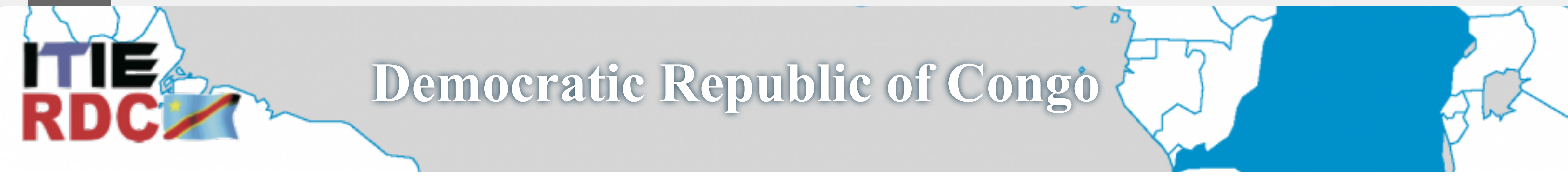


EITI Status **Compliant**

EITI Member Since **2008**

Latest Data From **2014**

Website **EITI Democratic Republic of Congo** `(http://www.itierdc.net/)`

Democratic Republic of Congo

At the height of the commodity boom in 2007, when the DRC began implementing the EITI, decades of conflict, political instability, corruption, looting and mineral smuggling had decimated the mining sector, which used to be DRC's engine of growth, and left the government with large liabilities for its state-owned enterprises (SOEs) that had become practically insolvent.

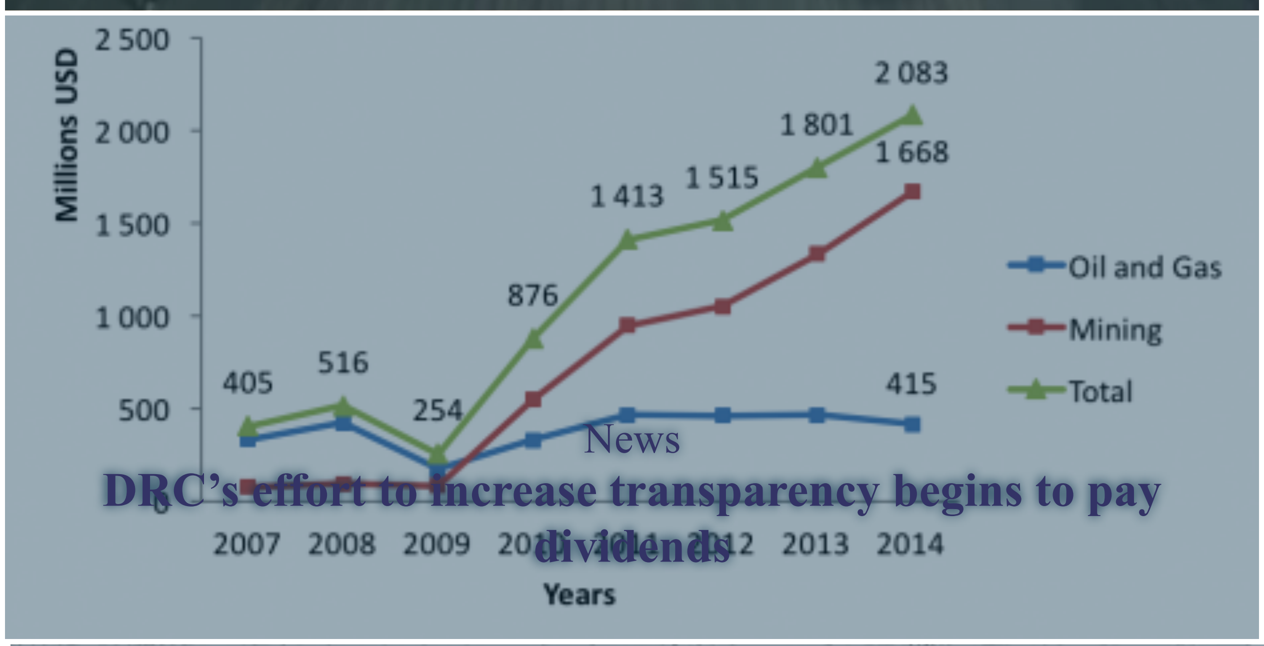
Despite, the country's vast natural resources, 63% of the 75 million Congolese citizens were living below the poverty line of less than one dollar per day in 2012, according to the World Bank. It is in this context that the government of the DRC committed to implement the EITI to attract foreign direct investment to revive the mining sector and ensure that revenues are well managed for the benefit of all citizens.

