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# ARTISANAL GOLD MINING IN THE DEMOCRATIC REPUBLIC OF THE CONGO

A Biodiversity and Extractives Political Economy Assessment Summary

## OVERVIEW

Supporting biodiversity conservation in the eastern Democratic Republic of Congo (DRC) is a global priority due to the endangered status of its populations of Grauer’s gorilla – formerly known as the eastern lowland gorilla (*Gorilla beringei graueri*), as well as other important species. The Grauer’s gorilla is a subspecies that is only found in the eastern DRC. In recent decades, however, over the course of two Congo Wars from 1996 to 2003, the country suffered tremendous upheaval with international and internally displaced populations seeking refuge in remote areas from armed conflict. Known as “Africa’s first world war,” conflict resulted in huge losses in human life and high levels of trauma. The gorilla population was deeply affected by the conflict as well with numbers dropping from around 17,000 individuals in 1995 to some 3,800 individuals in 2016.<sup>1</sup> Conflict persists in some areas and an estimated 62-77 armed groups remain in the eastern part of the country.<sup>2</sup>

Prior to 1995, the largest gorilla populations were found in Kahuzi-Biéga National Park (KBNP), located in the province of South Kivu, near the center of conflict in the eastern DRC. The park was a refuge for

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<sup>1</sup> Plumptre, A. et al. (2016) “Status of Grauer’s Gorilla and Chimpanzees in Eastern Democratic Republic of Congo: Historical and Current Distribution and Abundance,” Joint Report: Wildlife Conservation Society (WCS), Flora and Fauna International (FFI), *Institut Congolais pour la Conservation de la Nature (ICCN)*, New York: WCS.

<sup>2</sup> Spittaels S., Matthysen, K., Weyns, Y., Hilgert, F. and Bulzomi, A. (2014) *Analysis of the interactive map of artisanal mining areas in eastern DR Congo: May 2014 update*. Antwerp: International Peace Information Service (IPIS).

as many as 800,000 people during the First Congo War (1996 – 1997) and served as a staging ground for skirmishes throughout the Second Congo War (1998-2003).<sup>3</sup> Although the Congo Wars ended, conflict continued, despite efforts to demobilize armed groups. Minerals played a large role in the causes and finance of violence. Many groups had turned to artisanal mining operations with the fall of Mobutu, and continue to occupy parts of KBNP’s to control artisanal mining operations. In combination with illegal hunting, civil unrest and habitat loss, this artisanal mining has contributed to biodiversity loss.

Funded by USAID’s Africa Bureau, this political economy assessment (PEA) focused on areas in and around the KBNP to analyze how the incentive structures surrounding artisanal gold mining and related activities contribute to the loss of biodiversity. A better understanding of these dynamics could help identify openings for more effective biodiversity programming on behalf of USAID. This research was conducted as part of the broader Biodiversity and Extractives Political Economy Assessment project, implemented by Integra in collaboration with USAID.

## **BACKGROUND**

In recent decades and with the support of the United Nations, international and regional actors have focused on the role conflict minerals have played in financing armed violence in the province. They have established regulations for the certification of mine sites to reduce financing of conflict from minerals, and have substantially lowered levels of violence and improved security in South Kivu, particularly for women. National and international organizations have established systems of traceability for some of the minerals widely used in consumer goods worldwide, largely in response to the United States’ Dodd-Frank Wall Street Reform and Consumer Protection Act, section 1502 and U.S. Security Exchange Commission Conflict Mineral Rule<sup>4</sup> requiring manufacturers of goods to certify that their sources of electronic components are conflict free.

