

Table II.1. Democratic Republic of the Congo: Time-Bound Reforms to Enhance Governance and Transparency in Extractive Industries

Sector/Measures	Timing	Ministry/ Agency	Status/comments
Mining Sector (measures 1–9)			
1. Publication of all mining contracts between mining state enterprises and private partners within 60 days following their approval, according to the laws and regulations in force (structural benchmark under the ECF arrangement).	Continuous	Presidency; Mines	Completed. The ministries of Finance and Budget published the contracts between public and private enterprises on their respective websites. The Metalkol contract was published in the Official Journal in October 2010. Since January 2011, six mining contracts signed in 2010 have been published on the Ministry of Mines' website.
2. Complete a review of existing laws and regulations and make the corresponding modifications to formalize this publication obligation:			
<ul style="list-style-type: none"> • Review existing laws and regulations. • Preparation of a draft decree on the publication of all partnership contracts in mines, as well as forestry and oil. • Submission of the draft decree on the publication of all contracts to the Commission on Laws of the Government for review and approbation. • Adoption of the draft decree by the government and signature of the decree on publication of all partnership contracts 	Not specified	Mines	Completed. The Ministry of Mines reviewed existing laws and regulations. Current texts do not mention publication of contracts.
3. Undertake a satisfactory evaluation of the draft standard contract before adoption by the government.	3/31/11	Mines; Portfolio; Oil ministries	In progress: A draft decree was prepared and covers all sectors. World Bank staff provided comments on the decree.
	3/31/11	Mines, Environment, oil ministries	In progress: the draft decree will be submitted to the Commission after integrating World Bank comments.
	4/30/11	Mines; Prime Minister's Office	In progress: The draft decree will be signed after adoption by the Cabinet.
	5/31/11	Mines; Prime Minister's Office	Completed: The draft has been finalized by the CTCPM for the mining sector and submitted to the World Bank for comments before its adoption by the Government. The Bank will provide comments in mid April 2011.

Table II.1. Democratic Republic of the Congo: Time-Bound Reforms to Enhance Governance and Transparency in Extractive Industries (continued)

Sector/Measures	Timing	Ministry/ Agency	Status/comments
4. Record in the cadastral system all allocated mining rights and systematically update them with easy access to the public through the website:		Mines (CAMI)	Completed: The awards of mining rights are being entered in the land registration system and will be published on the website of the mining rights administrator (CAMI) as soon as it becomes operational.
<ul style="list-style-type: none"> • Publish the map of mining concessions and the list of permits on the website of the Ministry of Mines. • Set up a functional internet interface on the CAMI website: 	12/17/10 4/30/11	Mines	Completed: The map of mining rights and list of permits are available on the Ministry of Mines website at www.mines-rdc.cd . In progress: The functional internet interface is operational on the website of the Ministry of Mines (www.mines-rdc.cd). A request for proposal (RFP) has been launched (in the context of a World Bank project) to recruit a firm to design the CAMI website.
5. Ensure traceability of payments for surface area rights in order to allow CAMI to implement the mining regulations.		Finance	<ul style="list-style-type: none"> • Request the opening of a sub-account for the revenues of the administrative and non-tax revenue agency (DGRAD). • Open a provisional sub-account for DGRAD at a commercial bank.
	12/31/10 1/31/11	Mines Finance	Completed: By letter (no. REF/CAMI/DG/02862/2010) of December 31, 2010, the director-general of CAMI requested that the minister of finance establish a subaccount for the annual surface rights revenues for each block to ensure traceability of payments. Completed: On instructions from the Minister of Finance, the Directorate of Administrative and State Revenues (DGRAD) established transit account 05101-0200099736-17 USD with the Rawbank, Kinshasa on January 13, 2011 to collect and consolidate all surface rights payments prior to transfer to the general Treasury account.
6. Ensure mechanism of budget funding made regularly available to CAMI and other entities for their current operation.	Continuous	Finance	In progress: By letter (no. 0231 CAB/MIN/ FINANCES/CTR/MUL/NGA/2011 of January 18, 2011), the Minister of Finance agreed to provide financial resources to CAMI on a regular basis to meet its operating needs. To date its monthly allocation has been paid on time.
7. Extend CAMI operations to the provinces.	To be determined	Mines (CAMI)	In progress: Extension expected in the context of PROMINES (World Bank supported project).