Civil society calls for sustained efforts after DRC achieve EITI Compliance status `(https://eiti.org/news/civil-society-calls-sustained-efforts-after-drc-achieving-eiti-compliance-status)`

On this page

On this page

News, blogs and more



Taxes and legal framework

The taxes and customs duties applicable to mining rights in the hydrocarbon sector are defined by the terms of the agreements signed by the parties involved, notwithstanding the requirements of common law or fiscal regime. According to the EITI Reports, there are two conventional tax regimes in the hydrocarbons sector, based on two agreements that have been signed to date, namely the tax regime of onshore (on land) exploitation, example PRENCO REP and LIREX associate) and the tax regime for offshore operations (at sea) example MIOC, TEIKOKU and CHEVRON-ODS. Oil companies in the first group (Agreement of 11 August 1969), pay the State (Amendment No. 8) royalties, dividends and a special fixed-rate tax.

Oil companies in the second group (Agreement of 9 August 1969), pay to the State (Amendment No. 7) statistical tax, the distributable margin, a share on behalf of the State portfolio and a tax on professional profits.

According to the 2002 Mining Code, which introduced a special tax and customs regime for the mining sector, mining activities are carried out by the following categories of operators: holders of mining rights (PR, PE, PER, PEPM), entities with treatment or processing plants, counters with a permit for purchase, sale and export of artisanal mining ores, and craftsmen and traders.

The only applicable charges to the holder of mining rights are those taxes, duties and charges provided for in the Mining Code, which excludes all other forms of current and future taxation provided for in other legislative and regulatory texts.

To learn more about the legal framework and fiscal regime applicable to the mining and hydrocarbon sectors, see the **latest EITI Report** (http://www.itierdc.net/#!rapports-itie-rdc/c1s6n)

Information about license allocations and licenses registers can be found at **http://www.itierdc.net/#!home/c1h6a** (http://www.itierdc.net/#!home/c1h6a)

Information about contracts can be found at **http://mines-rdc.cd** (http://mines-rdc.cd)

Information about beneficial ownership and state participation in the extractives sector can be found in the EITI Report and on the **DRC EITI Website** (http://www.itierdc.net/#!rapports-itie-rdc/c1s6n).

Tax Code
EITI DRC 2014 Report (http://media.wix.com/ugd/93b11d_0ae54e9b18804d278f704f25b57d13c8.pdf)

Contracts
Mining sector (http://mines-rdc.cd/fr/index.php/contrats-des-ressources-naturelles/contrats-miniers)
Hydrocarbon sector (http://mines-rdc.cd/fr/index.php/contrats-des-ressources-naturelles/contrats-petroliers)

The award of new rights follows the principle of 'first-come-first-served' (through an application process). The call for tenders is exceptionally used under certain conditions. The procedure for granting mining rights is governed by Articles 33 to 49 of the Mining Code and Articles 43 to 66 of Decree No. 038/2003 of 26 March 2003 on Mining Regulations. **Learn more (http://media.wix.com/ugd/93b11d_0ae54e9b18804d278f704f25b57d13c8.pdf)**.

The mining rights stipulated in the Mining Code are: Search Permit, Operation Permits, Small-Scale Mining Operation Permits, and Permits for the Use of Residues. More information about license register can be found **here** (http://portals.flexicadastre.com/drc/en/).

License Registry
Mining Cadestral Portal (http://portals.flexicadastre.com/drc/en/)

- More information about the revision of the mining code can be found here (http://www.congomines.org/pages/8-reglementation)
- More information about civil society participation can be found on the Carter Center website (http://www.congomines.org/pages/7-itie)
- More information about state participation and state owened entreprises can be found (http://www.congomines.org/pages/9-entreprises-etatiques)

Beneficial ownership disclosure

DRC's 2014 EITI Report (http://media.wix.com/ugd/93b11d_0ae54e9b18804d278f704f25b57d13c8.pdf) shows that 31 out of 63 privately held mining companies disclosed their beneficial owners. Only one of the six privately held oil and gas companies disclosed their owners. The disclosures so far often include details about the identity of the owners such as the date of birth, or residential address. Previous reports have revealed beneficial owners that were both politically exposed and owners whose birth date is more recent than the year covered by the EITI Report.The report recommends the creation of a public beneficial ownership register.

The evaluation report (https://eiti.org/node/3380) from DRC's participation in the beneficial ownership pilot notes that the major challenge in obtaining beneficial ownership disclosures was the lack of legal requirements for extractive companies to report their beneficial owners. According to the report, “the absence of a law on the beneficial ownership contributed to suspicion amongst the companies, who questioned the concept of beneficial ownership and the relevance of beneficial ownership disclosures. Despite the tremendous efforts undertaken by the MSG and the secretariat to improve the perception of the concept of beneficial ownership, some companies preferring to limit their disclosures to the legal owners, which, according to them, is what they are required to disclose in accordance with Congolese law and company Statutes". The government is now working on the legal and institutional framework for further beneficial ownership transparency.

