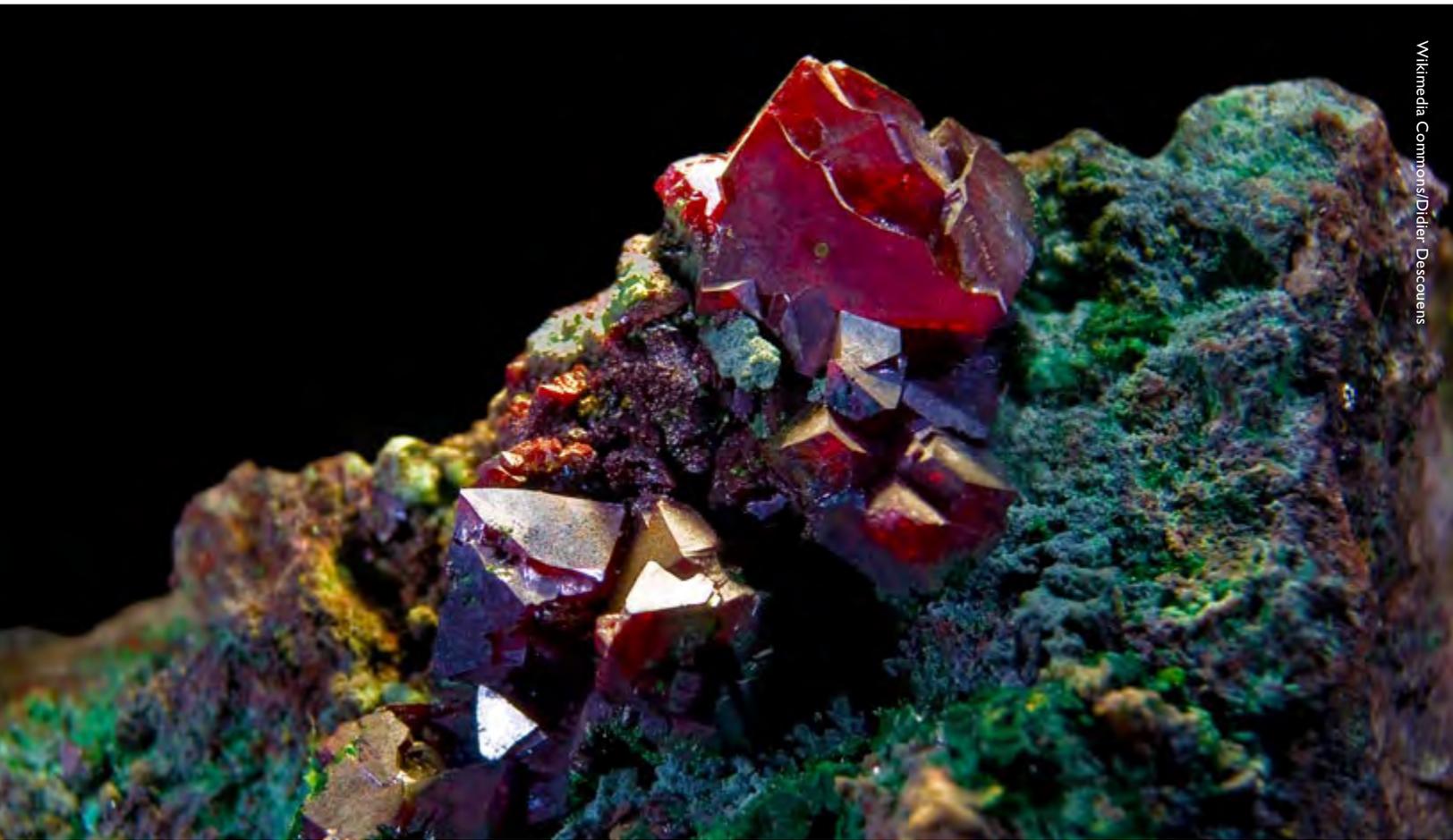




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## EVALUATION

# Final Evaluation Report of the Copper Cobalt Conflict Project

April 27, 2012

This report was produced for review by the United States Agency for International Development (USAID). It was prepared by Development & Training Services, Inc. (dTS).



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## DISCLAIMER

The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

# ACKNOWLEDGEMENTS

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We also thank the USAID/DRC Peace and Stability Office for its support.

Last, but not least, this evaluation would not have been possible without the work of our dedicated survey agents who traveled to various mining sites to gather information.

This work stands as the result of a team effort. The contribution of all team members was important in identifying the Copper Cobalt Conflict (CCC) project's strengths and weaknesses prior to making pertinent recommendations for future programming.

# ACRONYMS

ARDERI	Regional Integrated Rural Development Association (Association Régionale de Développement Rural Intégré)
ASADHO	African Association for Defense of Human Rights (Association Africaine de Défense des Droits de l'Homme)
ASM	Artisanal and Small-Scale Mining
CASM	Community and Small-Scale mining
CDMC	Social Development Mining Cooperative (Coopérative Minières de Développement Social)
CMKK	Cooperative Madini Kwa Kilimo
COMAKAT	Artisanal Miners' Cooperative of Katanga (Coopérative Minières des Artisans du Katanga)
dTS	Development & Training Services Inc.
DRC	Democratic Republic of Congo
DFID	United Kingdom Department for International Development
DQA	Data Quality Assessment
EMAK	Artisanal Mining Mediators of Katanga (Exploitants Miniers Artisans du Katanga)
EWS	Early Warning System
IFC	International Finance Corporation
GECAMINES	The General Mine Perimeters (La Générale Carrière des Mines)
ILO	International Labor Organization
KCC	Katanga Copper and Cobalt Company
LSM	Large-scale mining
NGO	Non-Governmental Organization
OCA	Organizational Capacity Assessment
RECOPE	Community Network for the Protection of Children (Réseau Communautaire pour la Protection des Enfants)
RCNK	Assembly of Miners and Mediators of Kolwezi (Rassemblement des Creuseurs et Négociants de Kolwezi)
SAESSCAM	Service of Assistance and Support to Small-Scale Mining
SBGV	Sexual and Gender Based Violence
SEMAK	Exploration Syndicate of Artisanal Mining of Katanga (Syndicat des Exploitants Minières Artisans de Katanga)
SICOMINES	Sino Congolese Mining (Sino Congolaises des Mines)
STD	Sexually Transmitted Disease
USAID	United States Agency for International Development

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# EXECUTIVE SUMMARY

The Copper Cobalt Conflict (CCC) Project implemented by PACT International (PACT) and funded by the United States Agency for International Development (USAID) aimed to promote peace and security in the artisanal and small-scale mining (ASM) sector in and around Kolwezi, a mineral-rich area in Katanga Province, in the Democratic Republic of the Congo (DRC). The specific objectives of the project were to: a) promote reconciliation, cooperation and understanding among all stakeholders within the ASM sector, and prevent and mitigate conflicts over access to and use of resources; b) raise awareness and provide technical support to prevent health risks, accidents and injuries at the mines; c) raise awareness and strengthen understanding of the mining code and related legislation; and, d) establish conflict resolution mechanisms to promote peace.

