can engage them in the process?

Bilge Sahin: I can give one example. There is a Congo men's network, a local NGO, operating in the North Kivu province. It is the only local NGO working for men and boys to empower and sensitise them. Its work is very effective and can be a good example for us to understand how to engage men and boys in the process. It has 23 or 24 groups of men. Every week they have a specific topic: it can be sexual violence, economic violence or AIDS, and they discuss it together at a very local



base. It is about expressing the problems, expressing the change and encouraging and advising them.

It is not top-down assistance, but very a bottom-up sensitisation process from a local community base. In those sessions, I have observed that there has been a change. Men have started to say, "No, you need to ask your wife's opinion as well. You are not the only intelligent person in your family. You need to ask your children." Some are saying, "My wife is working so long and so hard, so I am not going to ask to have sex with her when she comes back home." These kinds of changes are happening and are very important at a local base.

Q55 Paul Scully: Do you think that the militarisation of society, communities and culture is having a major effect? To what extent do you think that is happening and what is its impact?

Bilge Sahin: I can say two important things, I guess. First, there is a big unemployment problem and this militarisation is giving an option for young men to earn money. When they join these armed groups, they will have guns and it will be much easier for them to get food or get whatever they want. This is very important: the militarisation and the economic conditions in the country are feeding each other and creating more violence. This is the first problem.

The second problem is, when I was in the local communities, it was possible to see a soldier with his arms entering a house. The civil life and the military life are together, so there is no separation of them, which creates a domination and hierarchy of civilians by the military people, which has an impact on violence.

Q56 Chair: Thank you so much to the three of you for giving your evidence to us today. I know it was a bit of a rush to cover a lot of areas with three excellent witnesses in 45 minutes, so thank you. Please feel free, if you wish to, to stay to listen to the second panel.

Examination of Witnesses

Witnesses: Luqman Ahmad and Peter Jones.

Q57 Chair: Welcome, both of you. Our usual practice is that we go straight into questions, so when you answer your first question please introduce yourself at that point. I am going to invite Fiona Bruce to ask the first question.

Fiona Bruce: Good morning, Mr Jones and Mr Ahmad. I have a number of questions, addressed to Mr Ahmad first, relating to the private sector in the DRC. DFID is investing £50 million in the private sector for the development of the DRC through the ÉLAN programme. What is the current state of the Congolese private sector?



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Luqman Ahmad: Thank you for having me here. First, it is important to recognise the diversity within the private sector. There are what one would call politically connected economic elites, which operate across a range of sectors. You have regional and international investors. You have obviously a lot of poor people who are economically active in rural areas, and you have an emerging entrepreneurial class. You have different states of behaviour and different states of being for each of those elements of the private sector. What we have seen in the last year is that the private sector is apprehensive; it is waiting to see how political events unfold.

I would say, to its credit, that it is resilient. The DRC has been a place of instability in various parts of the country for quite some time. The private sector is not taking a lot of risks at the moment. They are bunkering down in the activities that they are invested in, trying to double-down where they already see returns and waiting to see how things play out. The outcome could have an effect on what the political and economic elite look like in the country.

Q58 Fiona Bruce: Congo suffers from a large number of problems at the moment. There is conflict, high levels of corruption, the ongoing political crisis; institutions are weak; application of the rule of law is poor, and it looks like the political situation could well deteriorate in the coming months. £50 million is a lot of money. Is it premature and is it too high-risk to be investing so heavily in private sector development with all these other concerns at the present time?

Luqman Ahmad: The investment that the Department for International Development is making spreads across five years, and there are other programmes. Our specific programme is halfway through at the moment. First off, yes, I believe it is the right time to be investing, not simply because economic wellbeing has an effect on conflict and instability.

One has to look at the DRC in the wider context of the region. It neighbours nine countries. When there is conflict, you see it affecting not just southern Africa but east Africa and central Africa. While we can invest in trying to mitigate some of the social and political challenges in the country, I believe that, if we are not able to make much of an impact on that, working in the private sector allows us to try to address some of the other drivers of conflict.

Q59 Fiona Bruce: Correct me if I am wrong, but Adam Smith International expects the £50 million that is being invested to generate a cumulative income increase for the poor Congolese of over £126 million by 2021. £50 million invested and £126 million return: to me, that sounds quite high-risk for a relatively low return, unless you can be assured of sustainability and that the return will continue beyond 2021. That really is my concern: how can you ensure resilience in this programme?