> La publication des rapports ITIE revêt une grande importance pour la République Démocratique du Congo parce qu’ils font état des progrès réalisés en matière de gouvernance des industries extractives et des finances publiques dans le pays. Ces Rapports confortent la position de la RDC dans le rating des organisations et agences de notation.
>
> Prime Minister Matata Ponyo

Production

New investments in the mining sector led to a significant increase in production from 2010 to 2014, while oil production remained relatively stable. The Kipoi and Kamoto mines, which contain exceptionally high grades of copper (3% or five times the industry average), were producing at full capacity in 2014. KCC's production tripled from 52,000 tonnes of refined copper in 2010 to 151,000 tonnes in 2014. Production of cobalt and copper began at Tenke Funkurume (TFM) in the second quarter of 2009 and increased rapidly from 120,000 tonnes of refined copper in 2010 to 192,000 tonnes in 2014.

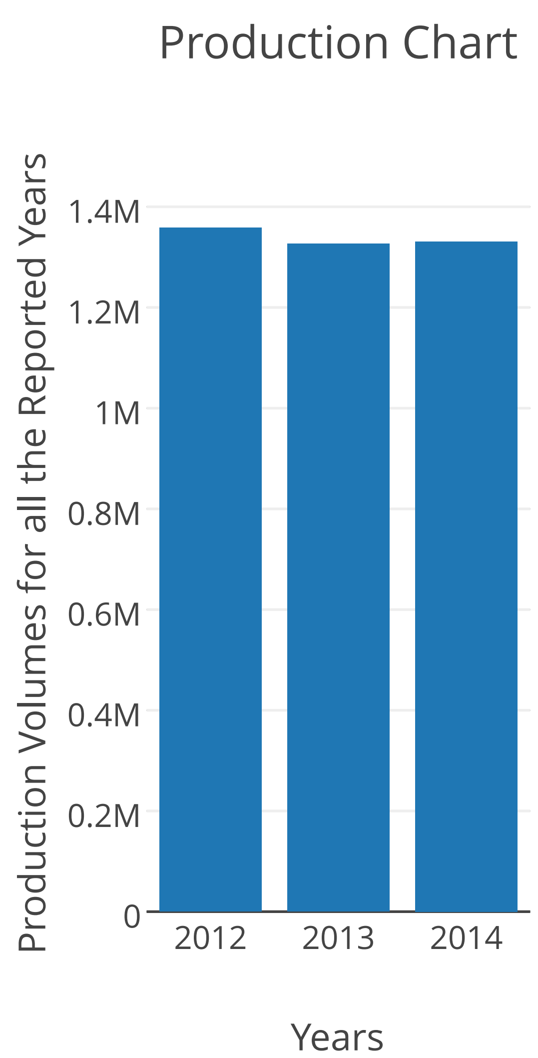
- EITI DRC 2014 Report (http://www.itierdc.net/#!rapport-itie-2014/c1h0v)

Natural resources

DRC is the world's largest producer of cobalt, which is used in the production of batteries for cell phones and other consumer electronics. The country holds more than half of the world’s cobalt reserves according to the US Geological Survey. In addition to cobalt, DRC produces large quantities of copper, diamonds, gold, oil, tin, tantalum, tungsten and zinc.

Commodity	*Production*	*Reserves*	*Unit*	*Significance*
Cobalt	3.4	56,000	Million tons	DRC was the world's largest producer of cobalt in 2014. According to the USGS, identified world terrestrial cobalt resources are about 25 million tons. “The vast majority of these resources are in sediment-hosted stratiform copper deposits in Congo” Source: **USGS Mineral Commodity Summaries 2015** `(http://minerals.usgs.gov/minerals/pubs/commodity/cobalt/mcs-2015-cobal.pdf)`.
Copper	1.1	20	Million tons	Production of copper in the DRC reached 1.1 million tons in 2014 according to the EITI report. Identified reserves are estimated at 20 million tons according to the **USGS Mineral Commodity Summaries Report, 2015** `(http://minerals.usgs.gov/minerals/pubs/commodity/copper/mcs-2015-coppe.pdf)`.
Diamond	18	150	Million carats	DRC was the world's largest producer of diamond in 2014, and holds the second largest reserves after Australia. Sources: **EITI 2014 Report and USGS Mineral Commodity Summaries Report, 2015** `(http://minerals.usgs.gov/minerals/pubs/commodity/diamond/mcs-2015-diamo.pdf)`.
Gold	24		Thousand kilogram	Gold production quadrupled in 2014

Source: **Production figures are from the 2014 DRC EITI Report. Identified reserves are from the U.S. Geological Survey, Mineral Commodity Summaries, January 2015** `(http://minerals.usgs.gov/minerals/pubs/commodity/)`.