The project operated for a period of 24 months from July 2009 through July 2011, and was coordinated from Kinshasa with an operational office in Kolwezi. The three targeted mining sites for the project included Kamilombe2, Kawama and Mwilu. The latter was closed by Gecamines in January 2011.

## KEY FINDINGS

The evaluation findings indicate that overall, project activities contributed to achieving project objectives by: a) reducing conflicts at mining sites by supporting the establishment of grassroots cooperatives that organized miners and upheld their rights; b) providing technical support to reduce accidents and injuries at the mines; c) strengthening the capacity of ASM-related institutions to resolve and mitigate conflict through dialogue and peaceful means; and, d) educating stakeholders on their roles, rights and responsibilities under the mining code and legislation.

The evaluation also revealed a number of challenges that still require attention. Findings show that the majority of conflicts continue to be attributed to: a) the presence of private mining/land forage companies who exploit artisanal miners through price fixing and other; b) the absence of solidarity among miners due to competition over personal interests (compounded by social and ethnic differences) and high mobility from site to site; c) the continuing presence of cooperatives built on top-down models, and their interest in maintaining the status quo; and, d) lack of application of mining mandates for the protection of personal interests by mining officials and local authorities. Additionally, radiation danger in mining sites remains an important public health issue with significant social and economic repercussions.

While the CCC Project was able to address most of these issues through its conflict resolution and grassroots structures, capacity building and awareness-raising activities, there is a need for a more comprehensive and expansive approach to resolving these issues. For example, the policies and internal operations of land forage companies and sales of disputed lands are major factors in the ASM sector's instability. However, there is little a project like this can do to address the situation, as it is focused on just one aspect of the mining sector.

## KEY RECOMMENDATIONS

The evaluation provides the following recommendations based on these findings:

### To PACT/Congo

- Provide a more gender-sensitive approach in outreach activities for women, children and men (particularly those who have lost their jobs) in ASM.

- Initiate legal service support for victims of exploitation and mistreatment so they can lay claim to their rights and be compensated for loss or damage.
- Use traditional reconciliation ceremonies as part of the overall reconciliation strategy to resolve conflict among stakeholders.
- Advocate for funds to support and ensure the sustainability of the Forum as a conflict mitigation and resolution structure, and SAESSCAM (Service of Assistance and Support to Small-Scale Mining) as a technical support structure.
- Use PACT's traceability of mining products project to continue addressing pending issues, given that PACT has already gained the confidence of the same group of stakeholders.
- Provide greater outreach to educate target mining communities on the presence and functions of conflict mitigation structures.

### **To the Government of the DRC (GDRC)**

- Strengthen SAESSCAM's ability to control and monitor taxation in the mining sector.
- Employ trained SAESSCAM personnel for key positions in the Kolwezi ASM sector, and use them as trainers in future projects at other artisanal mining sites.
- Provide SAESSCAM with adequate resources to carry out its activities, since it plays a key role in maintaining stability in the ASM.
- Capitalize on the outcomes of the CCC Project to promote ownership by supporting structures such as the Forum and its early warning monitoring system to prevent potential conflicts.
- Capitalize on the experience of the CCC Project to reach out to other mining/mineral conflict-prone provinces.
- Provide a standardized mechanism for measuring the weight and concentration of mining/mineral products and their prices, so as to prevent potential conflicts between land forage companies, miners and mediators.
- Review and update the mining code and regulations in order to reflect the realities facing miners in the ASM.
- Ensure more transparency and accountability on the part of local authorities at the mining sites.

### **To USAID/DRC**

- Engage and encourage mining companies operating in Katanga Province to carry out corporate social responsibility programs for the benefit of targeted communities. One example of such an effort would be to create public-private partnership projects that raise awareness and address the public health dangers and social/economic repercussions of radiation within and around the Kolwezi town.
- Given the positive outcomes of the CCC Project in the three pilot sites, duplicate this experience in the ASM sector in other provinces.
- A program that encourages school attendance, developed in collaboration with the education office, would go a long way toward preventing child labor in the mines.

# INTRODUCTION

After decades of mismanagement by the Mobutu regime, Gecamines, the DRC's state-owned mining company, lost control of the bulk of its mining sites located in Kolwezi. As Gecamines could not afford to cover its own operational costs, most skilled staff were declared redundant and laid off. The collapse of this giant of the DRC economy placed former employees and their families in dire poverty. As a survival strategy, former employees started to illegally exploit mineral deposits that were scattered across many square kilometers surrounding the former Gecamines mining sites. The promise of income attracted other miners from provinces neighboring Kolwezi. This influx of "outsiders" resulted in disagreements over land and mining rights, as well as ethnic tensions. In 2001, when the GDRC and Gecamines renegotiated contracts with large mining concerns and tried to reassert control over the mines being operated by these artisanal miners, the situation became even more volatile.

The mining sector in the DRC is increasingly regarded as the economic foundation for the country's post-conflict reconstruction. However, this sector, which now largely relies on artisanal and small-scale mining, continues to play a critical role in local and regional conflicts. While significant donor efforts have focused on the role of mineral resource revenues in financing and sustaining rebel factions in the east of the country, resource-conflict linkages in DRC are highly complex and pervasive, and require much greater effort to be addressed adequately. One of the contributing factors are the various state security and non-state armed groups that infiltrate the ASM sector across the country – often with the connivance of local officials and private companies – to demand illegal taxes, fees or even confiscate raw minerals from miners and traders.

## THE CCC PROJECT

The USAID-funded Copper Cobalt Conflict Project was designed to strengthen the capacity of stakeholders to follow the mining code and create strategies and mechanisms for promoting peace and security in the ASM sector in and around Kolwezi. The project operated for a period of 24 months, from July 2009 through July 2011, and was coordinated from Kinshasa with an operational office in Kolwezi. The three targeted mining sites for the project were Kamilombe2, Kawama and Mwilu. The latter was closed by Gecamines in January 2011.

## OBJECTIVES

The project was designed to deliver the following four outcomes:

1. Promotion of reconciliation, cooperation and understanding among ASM-related institutional actors and prevention of conflict over access to and use of resources;
2. Raising awareness and providing technical support to prevent health risks, accidents and injuries at the mines;
3. Raising awareness and strengthening understanding of the mining code and legislation; and,
4. Establishing conflict resolution mechanisms to promote peace.

## MODUS OPERANDI

PACT's modus operandi was to use its conflict mitigation expertise and prevention programming to achieve a peaceful transition of the ASM sector in Kolwezi, Katanga Province. The project focused on providing information and training on mining legislation, mining techniques, conflict mitigation and management,

support to mining associations and cooperative organizations, and raising awareness on protection and security issues. PACT followed a participatory approach, where all stakeholders had a say in the management of the CCC Project.