Luqman Ahmad: That is a very good question. When we look at the returns for project investments, we are looking at the returns that will be



realised within the life of the programme as well as two years beyond. The types of interventions that we work on are ones in which we are looking for sustainable change. They would need to make sense without the programme support.

If we can demonstrate, as we progress through interventions, that they have had an effect on poor people and increased their incomes over the life of the programme, we can expect those benefits to be realised well beyond the life of the programme. The return of £126 million is simply over a snapshot of a period of time, which is the life of the programme plus two years. If you were to project those benefits across five or ten more years, you would see those returns against the initial investment being quite substantially higher.

Fiona Bruce: That is a very eloquent answer, but it is also a very general answer. I am seeking some really specific responses as to how you are ensuring resilience and sustainability. I am happy to listen to the remainder of the questions, but it may well be that I will ask you for a written response with more detail. Thank you.

Q60 Pauline Latham: Continuing with Mr Ahmad, can you explain briefly what the Élan project is currently doing to try to develop the Congolese private sector, and how you expect it to develop over the next few years? What has been, in your view, the greatest challenge you have faced in implementing this programme and trying to develop the whole Congolese private sector with it?

Luqman Ahmad: At the heart of the programme, what it attempts to do is identify opportunities in the marketplace for an improvement in how poor people can engage in and benefit from markets. That is at the centre of it. First, the programme tries to identify those opportunities. Secondly, it tries to identify partners and entry points through which it can change how a market is functioning to enable poor people to better engage, whether that is improving their ability to capture more of the value, increase their returns or improve their security. That is what it does.

It looks for those opportunities, and then the programme's toolbox is essentially one of three things. The programme will look at providing market information and insights to actors, to nudge them into taking up these new behaviours and taking up these new rules. It will also co-invest with partners, to try to demonstrate that these activities will have a mutually beneficial return to not only one of the actors but also the poor people. We look at building the capacity of the private sector and actors within the market to take up these new activities. That is broadly how it operates.

We have established over 100 partnerships during the last few years in the programme. We are seeing some great results. We are seeing very interesting things being taken up in the access to finance sector, as it relates to agriculture. We are seeing new functions being created in the



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market that were not there before or that used to be there and had somehow disappeared.

In terms of the key challenges, I would say one is the capacity of the private sector. Actors are few and far between. It is not like Kenya, where you can go to Nairobi and see bustling activities of small and medium enterprise. In the DRC, the private sector keeps their head down. Nobody wants to be the tallest poppy, because of the rent-seeking nature of the state.

You have a private sector which tries to keep itself on the lowdown, trying out different things. You will often find the private sector is actually quite diversified. Family businesses will be involved in real-estate, trade and agriculture. That is almost like their own resilience strategy, because there are so many challenges. Our own challenge has been identifying actors that we can work with, recognising that there are actors that we do not want to work with because of the reputational risk associated with some of the private sector. We are quite conscious of that.

Q61 Jeremy Lefroy: Good morning. In the past, even when the DRC has realised wealth, the benefits have often gone to overseas businesses or a political elite. How can people in development ensure that the growth is inclusive? Perhaps Mr Jones would like to comment on that.

Peter Jones: I can comment on the amassing of wealth in the hands of a narrow elite in the DRC at the moment. By way of introduction, I work on the formal oil and mining sectors in the DRC for the NGO Global Witness. We investigate the links between corruption and conflict and instability. From that perspective, there are a number of challenges within the DRC in terms of combating the narrow elitism around President Kabila and his circle of trusted advisers. They are, according to our research, profiting from some very suspicious sales of mining and oil assets within the country. That should be the source of the country's wealth, and it should be contributing massively to the Treasury and, thus, be being reinvested in public spending. At the moment, it is not.

To understand how we can combat this, it is very important to understand the mechanisms of how this corruption works. We have seen in the past that mining and oil assets are being sold at very low rates, sometimes at 5% of their market value. They tend to be sold, in the situations that we have looked at, to offshore shell companies often incorporated in United Kingdom overseas territories and Crown dependencies. This is a huge problem.

These shell companies have tended to use the assets to strike extremely lucrative onward deals, so to either flip the asset or strike a more complicated arrangement where they remain as a joint venture partner but their investment is protected by complicated share options and loan agreements. This means that the natural resource wealth of the country is not going into the Treasury, but is instead going into the pockets of



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owners of these shell companies. However, we are unable to identify who these owners are because of the secrecy laws in place in these territories. From our perspective in the UK, it is very important to look at the secrecy jurisdictions that come under the aegis of the UK Government.