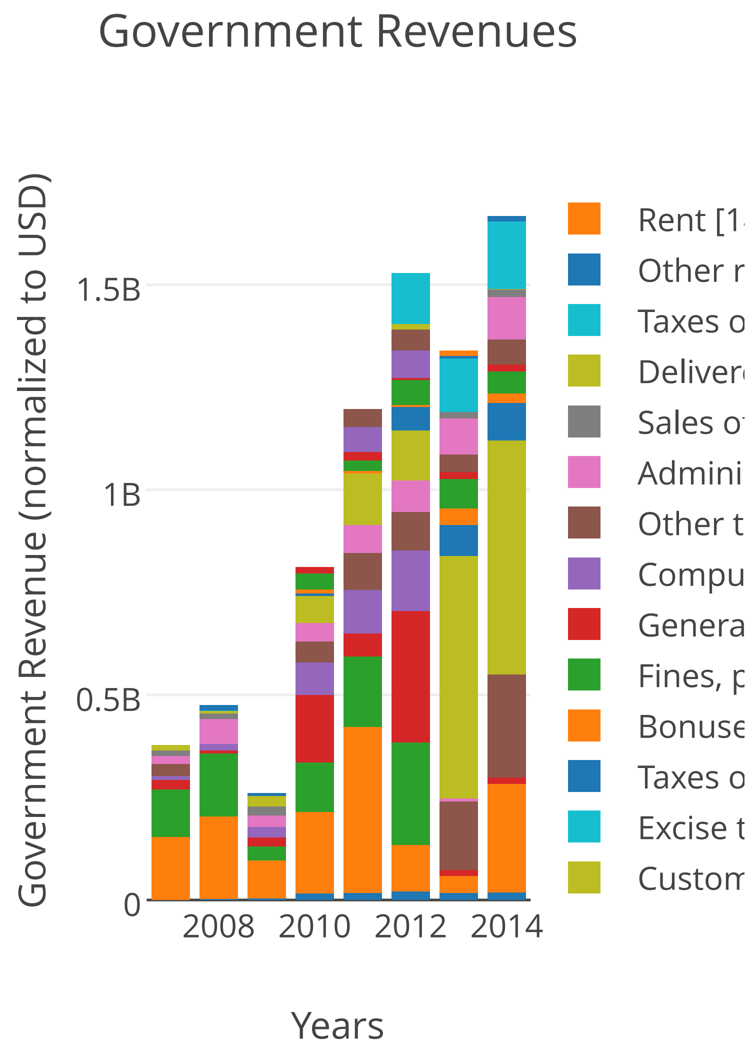


Export Data

Revenue collection

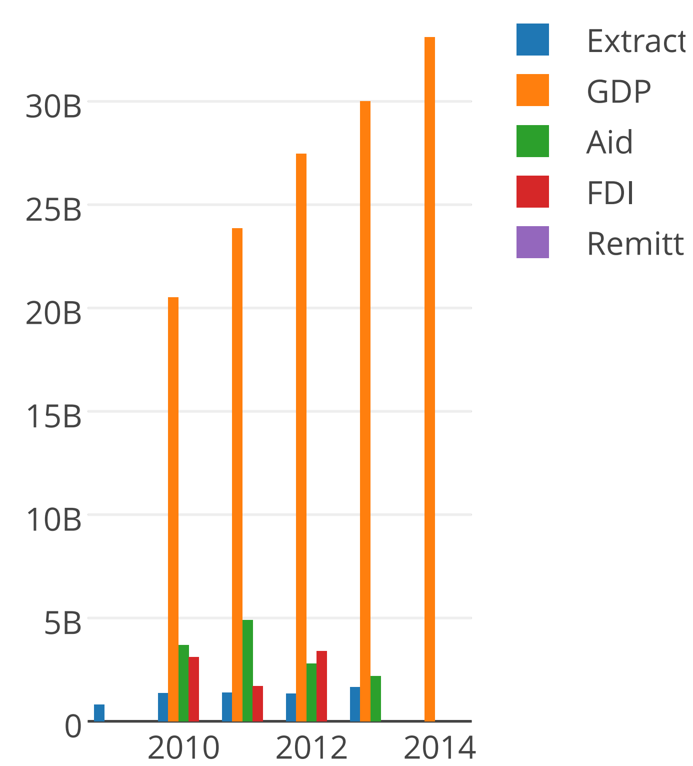
The 2014 EITI Report shows a more resilient mining sector, characterised by increased production, employment and revenues. The USD 2 billion in government revenues in 2014 stands in stark contrast to the paltry USD 400 million that the government reported receiving from the oil, gas and mining sector, when EITI implementation began in 2007. USD 1.5 billion or 72% of all collected revenues went to the treasury in 2014. Ten percent or roughly USD 200 million went to provincial governments and local communities, while SOEs and other government agencies collecting taxes on behalf of the government withheld 18% of collected revenues.