## **PARTNERSHIP AND STAFF**

The CCC Project was designed, managed and implemented by PACT Inc., a Washington, DC based non-profit organization that has been active worldwide since 1963. PACT's project partners were local non-governmental organizations (NGO) including the Community Network for the Protection of Children /Réseau Communautaire pour la Protection des Enfants (RECOPE), the Regional Integrated Rural Development Association/Association Régionale de Développement Rural Intégré (ARDERI), the Paracliss Group, and SAESSCAM. Throughout the project cycle, CCC Project managers collaborated with the head of SAESSCAM, the GDRC agency that oversees security and safety issues in the ASM sector as well as providing technical assistance to artisanal miners. The project also worked closely with other GDRC stakeholder structures, including the mayor of Kolwezi town, where the district offices for the mines are located. This contributed to establishing a dialogue among stakeholders to address problems and issues in the ASM sector. The project also attempted to address other related issues and engage organizations to address specific areas. CCC Project managers collaborated closely with RECOPE and ARDERI, NGOs that are involved in fighting poverty by promoting alternative activities in mining areas. The project similarly collaborated with Paracliss to raise awareness of radiation dangers and preventive measures.

## **INTERVENTION ZONES**

The project targeted three mining sites: Kawama, Kamilombe2 and Mwilu. Kawama has been allocated to artisanal exploitation by the GDRC technical unit SAESSCAM, while Kamilombe2 and Mwilu are former Gecamines sites that have been taken over by artisanal miners.

## **TARGETED POPULATIONS AND BENEFICIARIES**

The direct beneficiaries of this project are miners, mediators and some medium-sized companies working in the three mining sites. Indirect recipients are the populations living in and around Kolwezi. The project also included some limited support for activities to reduce the number of children (and women) working in the ASM sector. However, this objective was not initially part of the program's scope.

## **UTILIZATION OF FUNDS**

This final evaluation, conducted one month after project closeout, was an opportunity for various stakeholders to undertake a critical, retrospective look at the project's legacy and find lessons to inform future programming. The most significant finding was that PACT's key local partner, SAESSCAM, has shown great interest in maintaining the CCC Project's work, as well as expanding and scaling these efforts in other parts of the DRC afflicted by the same problems. The CCC Project provided financial (and sometimes material) support to ARDERI, SAESSCAM and the PARACLISIS Group, which were responsible for managing financial resources availed to them by the project. This was achieved through a stringent framework for guaranteeing transparency and accountability.

## **OBJECTIVES OF THE EVALUATION**

The overall objective of this evaluation was to provide insights into the Kolwezi ASM conflict prevention mechanisms implemented by the CCC Project. These findings will help USAID/DRC document the

contribution of the US Government in resolving conflicts in the mining sector of Kolwezi, and subsequently, its contribution to stability in Katanga Province. The evaluation's specific objectives were to:

1. Determine the extent to which the project was focused on its goals;
2. Determine the extent to which the project accomplished its objectives; and,
3. Point out the sustainability of actions, or, the project's "legacy."

## **METHODOLOGY**

This evaluation was conducted between July 27 and August 31, 2011, and covered three targeted project sites: Kamilombe2, Kawama and Mwilu. The dTS lead evaluation team was composed of M&E Advisor, Laurent Kofi, and USAID/DRC M&E Specialist, Olivier Mumbere. Quantitative and qualitative methods were used during the evaluation, including the direct observation of miners to assess whether they were using new techniques for preventing accidents and injuries, and whether any clashes or fights were taking place inside the mines.

Preparation for the evaluation consisted of:

1. Mission planning and document review in Kinshasa;
2. Development of the survey questionnaire and discussion guides for focus groups in Kinshasa;
3. Interviews in Kinshasa and Lubumbashi with key informants and former CCC Project managers;
4. Training of data collectors in Kolwezi;
5. Data collection in Kamilombe2, Kawama and Mwilu sites;
6. Data entry and analysis; and,
7. Preparation and debriefing workshop in Kolwezi.

Quantitative methods consisted of a survey questionnaire that was administered to a total of 75 miners and mediators: 30 persons each from the Kawama and Kamilombe2 sites and 15 from the closed site in Mwilu. The evaluation used systematic sampling by selecting every fifth dig where miners or mediators were present.

The qualitative method included focus group discussions and key informant interviews, with three focus groups composed of members of the Forum, women and local miners' committees, and five key informant interviews including the director of PARACLISSIS Group, three members of ARDERI, and the directors of RECOPE and SAESSCAM. The total number of focus group participants and key informants was 110 persons.

This evaluation was conducted discreetly on the ground, and benefited from strong collaboration with various stakeholders. The evaluation could not have been completed in a timely manner without the participation of these stakeholders, who provided the team with a large amount of valuable information.

## **DATA LIMITATIONS**

The evaluation acknowledges the following data limitations: selection bias due to the mobility of the miners, and response bias due to the sensitive nature of CCC activities and the respondents' tendency to give "politically correct" answers.

# PRESENTATION OF FINDINGS

## FINDINGS FROM THE BENEFICIARY SURVEY

The total sample size for the beneficiary survey was 75: 59 miners (79 percent), 14 mediators (*négociants*) (19 percent), and 2 washers (2 percent) (Appendix A, Figure 1). All surveyed beneficiaries were male; the questionnaire was administered to miners, mediators and washers in mining sites, where females are not present due to cultural barriers (i.e., the belief that their presence will make mining products disappear).

**Cooperatives and formal organizations:** Respondents recognized the following cooperatives and formal organizations at the mining sites: SAESSCAM (39 percent), the mediators' committee (20 percent), Artisanal Mining Mediators of Katanga/*Exploitants Minières Artisanaux du Katanga* (EMAK-C) (20 percent), Social Development Mining Cooperative/*Cooperative Minières de Développement Social* (CMDs) (16 percent), and ARDERI (5 percent) (Appendix A, Figure 2). The majority (86 percent) said that these cooperatives and formal organizations were registered with the state, 13 percent said they were not, and 1 percent did not know (Appendix A, Figure 3).

**Presence of conflict:** Seventy-three percent (55 individuals) of the 75 individuals surveyed recognized the existence of conflicts in their workplace, while 27 percent (20 individuals) said there were none (Appendix A, Figure 4). The reasons for non-recognition of conflicts at the sites can be attributed to the way in which respondents defined conflict, as well as the duration of their residence (i.e., the newly arrived), and their position within the power structure at the sites. For example, 46 percent from among the mediators compared to 22 percent from among the miners indicated that there were no conflicts at the sites.

**Types of conflict:** Among those who recognized some form of conflict at the mining site, the types of conflict mentioned were as follows: cheating on the weight and price of mining products (20 percent); conflict over digs and perimeters (15 percent); conflict with local authorities (15 percent); conflict between miners and mediators (13 percent); leadership conflicts (7 percent); mistreatment by the mining police (5 percent); conflict over repayment of debts (4 percent); conflict over sharing of resources (4 percent); threat of expulsion (4 percent); and, conflict over not being able to take mining products outside the work sites (4 percent) (Appendix A, Figure 5).

**Causes and sources of conflict:** The causes of conflict identified by respondents who recognized the presence of conflict at the sites (73 percent) were as follows: disagreements between miners and mediators (27 percent); large mining companies (22 percent); absence of authority and legal structures to protect miners against exploitation (18 percent); outdated laws and regulations (18 percent); and, small land forage companies that enforce their own regulations (15 percent) (Appendix A, Figure 6). The majority of conflicts were attributed to the presence of private mining companies and their exploitation of artisan miners, as well as the absence of updated laws and a general lack of enforcement. These results are supported by the fact that 38 percent of respondents mentioned the corruption of local authorities and political leaders who fuel conflict as a major source of conflict, followed by unequal distribution of mining resources (24 percent), ethnic conflicts (24 percent), and other (15 percent) (Appendix A, Figure 7).