Table II.1. Democratic Republic of the Congo: Time-Bound Reforms to Enhance Governance and Transparency in Extractive Industries (continued)

Sector/Measures	Timing	Ministry/ Agency	Status/comments
8. Implementation of the RFP procedures for public concessions.			
<ul style="list-style-type: none"> Draft the procedural manual. Adopt the manual through a Decree from the Minister of Mines. Adopt a ministerial decree allowing for waived rights and permits to be unfrozen, under the jurisdiction of the Center for Geological and Mining Research (CRGM) for their transfer to the Public Domain of the Government, with a view to organize tenders. 	1/31/11 3/31/11 1/31/11	Mines Mines Mines	In progress: The draft has been finalized, and incorporates comments from the World Bank. In progress: The draft manual will be submitted for the signature of the Minister once World Bank comments are included. Completed: The draft order releasing the licenses and permits is available.
9. Initiate a RFP starting with eligible and priority concessions.			
<ul style="list-style-type: none"> Identify and select a pilot mining block based on technical files sent to the Ministry of Mines. Draft the terms and conditions and launch a pilot RFP. Assess the bids and allocate the mining blocks. 	3/31/11 5/31/11 9/30/11	Mines Mines Mines	Completed: CRGM already did a selection of the concession. Not yet started. Not yet started.
Forestry Sector (measures 10–14)			
10. Finalize the legal review process of former forestry licenses:			
<ul style="list-style-type: none"> Publish the claims and decisions relating to the legal actions filed by holders of licenses which were considered eligible for conversion by the ad hoc inter-ministerial committee. 	3/31/10	Environment	In progress: The Ministry of the Environment compiled all the related information. Publication on the website of the Government has taken place but publication on the Ministry of the Environment website is still pending.

Table II.1. Democratic Republic of the Congo: Time-Bound Reforms to Enhance Governance and Transparency in Extractive Industries (continued)

Sector/Measures	Timing	Ministry/ Agency	Status/comments
• Publish the calendar of negotiations of the terms and conditions relating to the environmental and social obligations, which are attached to the contracts of forestry concessions.	4/31/11	Environment	In progress: The Ministry of the Environment gave forest concession holders six months (ending July 31, 2011) to close negotiations on the specifications. The calendar with key interim steps is being designed.
11. Adopt a decree to confirm that the discretionary allocation would only be used for concessions geared toward nature conservation and environmental services.	4/30/11	Environment; Prime Minister's Office	In progress: In his letter (no. 584/CAB/MIN/ECN-T/27/JEB/11 dated March 17, 2011), the Minister of Environment confirmed his commitment to abide by the rules set in Articles 37 to 39 of the Decree no. 08/09 dated April 8 2008, defining the procedure for the allocation of concessions in forestry. The World Bank recommends a new decree to be adopted to strengthen the judicial framework.
12. Prepare a report on status of existing licenses in the forestry sector.	3/31/11	Environment	Completed: The status report on existing licenses and permits is already available from the Ministry of the Environment (www.mecnt.cd).
13. Publish and update the list of rights holders.	3/31/11	Environment	Completed: The list had been prepared, updated, and was published on the website of the Ministry of the Environment on February 18, 2011.
14. Update the list of holders of forestry rights that are current in their payment of taxes and inform the forestry administration on other cases, with a view to adoption of enforcement measures.	Ongoing	Finance	Completed: DGRAD, which monitors the collection of the tax on forestry rights disclosed on March 23 the updated list of forestry rights holders current and their payments. The list will be published on the website of the Ministry of Environment.
Oil Sector (measures 15–27)			
15. Prepare and disseminate the policy letter on the oil sector.	3/31/11	Hydrocarbons	In progress: The petroleum sector policy letter was prepared and adopted in the Council of Ministers in March 2010. It will be updated based on the guidelines issued by the President of the Republic and the comments from Parliament, particularly with respect to the granting of production and exploration permits, emphasizing the evaluation of reserves rather than the flat-rate taxation. Outreach media campaigns have begun through radio and television broadcasts and various presentations. An updated version of the letter is expected shortly.