DRC’s effort to increase transparency begins to pay dividends `(https://eiti.org/news/peru-ten-years-transparency-oil-gas-and-mining)`



Export Data

Government revenue from extractives compared



Revenue allocation

Article 175 of the Constitution stipulates that 40% of the national revenue should be allocated to the province. Article 242 of the Mining Code provides for a sharing mechanism of mining royalties paid to the Treasury by holders of mining exploitation titles. The sharing arrangements are as follows:

- 60% of the revenue of income kept by Central Government.
- 25% of the revenue should be paid to an account designated by the Administration of the Province where the project is located and 15% of the revenue should be paid to an account designated by the City or the Territory within which operation takes place.

Disbursements by Company (Top 5 in 2014 - 2014 (USD))

	Company Name	Revenue Stream	Receiving Entity	Amount
1	KAMOTO COPPER COMPANY SA	Pénalités versées au DGRAD	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$333,278
2	KAMOTO COPPER COMPANY SA	Pas-de-porte / Bonus de Transfert	EP - Entreprises Publiques	$15,000,000
3	KAMOTO COPPER COMPANY SA	Pénalités versées au trésor	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$889,480
4	KAMOTO COPPER COMPANY SA	Avis de Mise en Recouvrement (AMR B)	DGI - Direction Générale des Impôts	$3,138,685
5	KAMOTO COPPER COMPANY SA	Prestations de services	EP - Entreprises Publiques	$131,115
6	KAMOTO COPPER COMPANY SA	Royalties.	EP - Entreprises Publiques	$63,388,937
7	KAMOTO COPPER COMPANY SA	Impôt mobilier (IM)	DGI - Direction Générale des Impôts	$6,890,370
8	KAMOTO COPPER COMPANY SA	Avis de Mise en Recouvrement (AMR A)	DGI - Direction Générale des Impôts	$8,135,043
9	KAMOTO COPPER COMPANY SA	Police des mines et hydrocarbures (iii)	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$56,369
10	KAMOTO COPPER COMPANY SA	Droits et Taxes à l'importation (Total Quittance)	DGDA - Direction Générale des Douanes et Accises	$141,857,999
11	KAMOTO COPPER COMPANY SA	Droits et Taxes à l'exportation (Total Quittance)	DGDA - Direction Générale des Douanes et Accises	$10,581,933
12	KAMOTO COPPER COMPANY SA	Droits superficiaires annuels par carré	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$26,902
13	KAMOTO COPPER COMPANY SA	Taxe voiries et drainage	DRKAT - Direction Provinciale des Recettes du Katanga	$15,000,000
14	KAMOTO COPPER COMPANY SA	Impôt Professionnel sur les Rémunérations (IPR) / Impôt Exceptionnel sur la Rémunération des Expatriés (IER)	DGI - Direction Générale des Impôts	$34,908,023
15	KAMOTO COPPER COMPANY SA	Redevances minières (RM)	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$19,631,369
16	KAMOTO COPPER COMPANY SA	Impôt sur les bénéfices et profits (IBP)	DGI - Direction Générale des Impôts	$23,257,000
17	SOCIETE D'EXPLOITATION DE KIPOI	Pénalités versées au DGRAD	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$103,359
18	SOCIETE D'EXPLOITATION DE KIPOI	IBP sur prestations des personnes non résidentes en RDC (iii)	DGI - Direction Générale des Impôts	$2,018,887
19	SOCIETE D'EXPLOITATION DE KIPOI	Pénalités versées au trésor	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$184,794
20	SOCIETE D'EXPLOITATION DE KIPOI	Cession d’actifs ou parts sociales	EP - Entreprises Publiques	$111,000,000
21	SOCIETE D'EXPLOITATION	Royalties.	EP - Entreprises Publiques	$3,188,810