**Structures of conflict resolution:** Eighty-one percent (61 respondents) had knowledge of conflict mitigation structures at their mining sites, while 19 percent were unaware of such structures (Appendix A, Figure 8). Among those who had knowledge of conflict mitigation structures, more than one-third (36 percent) mentioned SAESSCAM, 20 percent named the committee of the mediator, 15 percent identified SEMAK, 15

percent pointed to EMAK-C, 10 percent mentioned the Artisanal Miners' Cooperative of Katanga/*Coopérative Minières des Artisans du Katanga* (COMAKAT), and 5 percent named the police (Appendix A, Figure 9). These results indicate that there is still a need to raise awareness about these structures at the mining sites.

**Strategies of conflict resolution:** The CCC Project has contributed to promoting dialogue as the means for resolving conflicts at the sites. This was seen by 91 percent of respondents as the most effective strategy, compared to 4 percent who mentioned the intervention of mining authorities, 3 percent who named the army and police, and 2 percent who mentioned the involvement of faith-based organizations as the most effective means for resolving/mitigating conflict (Appendix A, Figure 10).

One-fourth (25 percent) of respondents had witnessed the use of traditional ceremonies in conflict resolution, while 47 percent had not seen any, and 28 percent did not know whether or not they had been practiced (Appendix A, Figure 11). Hence, traditional reconciliation ceremonies do not appear to have been extensively used as part of strategies to resolve and mitigate conflict among parties in dispute. These ceremonies are important, as they draw on cultural beliefs that disputes can always be resolved through dialogue. It is therefore essential to incorporate such ceremonies into strategies for conflict resolution.

**Types of conflicts resolved/mitigated:** More than one-half (52 percent) of respondents stated that the CCC Project had succeeded in resolving conflicts among miners by creating a spirit of solidarity among them. Thirty-seven percent mentioned that the project had contributed to resolving/mitigating conflicts between miners and mediators, and 11 percent noted the resolution of conflicts between miners and the mining police (Appendix A, Figure 12).

**Knowledge of the mining code:** Lack of knowledge of the mining code by artisan miners has been a major source of exploitation and conflict at the sites. The results of the CCC/ARDERI campaign to raise awareness of the mining code were positive. About 80 percent of respondents (75 percent of miners, and 100 percent of mediators) stated that they had knowledge about the mining code and were aware of their legal rights and obligations vis-à-vis the code, while 19 percent (all miners) were not knowledgeable (Appendix A, Figure 13). Respondents mentioned at least one of the following mining components: buying and selling of mining products; legal taxes; respect for the environment; theft; land exploration; and, technical support. The evaluation team's understanding is that the majority of respondents who did not have knowledge of mining code provisions or did not answer were newcomers to the mining sites.

The majority (87 percent) of respondents believed that public institutions such as SAESSCAM complied with the provisions of the code, while 13 percent did not (Appendix A, Figure 14). Those who did not believe that public institutions were complying with the mining code attributed non-compliance to political/ethnic and power interests.

**Protection by local authorities:** Although 69 percent of all respondents felt they were protected by local authorities, roughly one-third (31 percent) did not believe that their rights and interests were being protected by those authorities (Appendix A, Figure 15). It is important to note that local authorities sometimes side with land forage companies for personal gain, and thus tend to neglect the rights of miners and mediators.

**Protection against radiation:** Radiation is a serious danger in the Kolwezi mining area. Prior to implementation of the CCC Project, the population considered it taboo to speak of radiation. The project's awareness-raising campaigns on the dangers and means of protection against radiation show positive signs, with the majority (91 percent) of respondents stating they were aware of the dangers of radiation (Appendix A, Figure 16). Among those who were aware of the threats of radiation, 76 percent had learned about them

through the CCC Project, 9 percent mentioned the office of the mayor, 7 percent named the Office of the Mines, 4 percent cited local leaders, and 3 percent named health providers (Appendix A, Figure 17).

Among the respondents who were aware of the threats of radiation to their health, 41 percent (28 respondents) had taken some type of safety measure at their work site, but 59 percent (40 respondents) had not (Appendix A, Figure 18). Reasons given by the latter were: lack of money (50 percent); protection measures are not necessary (35 percent); and, other (15 percent) (Appendix A, Figure 19). Generally, those who were taking safety measures against radiation at work had been working at the sites for a longer period of time than those who were not.

For those who were protecting themselves against radiation (41 percent), the measures were the following: regular health check-ups (29 percent); avoiding dangerous sites (25 percent); respecting mining norms (21 percent); not using telephones at the mines (11 percent); not smoking at the mines (7 percent); and, drinking water and wearing protective clothing (7 percent) (Appendix A, Figure 20).

**Other safety and security measures:** Lack of safety and security at the mining sites are major issues. According to respondents, the CCC Project contributed to enhancing safety and security at the sites through the following measures: ID cards for miners (27 percent); promoting observance of the mining code (20 percent); payment of legal taxes (19 percent); technical support in creating safety props for entering mines (17 percent); promoting respect for mining norms (13 percent); and, providing safety materials and equipment (4 percent) (Appendix A, Figure 21).

**Methods of awareness-raising:** Awareness-raising through radio and television programs was reported by 43 percent of respondents, followed by plays (37 percent), campaigns (8 percent), SAESCAM (7 percent), and the Forum and other cooperatives (7 percent) (Appendix A, Figure 22). As these results show, radio, television and plays were the most effective ways of raising the target population's awareness about the CCC Project and its components.

**Achievements of conflict resolution structures:** Among those who were aware of the conflict mitigation structures (81 percent, or 61 respondents), the following were mentioned as positive contributions of these structures: peaceful resolution/mitigation of conflict through dialogue (48 percent); provision of technical support (21 percent); keeping peace and order at the sites (18 percent); defending miners (10 percent); creation of solidarity (5 percent); and, providing security (3 percent) (Appendix A, Figure 23). As these findings indicate, the majority of respondents believed that the conflict mitigation structures had succeeded in peacefully resolving conflicts through dialogue.

**Satisfaction/dissatisfaction with conflict resolution structures:** Among those who had knowledge of conflict mitigation structures (81 percent, or 61 respondents), while over one-half (52 percent/32 respondents) were satisfied with the accomplishment of these structures, a significant minority (43 percent/26 respondents) were dissatisfied (Appendix A, Figure 24). Those who stated they were satisfied with the project gave the following reasons: SAESCAM's capacity to protect the interest of miners (22 percent); overall positive changes (19 percent); defense of the interest of miners and mediators (16 percent); peace dividends at the mining sites (16 percent); cooperation among parties previously in conflict (13 percent); awareness of the mining code provisions (9 percent); and, safer work environments (6 percent) (Appendix A, Figure 25).