To support this effort, USAID/DRC has engaged in monitoring the traceability systems for minerals through its partners.<sup>5</sup> The eastern DRC is rich in mineral deposits of gold, and the three minerals cassiterite, wolframite, and colombite-tantalite (or “coltan”), are known as the “3Ts” for the products they yield: tin, tungsten, and tantalum. Traceability systems have been established for tagging the 3Ts, which are bulky and require processing at industrial smelters. Gold, however, is highly portable and therefore relatively easy to smuggle across the border where transaction costs are lower. South Kivu’s position near the border with Rwanda makes illicit mineral flows of “3TG” (the three T’s plus gold) from the area difficult to control, but this border smuggling extends to all its neighbors and has a long

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<sup>3</sup> Stearns, J. (2012). *Dancing in the Glory of Monsters: The Collapse of the Congo and the Great War of Africa*. New York: Public Affairs, p. 12.

<sup>4</sup> OECD/IPIS, 2015, *Mineral Supply Chains and Conflict Links in the Eastern Democratic Republic of the Congo: Five Years of Implementing Supply Chain Due Diligence*. Responsible Business Conduct Report. Paris: OECD.

<sup>5</sup> USAID/DRC’s Public-Private Alliance for Responsible Minerals Trade includes Partnership Africa Canada, and Germany’s Federal Institute for Geosciences and Natural Resources (BGR). This is only one of USAID/DRC’s many levels of engagement on minerals in DRC and the Great Lakes Region. USAID also supports IOM and the Capacity Building for Responsible Minerals Trade (implemented by Tetra Tech). USAID also funds RESOLVE to coordinate the PPA. In addition, U.S. Special Envoy to the Great Lakes Region Tom Pereillo has begun to focus more on conflict minerals and economics following a January 2016 mine visit to eastern DRC, and the U.S. State Department is in the process of helping to establish a new initiative to support the prosecution of economic crimes in the DRC’s military justice system.

history.<sup>6</sup> The United Nations Panel of Experts estimates “that 98% of all gold produced the DRC is smuggled out of the country and nearly all of the gold traded in Uganda—the main transit country for Congolese gold—is smuggled illegally exported from the DRC. As a result the Governments of DRC and Uganda are losing millions of dollars annually in tax revenue and tolerating a system that is financing conflict in the DRC.”<sup>7</sup> USAID/DRC’s Responsible Minerals Trade program is working through partners to improve the traceability systems for 3Ts and is piloting a chain of custody system for gold in the province.

The KBNP lies within one of the USAID Central Africa Regional Program for the Environment (CARPE) priority landscapes. It is inscribed in the UNESCO World Heritage list for its outstanding universal value as a natural site. KBNP’s resources are under severe threat due to the presence of artisanal mining operations controlled by armed groups, rendering the majority of the lowland areas of the park too dangerous to patrol. Much of the park has never been under complete control of the park management. USAID’s partners and other donors have concentrated their efforts around measures to protect the more defensible highlands of the park, with its 60,000 hectares of gorilla habitat.

Multiple armed factions with various historical, political, and economic motivations for pursuing extractive activities effectively control the vast lowland sections of KBNP. Most of these groups have had relationships with powerful actors in Rwanda, Uganda, and DRC throughout the war, known generically as “Mai-Mai” and in South Kivu referred to collectively as the *Raia Mutomboki* (RM).<sup>8</sup> The RM groups emerged during the Congo Wars to defend their land and people from outsiders. Some Congo scholars describe these RM groups as franchises, as they are not unified and only loosely associated with one another, if at all, except in the use of the RM name.<sup>9</sup> According to informants, some fourteen RM groups are currently active inside the park, together with the Armed Forces of the Democratic Republic of Congo (*Forces Armée de la République Démocratique du Congo* or FARDC).

It is important to note that even before the arrival of these armed groups, the park faced challenges. Because of the way the park was created through appropriation of land, many communities, including the vulnerable *Batwa* (or pygmy), have customary claims on lands within the park’s boundaries. These boundaries were never clearly demarcated at the time it was declared and disputes over these claims remain unresolved.

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<sup>6</sup> OECD, “Report on the implementation of the recommendation on due diligence guidance for responsible supply chains of minerals from conflict-affected and high-risk areas [C/MIN (2011)12/FINAL], Paris: OECD, 28 April 2016. [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=COM/INV/DCD/DAC\(2015\)3/FINAL&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=COM/INV/DCD/DAC(2015)3/FINAL&docLanguage=En)

<sup>7</sup> UN Security Council, “Final report of the Group of Experts on the Democratic Republic of the Congo” Letter dated 12 December 2013 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, p. 3/276-4/276.