	DE KIPOI			
22	SOCIETE D'EXPLOITATION DE KIPOI	Impôt mobilier (IM)	DGI - Direction Générale des Impôts	$353,317
23	SOCIETE D'EXPLOITATION DE KIPOI	Avis de Mise en Recouvrement (AMR A)	DGI - Direction Générale des Impôts	$986,838
24	SOCIETE D'EXPLOITATION DE KIPOI	Taxe concentrés	DRKAT - Direction Provinciale des Recettes du Katanga	$3,252,233
25	SOCIETE D'EXPLOITATION DE KIPOI	Droits et Taxes à l'importation (Total Quittance)	DGDA - Direction Générale des Douanes et Accises	$5,987,935
26	SOCIETE D'EXPLOITATION DE KIPOI	Droits et Taxes à l'exportation (Total Quittance)	DGDA - Direction Générale des Douanes et Accises	$1,112,070
27	SOCIETE D'EXPLOITATION DE KIPOI	Impôt sur la superficie des concessions minières et des hydrocarbures.	DRKAT - Direction Provinciale des Recettes du Katanga	$628
28	SOCIETE D'EXPLOITATION DE KIPOI	Droits superficiaires annuels par carré	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$37,572
29	SOCIETE D'EXPLOITATION DE KIPOI	Taxe voiries et drainage	DRKAT - Direction Provinciale des Recettes du Katanga	$1,361,181
30	SOCIETE D'EXPLOITATION DE KIPOI	Impôt Professionnel sur les Rémunérations (IPR) / Impôt Exceptionnel sur la Rémunération des Expatriés (IER)	DGI - Direction Générale des Impôts	$3,642,970
31	SOCIETE D'EXPLOITATION DE KIPOI	Redevances minières (RM)	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$2,253,325
32	SOCIETE D'EXPLOITATION DE KIPOI	Impôt sur les bénéfices et profits (IBP)	DGI - Direction Générale des Impôts	$16,403,355
33	TENKE FUNGURUME MINING SA	Pénalités versées au DGRAD	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$23,486
34	TENKE FUNGURUME MINING SA	Avis de Mise en Recouvrement (AMR B)	DGI - Direction Générale des Impôts	$2,588
35	TENKE FUNGURUME MINING SA	Frais de consultance	EP - Entreprises Publiques	$17,195,545
36	TENKE FUNGURUME MINING SA	Redevance supplémentaires sur les réserves additionnelles (iv)	EP - Entreprises Publiques	$2,278,300
37	TENKE FUNGURUME MINING SA	Prestations de services	EP - Entreprises Publiques	$254,888
38	TENKE FUNGURUME MINING SA	Impôt mobilier (IM)	DGI - Direction Générale des Impôts	$40,302
39	TENKE FUNGURUME MINING SA	Pénalités et amendes transactionnelles pour la DGDA	DGDA - Direction Générale des Douanes et Accises	$232,430
40	TENKE FUNGURUME MINING SA	Pénalités et amendes transactionnelles pour le Trésor	DGDA - Direction Générale des Douanes et Accises	$578,741
41	TENKE FUNGURUME	Taxe concentrés	DRKAT - Direction Provinciale des Recettes du	$4,326,768

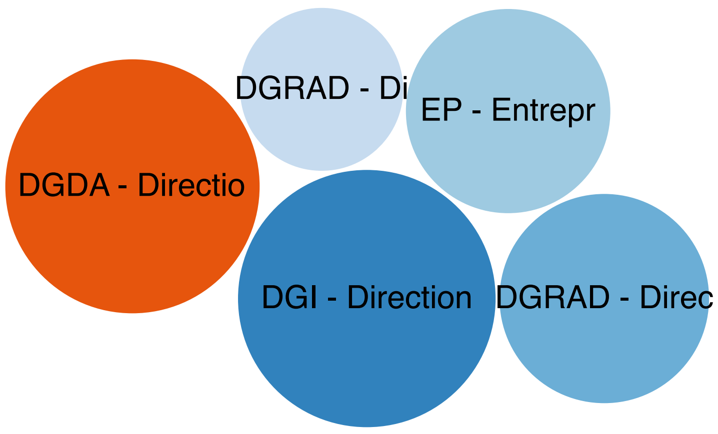
	MINING SA		Katanga	
42	TENKE FUNGURUME MINING SA	Police des mines et hydrocarbures (iii)	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$594,301
43	TENKE FUNGURUME MINING SA	Droits et Taxes à l'importation (Total Quittance)	DGDA - Direction Générale des Douanes et Accises	$83,389,926
44	TENKE FUNGURUME MINING SA	Droits et Taxes à l'exportation (Total Quittance)	DGDA - Direction Générale des Douanes et Accises	$16,791,766
45	TENKE FUNGURUME MINING SA	Impôt sur la superficie des concessions minières et des hydrocarbures.	DRKAT - Direction Provinciale des Recettes du Katanga	$12,770
46	TENKE FUNGURUME MINING SA	Droits superficiaires annuels par carré	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$798,652
47	TENKE FUNGURUME MINING SA	Impôt sur le Chiffre d’affaires à l’intérieur (ICAI)	DGI - Direction Générale des Impôts	$47
48	TENKE FUNGURUME MINING SA	Taxe voiries et drainage	DRKAT - Direction Provinciale des Recettes du Katanga	$13,631,164
49	TENKE FUNGURUME MINING SA	Impôt Professionnel sur les Rémunérations (IPR) / Impôt Exceptionnel sur la Rémunération des Expatriés (IER)	DGI - Direction Générale des Impôts	$22,580,806
50	TENKE FUNGURUME MINING SA	Redevances minières (RM)	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$31,654,109
51	TENKE FUNGURUME MINING SA	Impôt sur les bénéfices et profits (IBP)	DGI - Direction Générale des Impôts	$10,650,303
52	MUTANDA MINING SARL	Pénalités versées au DGRAD	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$17,909
53	MUTANDA MINING SARL	Pénalités versées au trésor	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$544,383
54	MUTANDA MINING SARL	Avis de Mise en Recouvrement (AMR B)	DGI - Direction Générale des Impôts	$1,245,767
55	MUTANDA MINING SARL	Taxe sur autorisation d'exploitation des eaux naturelles de surface ou souterraines (iii)	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$934,415
56	MUTANDA MINING SARL	Impôt mobilier (IM)	DGI - Direction Générale des Impôts	$5,377,015
57	MUTANDA MINING SARL	Avis de Mise en Recouvrement (AMR A)	DGI - Direction Générale des Impôts	$5,895,723
58	MUTANDA MINING SARL	Taxe concentrés	DRKAT - Direction Provinciale des Recettes du Katanga	$11,809,694
59	MUTANDA MINING SARL	Droits et Taxes à l'importation (Total Quittance)	DGDA - Direction Générale des Douanes et Accises	$69,306,839
60	MUTANDA MINING SARL	Droits et Taxes à l'exportation (Total Quittance)	DGDA - Direction Générale des Douanes et Accises	$23,163,369
61	MUTANDA MINING SARL	Impôt sur la superficie des concessions minières et des hydrocarbures.	DRKAT - Direction Provinciale des Recettes du Katanga	$2,034
62	MUTANDA MINING SARL	Droits superficiaires annuels par carré	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$122,101
	MUTANDA		DRKAT - Direction Provinciale des Recettes du	