Among the 43 percent (26 respondents) who were not satisfied with the conflict resolution structures, the reasons were as follows: absence of reserved sites for artisanal mining (which forces miners to move from one site to another based on mining concession agreements between the government and land forage

companies) (58 percent); the short duration of the project (23 percent); and, lack of assistance from local authorities (15 percent) (Appendix A, Figure 26).

**Sustainability of conflict resolution structures:** Among the respondents who had knowledge of conflict mitigation structures (81 percent, or 61 respondents), 56 percent believed that the structures were sustainable, 41 percent did not think they were sustainable, and 3 percent did not answer (Appendix A, Figure 27). Among the 56 percent (34 respondents) who believed the project was sustainable, the reasons were as follows: increased safety and fewer injuries and accidents at the sites (32 percent); miners having become more optimistic about their future (29 percent); greater respect of mining norms and regulations by stakeholders (15 percent); more security and peace at the sites (15 percent); and, better organization of miners (9 percent) (Appendix A, Figure 28).

Among the 41 percent (25 respondents) who felt the project was not sustainable, explanations included: the nomadic nature of mine labor that resulted in high mobility of miners from site to site (32 percent); absence of permanent structures for coaching and supporting miners (24 percent); unwillingness of some of the conflictive resolution structures to take their work seriously (16 percent); the short duration of the project (16 percent); and, lack of trust in the durability of outcomes (12 percent) (Appendix A, Figure 29).

**Strengths and weaknesses of the CCC Project:** The majority (92 percent) of respondents felt the project had contributed to ameliorating relations between SAESSCAM, the Division of Mines and the miners (Appendix A, Figure 30). Other project strengths that were mentioned are as follows: increased peace at the sites (35 percent); knowledge of rights and obligations (27 percent); greater knowledge and respect for the mining code (23 percent); increased freedom in producing and selling products (8 percent); and, increased tolerance and conflict mitigation (8 percent) (Appendix A, Figure 31).

Although the majority (57 percent, or 43 respondents) of the respondents believed that the project had contributed to better organization among miners, a significant minority (43 percent, or 32 respondents) said that they were not self-organized (Appendix A, Figure 32). There is, therefore, a need to strengthen cooperation and solidarity among miners not only through conflict resolution structures, but also by measures that would reduce miner mobility between sites due to the absence of any entitlements to the mines.

Other weaknesses of the project were attributed to its inability to check and correct exploitative practices. For instance, 60 percent complained about cheating on the concentration of mining products at the sale point, and 40 percent mentioned cheating on the weight of mining products at the sale point (Appendix A, Figure 33).

## **FINDINGS FROM FOCUS GROUPS AND KEY INFORMANTS**

**Sources and reasons for conflict:** According to key informants and focus groups, the primary motivation for working in the ASM sector was the persistently high unemployment rate, leading to a large influx of “newcomers” to the mines. These new miners are part of marginalized groups such as demobilized soldiers and ex-militia, and come from varied regions and ethnic groups. A number of respondents felt that many of the conflicts were rooted in differences between these groups – meaning that social and ethnic groups are competing to protect their own interests over those of small-scale miners as a whole.

According to respondents, another reason for conflict included the fact that ASM cooperatives had a top-down rather than bottom-up structure, which did not necessarily incorporate the needs at the grassroots, despite PACT’s best efforts. The primary cause was that many of the most powerful figures in the region – political leaders in league with land forage companies, for example – still had a lot of influence in the wider

sector, forcing cooperatives to fall in line with existing power structures. Moreover, inconsistent application of laws and practice of the mining code by officials, regulatory bodies, large mining firms, and even cooperative members, also lead to conflict. Respondents specifically cited conflicting taxation regulations imposed on miners by the Division of Mines, Mining Police, and local governments.

Finally, most respondents felt that they had become victims of a new system dominated by small commercial land forage companies (*Sociétés de décourverture*) that set their own mineral concentration rates and fix the prices of mineral products. These companies are the exclusive buyers of mining products from the artisanal mining areas. They determine the weight and concentration of products through their own systems, which do not necessarily reflect the true weight and concentration of products. It should be noted that it was beyond the scope of the CCC Project to interfere with the policies and work of the land forage companies. However, this was a contributing factor to miners feeling that the cooperatives were still “top-down.”

**Project strengths:** There was a general consensus among respondents that the CCC Project had brought about positive changes at the sites. Some respondents believed the project had contributed to upholding miners’ rights, while others felt there was more security at the sites. Respondents also agreed that the project had provided miners with technical support through SAESSCAM, which, prior to the project, lacked such capacity. Most respondents also felt that under SAESSCAM’s supervision for collecting taxes, mining officials would no longer be able to demand illegal taxes from miners.

The majority of respondents voiced their satisfaction with the project’s strategy for mitigating and resolving conflicts through dialogue. Most respondents stated that the project’s awareness-raising efforts had allowed the mining population to have open discussions about previously taboo topics such as radiation, and to become better informed on how to protect themselves. They also mentioned that the project had contributed to averting accidents and minimizing injuries to miners by providing technical support. Moreover, information on the mining code had allowed miners to learn about their rights and responsibilities. The majority of respondents believed that the most appropriate strategy for conflict resolution among stakeholders (miners, mediators, mining companies and local officials) would be through dialogue and recourse to the mining code.

**Project weaknesses and challenges:** Among the project weaknesses, some respondents noted the project’s inability to create a sense of ownership among all stakeholders, notably, influential government officials who had a stake in preserving the status quo. As a result, respondents felt that some stakeholders had an attitude of indifference toward the project and were not truly engaged in the process of building strong cooperatives at the grassroots. Some respondents also believed that the presence of cooperatives that had been built on top-down models by powerful businesses in Lubumbashi and Kinshasa were likely to block some of the grassroots initiatives.

Many voiced their concern regarding the project’s inability to address the pricing system of mining products that were determined by the land forage enterprises for their own interests. Some respondents from among the mediators pointed out that they were often placed in a precarious position as mediators by having to negotiate with both the land forage enterprises on the price, weight and concentration of mining products, and with the miners. Respondents suggested the need for a more aggressive advocacy and lobbying strategy to address the challenges that miners and mediators faced at the sites vis-à-vis the weighing and pricing practices of land forage companies.

Other respondents noted that the project had not paid sufficient attention to strengthening or putting in place a system of legal support whereby noncompliance to mining rules and regulations could be taken to the

courts. Another weak aspect of the project mentioned by some participants was the “wait and see” attitude of some SAESSCAM employees who expected financial support through projects similar to the CCC. They noted that such attitudes could potentially result in the organization’s failure to effectively coordinate and manage the tax system for ASM.

Most respondents believed that the project had not succeeded in bridging the inequality gap in the production process between miners, mediators and marginalized groups such as women, and the influential stakeholders such as the land forage and mining companies.

**Project sustainability:** The consensus among respondents was that the conflict resolution structures that were set up by the project (i.e., the Forum) were pertinent and would continue to function as conflict resolution and conflict prevention sites. The Forum was regarded as a formal institution of the Kolwezi town that allowed stakeholders to discuss and debate sensitive issues. Respondents also agreed that the fact that new types of cooperatives to defend the rights of miners and mediators had been or were in process of being set up (i.e., Kamilombe2 that was already operational, and Kawama that was in the process of becoming operational) indicated the sustainability of such structures.