Another issue is that these shell companies would not be able to profit at the expense of the Congolese people for the benefit of a narrow elite if it were not for an onward buyer. They do not have the capacity to develop the asset. They do not have the expertise to do so, and what we have seen is that UK listed companies have been involved as buyers in these deals.

That is not necessarily criminal in and of itself; however, we have seen that these listed companies, most particularly Glencore and ENRC, have pre-financed some of the deals. They have even provided the money for the shell companies to purchase the asset and then gone on to purchase that same asset at a much higher rate.

In terms of what the UK can do, it is very important from a regulatory point of view that our stock exchanges are monitoring what the companies listed here are doing and also that there is enforcement where wrongdoing is identified. It is encouraging to see that the Serious Fraud Office is investigating ENRC for its role in these deals and has received extra funding. It would be good if we could see further action to reinforce the terms of the Bribery Act, to look at the case of Glencore, where the deals are more complex but are equally suspicious, and to look at what is happening in the overseas territories and Crown dependencies.

Q62 Jeremy Lefroy: If I can now direct a question to Mr Ahmad, we have had some written evidence criticising Élan's approach in focusing on private sector investments with outcomes trickling down to the poor. How are you ensuring that, in fact, the results of the Élan programme are getting to those for whom it is intended?

Lugman Ahmad: I have read the submission in which they criticised the programme. There are a number of inaccuracies in there. First, the programme works with a lot of international and national NGOs. It works with a range of the private sector, not, as one might assume, large international investors, but with many co-operatives, co-operative businesses, women-owned businesses and SMEs across the country.

In terms of whether the programme works with a range of actors, absolutely it does. We select our interventions based on our assessments of the benefits being realised. For each area and each intervention, we develop what we would call a results chain, to say, "If we can invest in this, and we get a result that looks like that, will poor people benefit?"

Q63 Jeremy Lefroy: If I could ask one specific thing, when we were in Kinshasa, your colleagues mentioned that one aim of the programme was to reach a million farmers. We are now halfway through the programme.



Do you know roughly how many you have reached at this stage?

Lugman Ahmad: There are those who have changed their behaviours and those who have realised income change. I believe the number for the income change is already at over 100,000, but those who have already adopted new behaviours are twice that, or close to three times, so around 250,000.

With any of these market development programmes, you have a scaling effect. Right now, we have our annual review scheduled for January and February. We have completed our reports for the third quarter, and we look to be on track against our log frame. We expect to see a quarter of a million people affected by the programme to date, with over 100,000 of those actually realising income increases. We expect that number in 2017 to more than double, so I believe we are on track for that.

Q64 **Jeremy Lefroy:** We could perhaps get some information, not now but in writing, because it would be interesting to see, on the other points that were made to us: revitalising coffee powder exports, maize, rice and high value crops, river transport and renewable energy, as well as some work on mobile money. Those were the points that were made to us in Kinshasa, and it would be good to get a report as input into our inquiry.

Lugman Ahmad: Absolutely. We would produce those reports. It is also important to note that the organisation that criticised us was one that applied for funding from the programme. We assessed the proposal not to have generated the value for money that we would look to for. I believe the proposal would have cost around £1,800 per beneficiary, when similar organisations have been able to propose interventions in which we can realise benefits for £15 per beneficiary. That is something to put context into their submission.

Q65 **Jeremy Lefroy:** Finally, there is a serious problem at the moment due to falling commodity prices and the impact on the Congolese economy. What do either of you think can be done to mitigate those negative effects? Mr Jones has already indicated how perhaps more of the mineral wealth can be brought in as opposed to being held offshore. What else is there? Perhaps Mr Jones would like to comment.

Peter Jones: The most fundamental is a diversification of the economy, which is absolutely important, but it is a vicious circle. The economy at the moment leans, quite understandably, on the natural resources sector: the mining sector in particular, but also the oil sector. Yet these are the sectors where some of the most corrupt deals are occurring. In order to have the finances to invest in and develop the other sectors to diversify the economy, we need to overhaul the operation of the mining and oil sector in the first place. It comes back to an unfortunate feedback loop.

You are right that the economy has been extremely vulnerable to shocks like the commodity prices slump. We see this partly because Congo was unable to make hay while the sun was shining. The copper price was very high, and Congo became Africa's leading copper producer in 2014.



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Yet the revenues that should have been expected from such a situation never materialised. There are so many leaks in the system.

If you look at the taxation system, for example, money is disappearing into the taxation agencies, which are extremely unaccountable. Money disappears into the state miner, Gécamines, which is a huge problem. It is a closed, black box at the heart of the economy, and there is no real accountability for how that is spent. Very little of it ends up in the Treasury. As you said, a lot of it ends up offshore in companies owned by, as I failed to mention previously, a very close friend of the DRC President.