63	MINING SARL	Taxe voiries et drainage	Katanga	$18,459,817
64	MUTANDA MINING SARL	Impôt Professionnel sur les Rémunérations (IPR) / Impôt Exceptionnel sur la Rémunération des Expatriés (IER)	DGI - Direction Générale des Impôts	$21,815,383
65	MUTANDA MINING SARL	Redevances minières (RM)	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$28,349,687
66	MUTANDA MINING SARL	Impôt sur les bénéfices et profits (IBP)	DGI - Direction Générale des Impôts	$23,380,999
67	BOSS MINING SAS	IBP sur prestations des personnes non résidentes en RDC (iii)	DGI - Direction Générale des Impôts	$1,120,469
68	BOSS MINING SAS	Avis de Mise en Recouvrement (AMR B)	DGI - Direction Générale des Impôts	$526,335
69	BOSS MINING SAS	Prestations de services	EP - Entreprises Publiques	$983,915
70	BOSS MINING SAS	Royalties.	EP - Entreprises Publiques	$8,677,901
71	BOSS MINING SAS	Impôt mobilier (IM)	DGI - Direction Générale des Impôts	$1,072,869
72	BOSS MINING SAS	Avis de Mise en Recouvrement (AMR A)	DGI - Direction Générale des Impôts	$2,388,294
73	BOSS MINING SAS	Taxe concentrés	DRKAT - Direction Provinciale des Recettes du Katanga	$10,593,946
74	BOSS MINING SAS	Police des mines et hydrocarbures (iii)	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$187,154
75	BOSS MINING SAS	Droits et Taxes à l'importation (Total Quittance)	DGDA - Direction Générale des Douanes et Accises	$32,926,873
76	BOSS MINING SAS	Droits et Taxes à l'exportation (Total Quittance)	DGDA - Direction Générale des Douanes et Accises	$5,314,272
77	BOSS MINING SAS	Impôt sur la superficie des concessions minières et des hydrocarbures.	DRKAT - Direction Provinciale des Recettes du Katanga	$4,644
78	BOSS MINING SAS	Droits superficiaires annuels par carré	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$278,546
79	BOSS MINING SAS	Taxe voiries et drainage	DRKAT - Direction Provinciale des Recettes du Katanga	$8,500,000
80	BOSS MINING SAS	Impôt Professionnel sur les Rémunérations (IPR) / Impôt Exceptionnel sur la Rémunération des Expatriés (IER)	DGI - Direction Générale des Impôts	$6,822,317
81	BOSS MINING SAS	Redevances minières (RM)	DGRAD - Direction Générale des Recettes Administratives, participations, judiciaires et Domaniales	$7,668,873
82	BOSS MINING SAS	Impôt sur les bénéfices et profits (IBP)	DGI - Direction Générale des Impôts	$6,167,196

Export Data

By collecting agency

Disbursed Revenue (2007 - 2014)