# ASSESSMENT OF THE PROJECT

Following USAID/DRC's evaluation questions, which are in accordance with international evaluation standards, five aspects of the project are examined in this report: relevance, effectiveness, efficiency, impact and sustainability/ownership.

## RELEVANCE

The CCC Project was relevant to the ASM sector. Prior to the project, the absence of peaceful conflict resolution mechanisms (such as dialogue) occasioned minor and major conflicts of various origins among stakeholders. These were further compounded by a lack of clarity of the roles, responsibilities and mandates of different state and non-state actors in the sector. Absence of knowledge about the mining code and regulations by artisanal miners was a major source of exploitation, and local miners were often forced to pay a wide range of illegal taxes imposed on them by local authorities. In fact, these conflicts prevented the efficient operation of legal mining activities. Finally, the public health dangers of radiation by uranium mining at the sites were not brought to the attention of the miners or the population in mining areas due to the sensitivity of the topic.

## EFFECTIVENESS

The project was effective on two major fronts: 1) resolving conflicts; and, 2) raising awareness in the ASM sector about the mining code and related laws. By promoting dialogue through conflict resolution structures such as the Forums, the CCC Project was very effective in mitigating conflicts among stakeholders. In addition, the project's awareness-raising efforts were effective at increasing miners' knowledge of the mining code and regulations, thus reducing the likelihood of exploitation by local authorities and mining enterprises.

Additionally, more than 90 percent of respondents acknowledged that the project had increased their awareness of the presence and consequences of radiation, even though only 41 percent were actively taking precautionary measures to protect themselves. Further, the majority (92 percent) of respondents felt that the project had contributed to improving relations between SAESSCAM, the Division of Mines and the miners. Finally, most respondents noted that the CCC Project had assisted in creating a safer working environment for miners through its technical support in averting work-related accidents and injuries.

In spite of these achievements, the effectiveness of the project in resolving and mitigating conflict at the mining sites was hampered by the unwillingness of some stakeholders (such as influential local authorities, the mining enterprises, and old cooperatives built on top-down models) to fully participate in the project. Moreover, the nomadic nature of the miners' work further hindered better organization and building solidarity among the miners themselves.

## EFFICIENCY

The CCC Project was extremely efficient in obtaining the level of results assessed by the evaluation, given its budgetary constraints. The project was initially intended to also be supported through funding by mining companies working in and around the Kolwezi ASM sector, with the mandate of strengthening capacity and creating mechanisms and relations to reduce conflict in the area. In order to achieve its objectives, PACT requested additional funding from the USAID/DRC Peace and Stability Office, and was awarded \$596,983.00 through the cooperative agreement AID-623-A-09-00001 for all direct and indirect costs. An additional \$6,831.00 was secured as project income from closed USAID-funded projects managed by PACT, bringing the total of funding to \$603,814.00.

As a result of the financial crisis in 2009, some mining companies were forced to close their operations in the area. Hence, the CCC Project was unable to secure the mining companies' contributions, estimated at \$2.5M, and was forced to rely solely on USAID funds to implement the project. The project's administration costs covering fringe benefits and allowances absorbed more than 60 percent (\$368,014.00), and indirect costs were more than 20 percent (\$125,481.00) of the total budget. The CCC Project was therefore managed with about 18 percent (\$104,429.00) of the originally estimated funds.

## **IMPACT**

The most important impact sought under the CCC Project is reconciliation and conflict resolution among stakeholders in the mining sector (which largely relies on artisanal and small-scale mining) through conflict resolution structures and mechanisms, as well as grassroots cooperatives that organize miners to defend their rights. The full impact of the project is yet to be determined, given that it pertains to longer-term achievements in peace building and reconciliation. Nonetheless, some signs of reconciliation and peace building are already observable. New grassroots cooperatives that protect the rights of miners and mediators are either already set up or are in the process of becoming established in the Kolwezi area. Furthermore, conflict resolution structures such as the Forum are increasingly regarded by stakeholders as formal institutions that allow debates, open discussions and dialogue as a means of conflict resolution.

## **SUSTAINABILITY**

As a public institution, SAESSCAM's involvement in the ASM sector and its new capacity to protect the rights of the miners and mitigate conflict among stakeholders in the mining sector is an indicator of the sustainability of the project. As attested by the evaluation findings, the positive outcomes of dialogue through conflict mitigation structures such as the Forum point to the sustainability of such structures in averting conflict and promoting peace and improved working relations among various stakeholders in the ASM sector. Furthermore, the establishment of grassroots cooperatives contributes to the sustainability of the project through greater ownership of the conflict resolution process by miners. More work, however, is needed to increase the ownership of conflict resolution structures and peace-promoting processes by stakeholders such as local authorities (who side with the mining enterprises for personal interests) and the mining enterprises themselves to ensure full ownership at all levels and the sustainability of the project.

# CONSIDERATIONS FOR MARGINALIZED GROUPS AND GENDER

## WOMEN AND CHILDREN

The CCC Project has limited impact working with women and children in the mines because there were no targeted activities addressing such issues. While women and children do not work in the physical mines, they seek employment at the mining sites for primarily economic reasons. Children go to find money for school fees, while women work to support their families. The CCC Project was not a livelihoods project, and thus, was unable to address these issues directly. However, PACT's partner, ADERI, did run a sensitization campaign to raise awareness on mine safety and encourage women and children to quit the mining sites, as well as run a livelihoods program for women. This was met with limited success, as it did not address the root economic problems causing women and children to seek mine-related employment. One bright spot was in Kawama, where the campaign seemed to be more effective in getting children to leave the mines. However, the team believes that this was due to PACT's other partner, RECOPE's effort to pay school fees for children leaving the mines, which was funded by the German government.

## GENDER

Many unemployed artisanal miners who have lost their jobs have come to expect their wives (and at times their children) to seek work to feed the family. The CCC Project did not fully address gender attitudes with regard to work and the roles of men and women in the household. Nor did it orient men, notably those who are unemployed, toward finding alternative sources of income and livelihood in the mining areas. However, it should be noted that the mining sector is predominantly male and the primary audience for the project was those directly involved in mining conflicts, so there is limited scope for the project to address gender issues in a meaningful way.

# CONCLUSION

According to the findings of this evaluation, the roots of conflict in the ASM sector of Kolwezi can be attributed to:

1. The presence of private mining/land forage companies, and their exploitation of the artisan miners via price fixing and other measures;
2. The absence of solidarity among miners due to competition over personal interests (compounded by social and ethnic differences) and high mobility from site to site;
3. The lack of application of mining mandates by mining officials and local authorities due to the protection of personal interests, and outdated laws and regulations. These results are supported by the fact that 62 percent of surveyed respondents mentioned both the corruption of local authorities and political leaders who fuel conflict, and the unequal distribution of mining resources as the major sources of conflict.