This is the first issue that we have to tackle: to reform the revenue generation in the mining and oil sectors in order to provide the public finances that would allow for a diversification of the economy, and to reinforce the institutions that are supposed to generate revenue for the Congolese Treasury.

Chair: We are going to return to that issue a bit later.

Q66 **Dr Cameron:** Given the evidence that we have heard this morning, what are the main barriers to women's economic empowerment and how can these be overcome?

Luqman Ahmad: I can try to answer that. Our programme has a very explicit objective to try to improve not just women's engagement in markets but their position within those markets. It is about improving their ability to control assets, to generate and capture more of the value within the markets. We find that social norms often have a significant influence on the role that women play in these markets. Those are more challenging to try to address; however, we can and do identify those areas in markets in which we can pilot and test different roles for women. If we can demonstrate that they play an equally efficient, if not more effective, role in that market, then market actors will crowd in.

I will give you an example of that. We are working with mobile phone operators, and they have a model in which they have agents who sign up and then transact with customers. We encouraged them to pilot women agents in their business model, something they had not done before. Within that small pilot, they were able to prove that women could generate greater trust with clients and build stronger repeat customers. Where women were not playing that role before, we were able to pilot and test something and demonstrate to a substantial actor, as a mobile operator, that they could incorporate it into their business model. Now they actively seek out opportunities to recruit and build up women agents, not solely to service women but also men. That is just a small example of where we aim to change the role that they play.

We are obviously also working in sectors in which we know that women are already active. Over the three or four years that I have worked there, I found it more challenging than I had anticipated. Our initial



analysis was that women were more active in agriculture, in the trade aspects, and while that does exist we have been disappointed in how the social dynamics have limited their opportunities to capture more of the value and benefit.

Mobile money seems to be an area that provides great opportunities for women to capture and retain value. Renewables is an area we work on, with improved cook stoves. Women normally manage the household expenditure. If they are able to save money on their energy costs, that has a big impact. We are looking at how we can support women through changing the roles they play, but also by trying to improve how they can control the assets within those value chains.

- Q67 **Dr Cameron:** This morning we heard about the empowerment of adolescent girls in Kinshasa. Your written evidence I believe mentions briefly DFID's La Pépinière programme, which is looking at the empowerment of adolescent girls. How much knowledge sharing is there across the programmes in the DRC about what works and what can be applied more broadly? We also heard this morning about women becoming empowered but then being sexually exploited. Are there risk management aspects of the programme?

Luqman Ahmad: The collaboration between programmes is definitely improving and it has increased not just between advisers within La Pépinière but also within our sister programme, Essor, which is the business environment programme. Across DFID's portfolio of programmes, there is collaboration. We often socialise together, share the same experts and work on the same issues. It is a tough place, so you naturally gravitate and share lessons. Sorry, what was the second part of your question?

- Q68 **Dr Cameron:** Is it going to be applied more broadly? This morning we also heard about women becoming empowered but then being open to sexual exploitation. Are there risk management aspects to the programmes that you are working on?

Luqman Ahmad: That was one of the key drivers and rationales for working in mobile money and branchless banking. We saw that, if women were carrying less cash when they transacted and when they went to markets, that would have an effect. Our assumption is that it would reduce the risks. It is not my area of expertise, but every time we develop an intervention we look at the elements of the change in business. We need to ensure that it does no harm and it does not put people further at risk. That is the very first thing that we do. We test out our theories around that do-no-harm principle, and then we look at how we can improve their position in markets, looking more proactively upwards.

- Q69 **Wendy Morton:** I wanted to return to the topic of corruption and illicit trade, and the impact that they are having on the DRC. I will start with you, Peter. What do you feel are the effects of corruption on the



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Congolese economy and people, and how do you think that corruption can best be tackled in a country that has such complex issues?

Peter Jones: The effects are everywhere to be seen in the DRC. It is one of the most fundamental questions that we have in pulling the DRC into a middle income country. As I mentioned, first, the loss of revenues is the simplest and most straightforward effect that leads to institutional weaknesses. We analysed five or six of the deals that took the form I explained: where assets were sold undervalued to these offshore companies, which were linked to Dan Gertler, the friend of the President, and then flipped or sold on.

We estimated that, as a minimum, Congo lost out on \$1.5 billion just in six of these deals; we do not know how many other deals there have been. Just this morning, we have published a new investigation, which shows that an offshore company was able to secure the rights to the royalties for one of the most important mining projects in the DRC. We do not know what the terms were, but again it was a Dan Gertler company. We are talking about huge amounts of state revenue going missing.