Export Data

95 %
to exports

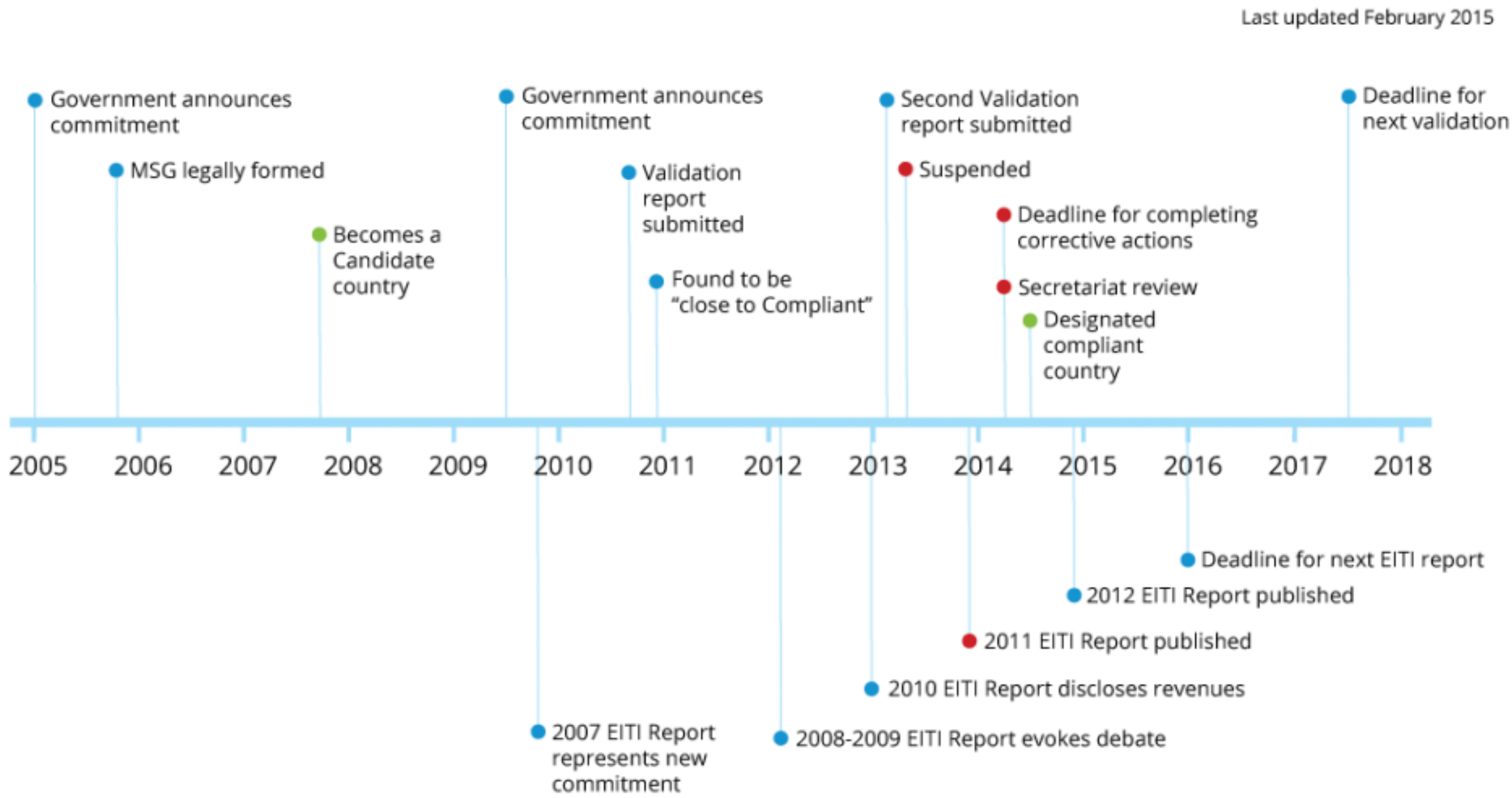
22 %
to GDP

28 %
to government revenue

11 %
to employment

Innovations and impact

- Pilot project to publish beneficial ownership and establishing a public register of beneficial owners.
- Pilot project to extend EITI reporting to artisanal and small-scale mining (ASM) and forestry.
- Pilot project to automate reporting, and embed EITI in government systems.



Governance

Oversight of EITI is ensured by a multi-stakeholder group, the "Comité executif"/Executive Committee, chaired by the Minister of Planning. Prime Ministerial Decree 09/27 of 16 July 2009 regulates EITI implementation in the DRC. Executive Committee members and the National Coordinator are nominated by decree. Ministerial Decree 0186 of 23 March 2012 obliges companies to disclose under the EITI. The day-to-day implementation is ensured by a technical secretariat in Kinshasa and Lubumbashi. Minutes of **MSG** (https://eiti.org/glossary#MSG) meetings are published on the EITI DRC website **here** (http://www.itierdc.com/pv+pub+rap.php?valeur=%20%C2%BB%C2%BB%20Proces-Verbaux%20des%20R%C3%A9unions%20du%20GMP%20et%20Autres%20Activit%C3%A9s&valeurr=P.V.). The list of MSG members is available **here** (http://itierdc.com/pdf/liste%20membres%20CE.pdf).

Key documents

2014 Democratic Republic of Congo EITI Report

Published Date: December, 2015

Publisher: Democratic Republic of Congo EITI

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Contact

National Coordinator
Professor Jeremy Mack DUMBA
Democratic Republic of Congo
National Coordinator
+243 9904 71666

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Ruseløkkveien 26, 0251
Oslo, Norway
+47 222 00 800
secretariat@eiti.org