The project showed positive results in resolving conflicts. The triangulation of findings from the survey with the focus group and key informant discussions show that the majority of respondents were satisfied with the project's strategy for mitigating and resolving conflicts through dialogue. Moreover, information on the mining code through awareness-raising strategies has allowed miners to learn about their rights and responsibilities. The project has also contributed to providing a safer work environment for workers in the ASM through its awareness-raising efforts on radiation and its technical support to miners in averting accidents and injuries at the mines.

A key accomplishment of the CCC Project is its support in organizing artisanal miners into cooperatives that would enable them to uphold their rights, and to build the capacity of SAESSCAM to supervise the collection of taxes and prevent conflict between miners and local authorities over the payment of illegal taxes. The majority of respondents who were surveyed felt the project had contributed to ameliorating relations between SAESSCAM, the Division of Mines and the miners. Another important accomplishment is the establishment of Forums as a structure with early warning mechanisms to prevent conflicts.

The project did face some challenges in implementation that resulted in weaknesses in addressing some of the larger root causes of conflict. Primarily, there was a lack of engagement and ownership of *all* stakeholders involved in the ASM sector with regard to the effective functioning of conflict resolution and mitigation structures as well as the grassroots cooperatives. While those who participated in project-sponsored activities found them beneficial, the project was unable to convince older cooperatives to join in these efforts or engage some of the more powerful and influential figures in the mining sector. Additionally, 19 percent of those surveyed had no knowledge of the conflict mediation structures set up by the project, so outreach efforts needed to be improved. Third, the absence of an aggressive advocacy and lobbying strategy to address the challenges faced by miners and mediators vis-à-vis the land forage companies and local authorities still leaves many small miners feeling that the cooperative system is very "top-down." It should be noted that while these weaknesses were brought out in the focus groups and interviews, the project was not resourced well enough to address them. Elements such as advocacy and lobbying, while key to achieving stability in the mining sector, were also outside the project's initial scope.

Further challenges came from the complacent attitude of some SAESSCAM staff, which poses a serious challenge to the sustainability of the project, given that SAESSCAM plays a key role in ASM conflict

resolution processes. The continued presence of old cooperatives, with their entrenched power structures, built on a top-down model, also pose a challenge to sustaining project initiatives with respect to grassroots cooperatives. These power structures give land forage companies a great deal of control over the price, weight and concentration of products, and thus pose a serious challenge to the ability of the new cooperatives to fight for their rights and thus maintain peace among different stakeholders at the sites. Finally, the mining population is highly mobile due to the absence of long-term reserved mining sites for ASMs. This poses a problem in organizing miners and promoting peace by creating solidarity among different ethnic groups from different areas.

# APPENDIX A. RESULTS FROM BENEFICIARY SURVEY

Figure 1. Respondents disaggregated by function within the sites (n=75)

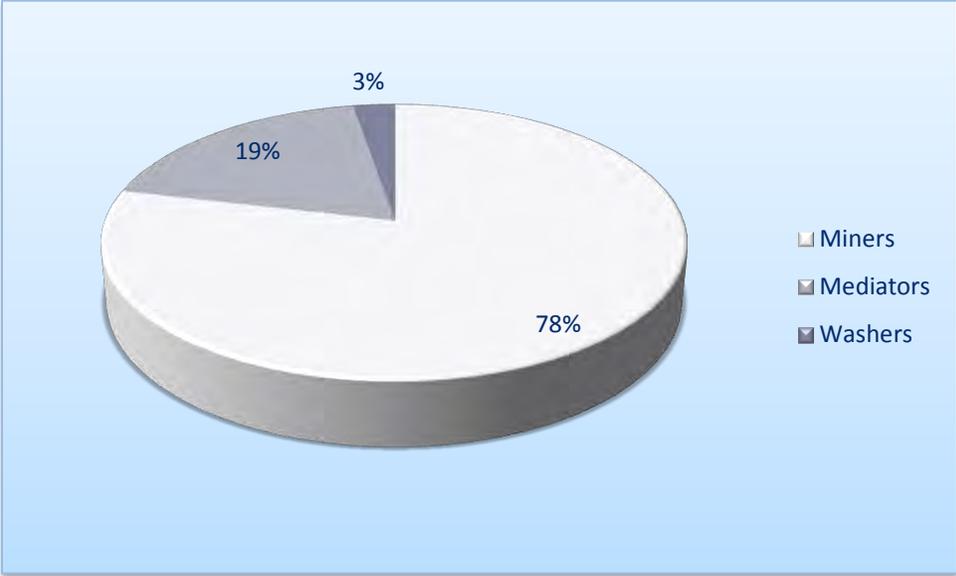


Figure 2. Types of cooperatives and formal organizations identified at the mining sites (n=75)

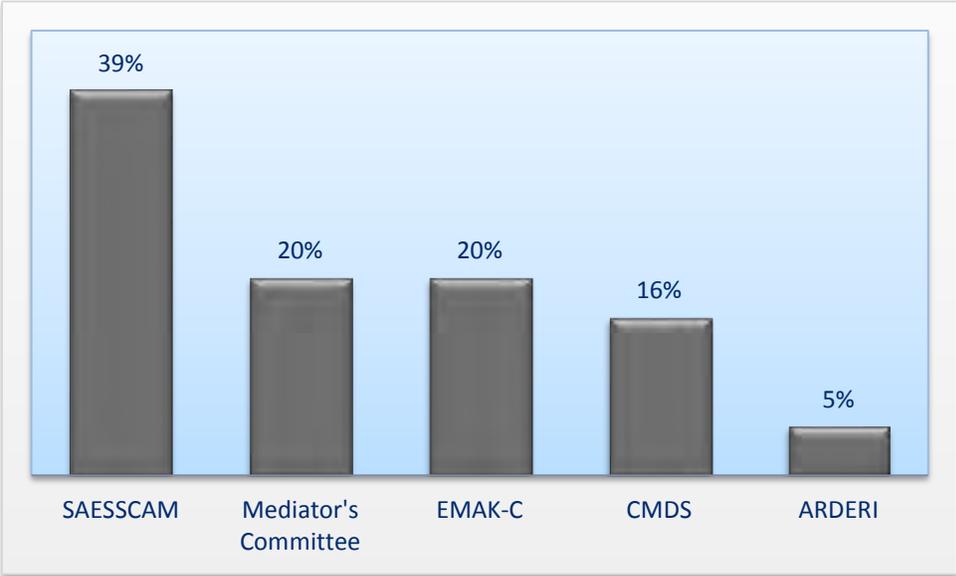


Figure 3. Are cooperatives and formal organizations registered with the state? (n=75)