See: <http://www.securitycouncilreport.org>

<sup>8</sup> *Mai-mai* is the umbrella name for these community-based militia groups led by warlords, tribal leaders, village heads, and politically-motivated resistance fighters that are not unified but have allied themselves with domestic and foreign forces at various points in time and numbered as many as 30,000 in 2001. *Raia Mutomboki* means “Outraged Citizens” in Kiswahili and are referred to as RM (pers comm, 2016).

<sup>9</sup> Stearns, J. and Vogel C. (2015) *The Landscape of Armed Groups in the Eastern Congo*. New York: New York University Center on International Cooperation, Congo Research Group.

## KEY FINDINGS

Through this PEA it became apparent that different armed groups have complex relationships with communities around the park, some apparently paying customary tribute to local leaders. This is supported by evidence of some government officials paying RM groups for their “war efforts.” Further, most of the RM appear to have international links that facilitate illicit trade in extractive resources. For example, the team found evidence of Chinese companies paying armed groups for access to mining areas. There was some indication that these self-defense groups are now trading with the armed Rwandan factions that they routed from the park in recent years.

The team did not find specific evidence relating to the involvement of FARDC in mining operations, although it is understood that they have recently begun to maintain a presence in some areas of the park, in part to prevent other armed groups from taking over mining operations. Particularly violent militia groups are found outside the park and along the northern border with North Kivu. KBNP rangers cannot safely travel to Itebero and Nzovu sectors of the park, among other locations where armed groups control territory and where primate populations have also been most affected.

The team explored the incentive structures around newly established chains of custody for conflict free minerals, and how they might be affecting actors within the park. Informants indicated that the security situation has definitely improved. Nonetheless, the assessment found that armed groups active inside the park have established alternative routes to export minerals. Consequently, despite the security gains within the region resulting from regulation of mining, armed groups controlling illegal artisanal mining operations inside KBNP continue to pose a security risk for the province and a continuing threat to biodiversity, both directly through poaching and habitat destruction, and indirectly, through interference with park management.

Motivations for the continued occupation of KBNP by these armed groups are not purely economic but are fueled by struggles over land, power, and identity that have local implications.<sup>10</sup> Consequently, in order to address threats to biodiversity posed by these armed groups, a deeper understanding of the history of the formation of territorialized identities in the region is needed, as many Congo scholars have noted.<sup>11</sup> Understanding the history and politics of ethnic identities and the ways in which grievances are mobilized can help reveal insights to reshape the way events are playing out.

## RECOMMENDATIONS

CARPE recognizes that USAID/DRC’s Public Private Alliance for Responsible Minerals Trade program has a role in shaping incentives around mining, the major driver of biodiversity loss in the area. Initial indications are that the programming under the Responsible Minerals Trade has contributed in shifting the incentives of those involved in artisanal mining in and around the park. For that reason, it is recommended that attention be directed to ways that the Responsible Minerals Trade program might better engage with CARPE partners.

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<sup>10</sup> Vlassenroot, K. “South Kivu identity, territory and power in the eastern Congo,” Rift Valley Institute: Usalama Project. 2013, p.10.

<sup>11</sup> *ibid.*

Over the long term, addressing the presence of armed groups in the park over the long term requires a deeper examination of the power relations and politics shaping how the formal and informal institutions around the minerals trade work in practice. Examining these institutions in detail offers some insights that may help revise the view that the mining by armed groups inside the park is an intractable problem.