This means that the institutions of the state are underfunded. Agents of the state often do not receive their salaries, and this embeds a much lower level of rent-seeking. Anybody who has spent some time in Kinshasa will know what it is like to be stopped by the police on the streets who are not receiving their wages and instead extort spurious bribes.

The same thing happens to companies that are trying to operate in the private sector. Tax agencies are encouraged to find infractions, as they call them, in an incredibly complicated tax system and impose fines, which the tax agencies themselves are allowed to keep. There is very little transparency over what percentage of the fines is spent within the tax agencies. Many of the heads of the tax agencies have links to the corrupt elites in Kinshasa.

As I mentioned, Gécamines itself is essentially bankrupt. It cannot pay the salaries of its own workers and yet the head of Gécamines, Albert Yuma, another one of these trusted advisers, is himself an extremely wealthy man. We see that the institutions of the state, which are supposed to be generating these revenues, are completely dysfunctional. It leads to an endemic culture of corruption, and as we hinted at, it leads to a very brittle economy.

One of the results—or a series of results—of the commodity slump was a liquidity crisis in the DRC. There was a run on the third biggest bank, BIAC, which almost went out of business. The budget has been slashed, which again is a huge cut to public spending, which is vitally needed for infrastructure, schools and hospitals, and we saw inflation. As a great example of the real, concrete impact on people's daily lives, the price of



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flour in Lubumbashi doubled in April this year. These are the real, genuine effects on people of corruption.

We also found that these corrupt deals spike around Presidential elections. Many of them occurred in the period 2010-12, around the 2011 Presidential elections, and we have seen the spike in unannounced mining deals again recently. We found in 2011, as was revealed by Reuters and Bloomberg, that a portion of the proceeds of one of these deals was put into a fund for the election.

There is a real concern that some of these deals can contribute towards political campaigns of the sitting Administration. We have seen rioting in the streets against Kabila's attempts to stay in power, and we have seen citizens shot dead in the streets. There is a direct causal link between this kind of corruption and the instability that we are seeing, and people are dying because of that.

Q70 Wendy Morton: Mr Ahmad, maybe you could follow up and also expand on that. How do you feel that the Elan programme is trying to counter corruption in the Congolese private sector?

Luqman Ahmad: My views are aligned with Peter's as to the broader effects on the institutions and how they generate and produce rent-seeking behaviour. From our perspective, all that translates into a very expensive place to do business. Those of you who have travelled there will have found it quite extraordinary. In terms of goods and services, it is one of the most expensive places that we work, and we work in a lot of places. That creates a huge inefficiency in the economy. It makes it really challenging for those people who have limited resources to invest, because of the costs of doing business.

Secondly, it creates a hugely imbalanced and unfair operating environment. People seek advantages: through being able to import goods at different costs to other people, they are able to maintain monopolies, so it creates significant barriers to entry for those people who do not have preferential treatment.

When we work with the private sector, we try to get them to engage the Government on these issues. When we first started our work in this area we thought there was no chance that we would be able to affect any of these things. We have had a number of instances in which we have been able to see how, by mobilising people together and getting them into dialogue with Government, you can have small effects. I will give two examples.

One was around coffee exports. We undertook a study in which we had assessed that coffee exports were being taxed formally and informally at around 6%. The official law was that they should have been taxed at 0.5%. When we raised this with the actors—exporters, producers and farmers—although they never want to collaborate because they are rivals and all try to seek advantage over each other, they saw that, if we could



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make the case for reducing these informal taxes on exports, we would increase exports and so increase the pie. By making that case, we were able to turn a few officials to see the benefit of having more exports, as opposed to having 6% of a small amount and huge amounts of illicit trade. In the east, that had a big effect on formal coffee exports.

Similarly, around Équateur in the river trade, as goods move up and down the river, there is a lot of rent-seeking. Every local authority and every official in uniform will feel it is their right to extract a rent for goods. Simply by galvanising the boat operators and the traders, and publishing information on what legitimate taxes are, we were able to see that rent-seeking behaviour come down. It is not corruption as one would perceive it, where you have solely backdoor deals. There are a lot of normalised informal payments that everyone makes in their daily lives.

While it is important that organisations such as Global Witness can highlight these really big deals that have hugely substantial impacts, we are working with many grassroots organisations to deal with the smaller things that can improve their lives. It is part of our assessment around the political economy in these sectors and the efficiencies that can be gained. While it is a tough place, we have seen a few small wins that keep us encouraged.