Table II.1. Democratic Republic of the Congo: Time-Bound Reforms to Enhance Governance and Transparency in Extractive Industries (continued)

Sector/Measures	Timing	Ministry/ Agency	Status/comments
16. Development of the website for the Ministry of Hydrocarbons through:			
<ul style="list-style-type: none"> Defining the needs, including training, prepare the terms of reference, launch of RFP and signing of the contract of service delivery and signature of the contract. Implementation of the website and outreach. 	3/31/11 6/30/11	Hydrocarbons Hydrocarbons	<p>In progress: Given the delay of the procurement process, the discussions will also cover the installation of the website of the Ministry of Finance as well as Hydrocarbons. A network is also envisaged.</p> <p>Not yet started.</p>
17. Publication of the legal and regulatory framework as well as oil agreements:			
<ul style="list-style-type: none"> Publish existing laws and regulations on the website of the Ministry of Hydrocarbons. Publish the new law on hydrocarbons on the website of the Ministry of Hydrocarbons. Publicize, within 60 days following approval, all oil agreements as well as exploration or development permits. In addition, publish all existing oil agreements. Publicize the law on hydrocarbons. Publish on the website of the Ministry of Hydrocarbons the map of oil blocks granted or open, including the holders of the exploration and exploitation rights as well as the expiration dates of those rights. 	6/30/11 After its adoption 6/30/11 After promulgation 6/30/11	Hydrocarbons Hydrocarbons Hydrocarbons Hydrocarbons	<p>In progress: The Ministry of Hydrocarbons does not have a website. The laws and regulations will be published once the website is created with financing from the World Bank.</p> <p>In progress: The draft hydrocarbons law was considered and passed by the Senate. The National Assembly must examine it on second reading before being promulgated and published on the website.</p> <p>In progress: Agreements and exploration and development permits are published in the Official Journal. They will be published on the website of the Ministry once it is operational.</p> <p>In progress. Outreach is subject to promulgation of the Hydrocarbons Law.</p> <p>In progress: To date, the Ministry did publish in the Official Journal only the production sharing agreements. The map of oil blocks granted or not will be published as soon as the site is operational.</p>
18. Clarification of regulatory framework:			
<ul style="list-style-type: none"> Adopt standard oil agreements defining: 	60 days after promulgation	Hydrocarbons	Subject to promulgation of the Hydrocarbons Law.

Table II.1. Democratic Republic of the Congo: Time-Bound Reforms to Enhance Governance and Transparency in Extractive Industries (continued)