The research noted that opportunities are being explored for linkages between the CARPE and USAID/DRC programs to jointly address issues of land access, resource governance, ethnic coexistence and citizenship that are the root causes of violence in the region, which contribute to the ongoing presence of armed groups engaged in mining operations affecting biodiversity in the park. CARPE operates on a regional scale from the USAID/DRC offices, working with a wide array of implementing partners to achieve conservation objectives at the landscape level within the Congo Basin. CARPE, however, is not a component of the USAID/DRC Country Development Cooperation Strategy (CDCS) because it has its own Regional Development Strategy. Because the problems within the park are linked to the larger context of the provincial and regional minerals trade and security, the analysis indicates that it would be helpful for USAID/DRC to consider how existing programming, particularly around conflict mediation, might support CARPE where relevant, as stated in the 2015-2019 CDCS.<sup>12</sup>

Detailed recommendations and observations from the research can be found in the full PEA case study report. Highlighted here are some of the most relevant and effective strategies we see for addressing problems within the park. They include the following steps:

1. Given the challenges brought about through illegal mining, it is necessary to reconsider the boundaries, zoning, and management approaches of KBNP. Effective conservation of the park may require some combination of redrawing boundaries, rezoning, demobilizing armed combatants, developing alternative livelihoods, and revising the governance arrangements to enhance the benefits to communities. CARPE can assist the government of the DRC in general and the Congolese Institute for Nature Conservation (ICCN) in particular, to re-envision KBNP, through analytical and material support, including the establishment of a neutral multi-stakeholder process through which to explore options for the improvement of the security situation that can ensure the future for the values for which KBNP was inscribed on the World Heritage list.
2. Demobilizing armed groups will be the single most important step toward enabling communities to re-engage economically while allowing conservation objectives to be reassessed. CARPE can play a crucial role in supporting a conflict-sensitive approach by involving international researchers, social scientists, and conflict specialists in supporting the ICCN and counterbalancing the militarization of conservation.
3. USAID should build coalitions that reach beyond conservation to link with civil society groups working as mediators and conflict monitors that can engage with communities to resolve legitimate grievances with the park. Social scientists working with artisanal miners and other

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<sup>12</sup> Biodiversity conservation is not explicitly identified in USAID's CDCS Analytical Framework. Transition Objective Three (p.44), however, states that "successful ongoing USAID activities to promote responsible mining, cash crops, and income-earning improvements will be reviewed and expanded as possible, particularly focused on income generation...including PPPs to leverage USAID resources...[and] these programs may also work around CARPE landscapes to maximize USG's investment..." (USAID CDCS, 2015-2019, p. 45).

stakeholders in and around the park are also important partners. Bringing conservation partners and civil society groups together – local mediators – that builds trust between the park management, civil society groups, and university researchers to support a comprehensive approach to dealing with the issues of the park by sector.

4. USAID/CARPE should work with USAID/DRC and other partners, including private sector, to identify ways to support infrastructure needed outside the park to plan for economic growth. These possibilities will include partnering on hydropower, agriculture infrastructure, and will require long term land use planning.
5. USAID/CARPE and USAID/DRC should work together to integrate conservation efforts into the mining certification process. In particular, they should advocate prohibition against bushmeat hunting to provision miners in industrial sites, and consider opportunities to link demand from labor camps with local producers in new value chains.

Local/Provincial CSOs are important partners for conservation. They have local and regional knowledge and research capacity with links to international think-tanks on many relevant topics in the province. Therefore, it is important for USAID/DRC and CARPE to consider how can conservation partners can capitalize on these existing resources and forge alliances with international and local researchers in the areas around the park. Forging relationships with some of Bukavu’s many universities would be a productive way forward in identifying tangible steps for CARPE to being integrating this knowledge.

USAID’s existing programs may also have a role to play in terms of advocacy for environmental safeguards around mine site through CSOs and USAID partners already actively engaged in the mining certification process. Supporting coalitions that can bridge gaps between a militarized conservation and more inclusive approaches could help resolve issues for vulnerable resource-dependent populations. CARPE should work through consortium partners to apply existing knowledge about ASM and conservation and work with local CSOs and government to push for specific changes in tax structures that can change incentives for illicit cross-border trade. CARPE may also want to explore opportunities to work with communities to create community managed reserves that might serve as alternative gorilla habitat in areas outside the park.