Q71 Fiona Bruce: I am very encouraged to hear those last two examples, Mr Ahmad, even though you say they are small wins. What I am grappling with is that, the world over, business wants to operate in a stable environment, whether it is political, financial or economic. That is what business wants, and of course it is the opposite in the DRC. You have these basic problems of corrupt Government agencies, a lack of rule of law and poor institutions. There is serious corruption and, if you could tackle it, billions might be saved.

I am trying to understand why funding of £50 million should be put in to help business and the private sector when the institutions and the basis that underpins business needs tackling before you can have anything other than what you call relatively small wins.

Luqman Ahmad: That is a fair point. The private sector development programme that DFID has designed has three elements, and our sister programme Essor is focused on working with institutions and looking at trying to improve the business environment more broadly. It was almost as if these programmes were designed in tandem. One was to let us work on these institutional issues, but at the same time not be held hostage to change at that level. If we cannot effect change at the Government level, we surely can make change at a market level. They are mutually reinforcing.

You are right to point out that you really cannot have one without the other, but, equally, that is why DFID has invested £35 million into the Essor business environment programme, which is looking at those institutional business environment issues. It is still in its first year, going



into its second year. It was possibly operational when the IDC visited. The two programmes work hand in hand, and I would not argue that you can exclusively work in the private sector without affecting those. I would agree with you, but that is why these two programmes were designed to work side-by-side.

Q72 Chair: When we have the Minister at the next session, this is a line of questioning that we will continue. Thank you for raising that. Can I return to Peter and some of the issues that arise from his evidence and Global Witness' reports, particularly in relation to mining deals? In the Global Witness investigation, you found that in every case these deals were routed through British tax havens and often involved London-listed companies, and you have referred to that evidence in answers today. What do you think the UK Government need to do? What are the powers that they need to address this matter as seriously as it deserves?

Peter Jones: That is a very good question. The first thing to tackle is the secrecy that is provided. We talk about tax havens, but in fact, for us, the most important factor when it comes to corruption of these overseas territories and Crown dependencies is that they are secrecy providers. Sometimes it is difficult to understand why that is important, but they essentially provide a veil behind which the formal functioning of the international financial system can interface with the informal patronage networks of somewhere like the DRC. All that takes place through a company whose owners are essentially hidden.

For a long time, we did not know that it was the very close friend of the Congolese President who was striking all these insanely lucrative, commercially nonsensical deals. At the heart of this is the imposition of public registers of what is known as beneficial ownership on the overseas territories and Crown dependencies.

It is very important that the beneficial owner is known. You can have legal ownership, because you may have a very complicated structure where a company is owned by another company, which is owned by another company. Ultimately, we need to know the physical person—or people—who benefits. There should be a very low threshold for defining who a beneficiary is. They could own as little as 5% of the company. We would say there should be no threshold. We should know everybody who is benefiting because, if you are benefiting to the tune of hundreds of millions or billions, even a 1% share is a big incentive for corruption.

Our analysis is that the UK is legally responsible for what goes on in the overseas territories and Crown dependencies. A UK White Paper from 2012 says that, "As a matter of constitutional law, the UK Parliament has unlimited power to legislate for these territories."

Chair: Whose paper is that?



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Peter Jones: An FCO paper—I can send you the note. The UK Government appoint key officials, and all the laws in these territories are approved in London, so we think the power is there.

The Anti-Corruption Conference in London earlier this year was an excellent step forward, in that many of the overseas territories and Crown dependencies agreed to share information among law enforcement and tax authorities. Notably, the British Virgin Islands did not take part in that, one of only two, and it is the BVIs that Dan Gertler has used in all these deals.

We think that is an excellent step forward, but it is not quite the step we would like, because we would like to see this public register of beneficial owners. We hope that the current Government will continue the anti-corruption drive seen under the Cameron Administration. Admittedly, there has been a lot of upheaval in the last six months and it may have fallen a little way down the priority list, but we hope it is something that continues to push forward.

In terms of the companies at the end of the line that are buying up these corrupt assets, as we would call them, we are very encouraged to see the SFO pursuing its investigation against ENRC, as I said. If you look over the Atlantic, I refer to the investigation in the US by the DOJ and the SEC against the US hedge fund Och-Ziff. I am not sure if you are familiar with the case, but Och-Ziff was accused of bribery conspiracy in several African countries, including the DRC. Its DRC partner was the same man, Dan Gertler, who is at the heart of all these deals.