Sector/Measures	Timing	Ministry/ Agency	Status/comments
19. Draft and publish issuance policy on prospection and development rights.			
<ul style="list-style-type: none"> • Prepare and approve by decree the manual for tenders and “gré à gré”. • Assess the national oil basins and classify the zones based on their maturity. 	6/30/11 Since end December 2010	Hydrocarbons	In progress: A decree is pending the approbation of the Hydrocarbons law. In the meantime, a ministerial decree organizing the tender for a few oil blocks is being implemented
20. Assess needs and set up the training plan as well as the financial means.	3/31/11	Hydrocarbons	In progress: The training needs, plan, and means of financing are specified in the draft law.
21. Finalize the organizational chart of the Ministry of Hydrocarbons.	6/30/11	Hydrocarbons	In progress: The Secretariat General of Hydrocarbons is developing the organizational chart.
22. Define the procedure relating to the declaration of protected areas and restricted areas as well as how they are to be graded and downgraded with respect to oil exploration and development.	6/30/11	Hydrocarbons; Mines; Environment	In progress: The various ministries should ensure close collaboration on: (i) the filing of the studies as well as the respective institutional responsibilities, which are well defined and reflected in the judicial and regulatory framework; and (ii) the consistency between the judicial framework and the regulations between the Ministry of Environment and Hydrocarbons.
Transparency and Accountability in the Management of Natural Resources			
23. Adopt the EITI reports checking the amounts collected and deposited with the Public Treasury in 2008 and 2009, and an action plan to resolve disparities.	6/30/11	Planning, Mines; Hydrocarbons	In progress: The 2008 and 2009 EITI reports are being prepared by the EITI Secretariat and will be published in May 2011. Some government agencies have not yet provided the expected data (DGI, DGDA, OCC, CEEC), which may slow the process.
24. Adopt a procedure which allows regular monitoring of records on all resources in the treasury accounts, 10 days after the end of each month.	Ongoing	SG of Hydrocarbons; Finance	Completed: A standard form of presentation has been agreed and accepted by the Minister of Finance in March 2011.
25. Implement competitive procedures in case of goods privatization and/or sale of Government shares in the Portfolio enterprises in accordance with the Law of 2008.	Beginning 11/1/10	Portfolio	Completed: In the new charters of the government portfolio enterprises, the applicable provisions are those governing the privatization process (the law governing the State's withdrawal from portfolio enterprises and the decree creating and prescribing the organization and functioning of COPIREP).

Table II.1. Democratic Republic of the Congo: Time-Bound Reforms to Enhance Governance and Transparency in Extractive Industries (continued)

Sector/Measures	Timing	Ministry/ Agency	Status/comments
26. Publicize on a quarterly basis on the Finance Ministry's Website: (i) revenues coming from the sales of goods from the natural resources sector and (ii) the bonuses (signature bonus), collected royalties and dividends.	Starting in January 2011	Finance; Sectoral Ministries	In progress: The first publication will be done in April 2011, covering the first quarter of this year. The instruction N° 1228 CAB/MIN/FINANCES/CTR/MUL/KAN/2011 on the monitoring of revenue in the sector of natural resources was signed by the Minister of Finance on March 19, 2011.
Ensuring Best International Practices in the Sale of Public Assets			
27. (i) Implement the proposals of decree no. 08/2008 dated 07/07/2008 on the State divestiture from the Portfolio enterprises, namely those relating to the authorization of the Minister of Portfolio for competitive RFP.	3/31/11	Portfolio; COPIREP	In progress: The legal provisions exist. They will be strengthened by a circular from the Minister of Portfolio to the attention of Board Directors and Managing Directors of the Portfolio enterprises. The draft is being finalized and will be submitted to the World Bank for comments. The circular will impose the observance of legal provisions in terms of procurement and partnership agreements.
(ii) Put in place the guiding principles governing in the management of mining rights owned by public mining companies, the terms for transferring them to private or public partners, and the management of the revenue generated such transfers.	6/30/11	Finance; Mines; Portfolio	Put in place a working group to brainstorm on this issue and present proposals to the Government.
28. Formalize a participatory monitoring and dialogue platform based on the EITI structure model including all the stakeholders (Government, Civil Society, public and private enterprises), concerning the mining policy and its implementation, as well as management of the sector.	6/30/11	Mines (CTCPM and PROMINES)	In progress: The outline of the platform designed by the CTCPM is being finalized by a commission involving all stakeholders. A harmonization meeting will take shortly. A workshop is scheduled to discuss and adopt the final version that will be submitted for approval to the authority.
29. Regularly assess the actions described above, publish the results and implement the recommendations in order to facilitate monitoring and reporting regarding publication of contracts and use of RPFs.	Annual basis beginning in 2012	Mines (CTCPM); PROMINES	Preparatory work will start in the second half of 2011.