The evidence released by the SEC and DOJ is quite astonishing. It shows its DRC partner, Dan Gertler, paying bribes to the highest officials in order to secure preferential access to natural resource assets in the DRC for his ultimate partner: in this instance, the hedge fund Och-Ziff. Och-Ziff had to pay out over \$400 million in the end, as part of this conspiracy, just a month ago. It is extremely worthwhile that the regulatory bodies of states investigate these companies. Even if they are historical cases, they work as a deterrent to other companies that might be considering tying up with what we call a gatekeeper: someone like Dan Gertler who has great access to elites.

Not only should there be substantial fines levied when guilt can be absolutely proven, but there could even be the option of jail time for executives who knowingly enter into these deals that we see have such terrible and damaging effects on countries. We would encourage the SFO to pursue its investigation of ENRC.

We would also encourage any relevant regulatory body to investigate Glencore, because it has also worked with Dan Gertler and is currently in two joint ventures with Dan Gertler. As we revealed today, it has been paying royalties directly to Dan Gertler which ostensibly should be going to the state. The complexity of the deals that Glencore has been involved in protects it somewhat, but it is certainly something worth pursuing. If



we do not demonstrate that we will punish our companies that are registered here and listed in London for crimes they commit abroad, then it is giving over to a culture of impunity that we criticise in the DRC but which we are permitting here in London.

Q73 Chair: Peter, thank you very much for that answer. I can say on behalf of all of us that we share your view and want the British Government and the Prime Minister to continue to play a leading role in their fight against corruption. I have two follow-up questions. The first relates to the programme that DFID had at the time of some of the deals that you have exposed on PROMINES. Can you tell us a little about that and its apparent failure to spot what you spotted?

Peter Jones: PROMINES was a bit of a mixed bag. In terms of technical programming, it did a good job. It did a lot of capacity-building. It also encouraged and funded tripartite discussions on the new mining law, which was very important in getting civil society's input to a process where the major private sector investors are often able to capture Government in those kinds of situations. It was very helpful in that sense. It also funded studies into some of the problematic institutions that we have spoken about today.

The problem was that, when Global Witness and various researchers, such as Bloomberg and the Carter Centre, which had been working on some of these deals around the last elections, approached PROMINES with the evidence, which we have since put into the public domain, there was an unwillingness to take it on board. It would have been disruptive; PROMINES was trying to work with some of the ministries; there were toes that should not be stood upon.

This problem was doubled-down upon by the Government, at the time, using PROMINES as a fig leaf for what was happening in Congo. Public questions were asked as to what we are doing about these secret sales, given the significant UK involvement in terms of the offshore territories and London-listed companies. The response was often, "We are supporting PROMINES, so that is fine." That is a big problem. However, it is my understanding that DFID is much more interested in these kinds of suspicious deals now. It is looking into them.

That is very encouraging, but it speaks to a broader—I do not want to be overly critical—incoherence in UK policy. There is technical assistance like this, which is very important, but it is being completely undermined by the structural problems, a huge part of which are the overseas territories and Crown dependencies that provide secrecy. It is doing a disservice to the taxpayer, who is contributing to very worthwhile programmes in the DRC, but the losses being made because of these deals far outweigh what is being achieved.

Q74 Chair: You mention the mining law, and in your written evidence you advocate a strong mining law. Can you briefly tell us what the current status of this is, and do you think the UK has the political influence in the



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DRC to make this a reality?

Peter Jones: The current status is that it has no status. It has stalled because of the political crisis, unfortunately, and I would not expect to see it back on the books or being seriously discussed until this is resolved. That said, you never know. The last time there were riots, in January 2014, the oil law suddenly got passed, catching us all by surprise.

There was a fairly encouraging draft submitted to Parliament with some good transparency measurements in terms of contract publication and open tendering processes. It was very vague language, which needed to be fleshed out, but there was at least a nod to these sorts of things, and the private sector opposed it. They said, "With the commodity slump, we cannot be going through this right now." It was shelved and since then it has not really progressed.

DFID has a role to play in the sense that it is extremely well respected among other donor countries. It is very important to have a joined-up policy and joined-up approach to the DRC Government over these kinds of issues. I cannot speak too much for the forestry sector, but I have colleagues who work on forests at Global Witness who have said precisely the same thing. The most important thing is for DFID to play a leading role with a joined-up approach when it comes to the DRC Government, and to have certain red lines. In terms of funding, we do not want to impose on sovereignty, but when protesters are being shot in the street I think that constitutes a red line.

When it comes to a negotiation over the mining law, certain transparency elements should be pretty solid lines. Contracts should be published. We have to know what these contracts are and when they are being signed by the state mining company. There should be tendering processes and, ideally, shooting for the stars, there should be beneficial ownership transparency.

Q75 **Jeremy Lefroy:** If I may, because both of you know the DRC well, I wanted to raise this serious question about 19 December, when the current mandate of President Kabila comes to an end. There is no sign yet of any statement about when elections will be held and that he will step down. A lot of us are concerned about the consequences. We have come to the understanding that there is a huge amount of popular discontent about this and a risk of quite major demonstrations, which could be met with violence. You do not have to comment if you do not want to, but I wondered if either of you can say what you think may happen, and what needs to happen to prevent that.

Peter Jones: I am happy to take a shot, speaking as myself. Before I worked with Global Witness, I was the Reuters correspondent in Kinshasa, so I have seen a lot of this bubbling up to the surface, which is exploding now. I am often asked what the best case scenario is for the political crisis, and I think that best case scenario has already gone.



There is not really a best case scenario right now. As you probably have seen, the Prime Minister stepped down and handed in his resignation yesterday. It is expected that an opposition candidate will take up the role of Prime Minister, but obviously "the opposition" is a very broad and vague term in the DRC.

Certain members of the opposition have been co-opted by the ruling majority. We might expect somebody from that part of the opposition to take that role. I expect to see a transitional Government put in place to negotiate the movement towards an election probably in 2018. I would expect that around certain flashpoint dates, certainly 19 December, you will see huge public unrest.

I believe there is a clause in the constitution that gives something like 60 days after the end of the mandate when the Government has to have been replaced. I imagine that would be another flashpoint, and if the transitional Government is dragging its feet, which is quite possible, there may be flashpoints again. That is how I see it playing out, unfortunately, with very little real legislative action taking place or real governance happening, while the entire country is distracted by this succession question.

Luqman Ahmad: That is really insightful. As a programme that has been operating for three years, we have experienced a lot: everything from the M23 in Goma to Mai-Mai in Katanga. We have a pretty well informed duty of care apparatus in-country, and we are expecting that the 19th will be a pretty unstable environment in Kinshasa. We are planning for various scenarios, including a potential pause. However, what we can gather right now is that he seems to have moved a few chess pieces in place. The PM resigning and one of the opposition leaders coming in is probably another one of those moves to try to create some legitimacy. We are expecting things will flare up on these dates.

Personally, I am not sure whether there is enough there to reach a tipping point and whether various international actors can exert influence. It is not clear whether anyone has sufficient influence to change the path, and it is not clear whether people's opposition and their protest will be sustained. We have come through a number of these dates in the last year. We have anticipated dates in October, and 19 September as well. There have been a number of these. While we should anticipate and prepare for significant disorder and, unfortunately, violence in Kinshasa on the 19 December, it is not clear whether the whole thing will unravel. We are probably not anticipating that.

Q76 Jeremy Lefroy: Given the history and that nearly 6 million people have died since 1994 as a result of what substantially is still an intervention, is there anything more the UK Government specifically could do in the next six weeks to help mitigate the potential for serious loss of life? We have heard that MONUSCO has moved some of its troops to Kinshasa, but only about 300, as far as I have heard. Could MONUSCO do more, and could



the UK encourage that, or other things?

Peter Jones: I am afraid it is not my area of expertise, although I have seen MONUSCO first-hand. It has been widely criticised and has not always done a great job, but there is not much other option. It would be useful to have a higher MONUSCO presence at this point, predominantly in the east and maybe in these urban flashpoints. There is much less of an external threat from Rwanda and Uganda at the moment, although rumours of reforming M23 are very concerning. Perhaps it would be worth having a higher presence in and around Kinshasa and Lubumbashi.

The most important thing is to try to encourage some degree of legitimacy in the transition process. It is far too late for a timely election. That is not even feasible anymore, so some degree of legitimacy would be very important. To do that, international pressure has to be exerted in a very coherent and joined-up fashion.

The last thing I will say is that you cannot underestimate the financial, economic and diplomatic importance of China in the DRC now. All the recent major mining deals have been with Chinese companies. Many of them have been unannounced, which is quite problematic, and Kabila is leaning increasingly, not necessarily on the diplomatic community in China, but on the business community. It is a new factor and a new issue. I understand that certain Governments are stressing to China that being seen as uncritical of Kabila can endanger Chinese nationals living on the ground in the DRC, if they are seen to be propping up a very unpopular regime.

Chair: Thank you both very much indeed for your evidence today.