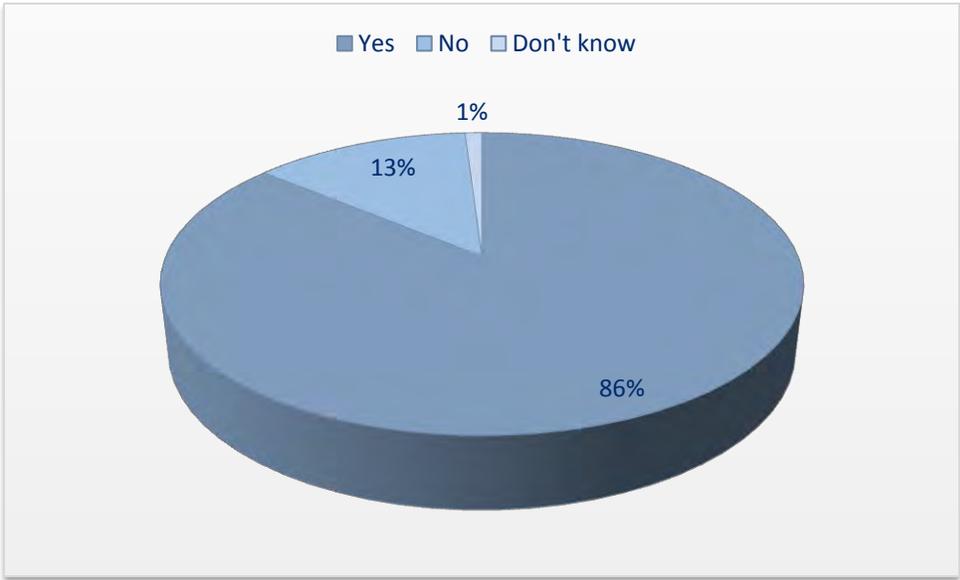


Figure 4. Existence of conflicts at the mining sites (n=75)

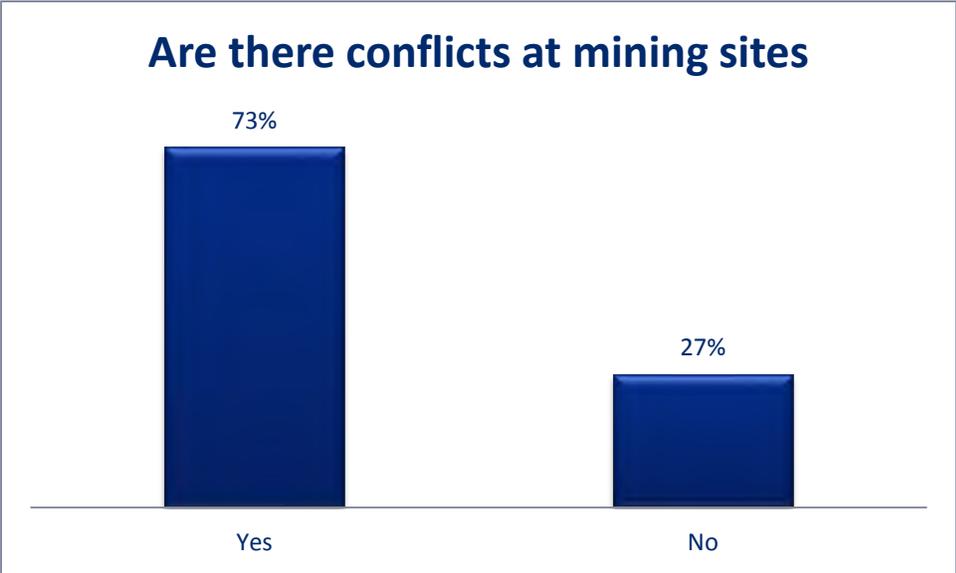


Figure 5. Types of conflicts (n=55)

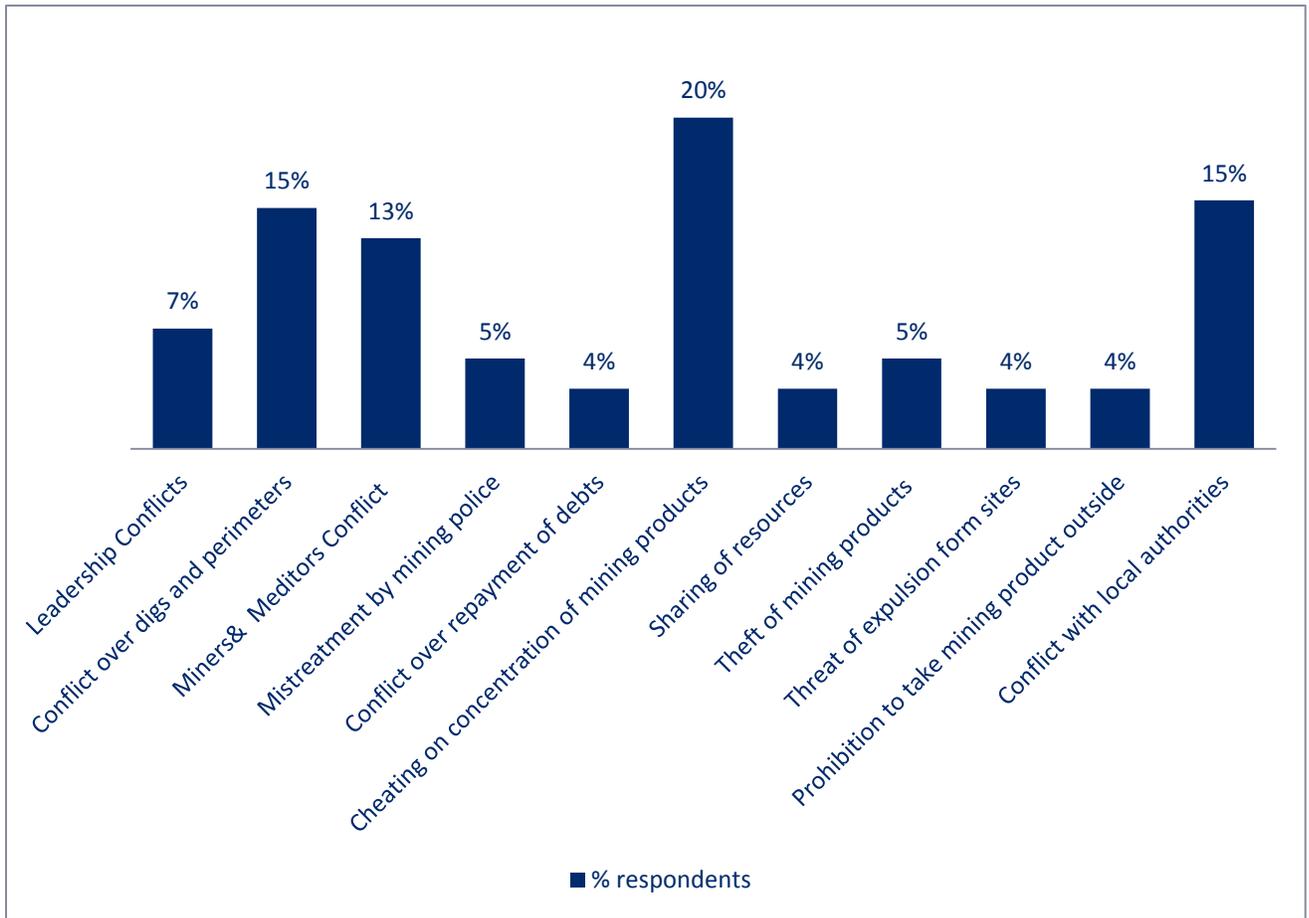


Figure 6. Causes of conflict (n=55)

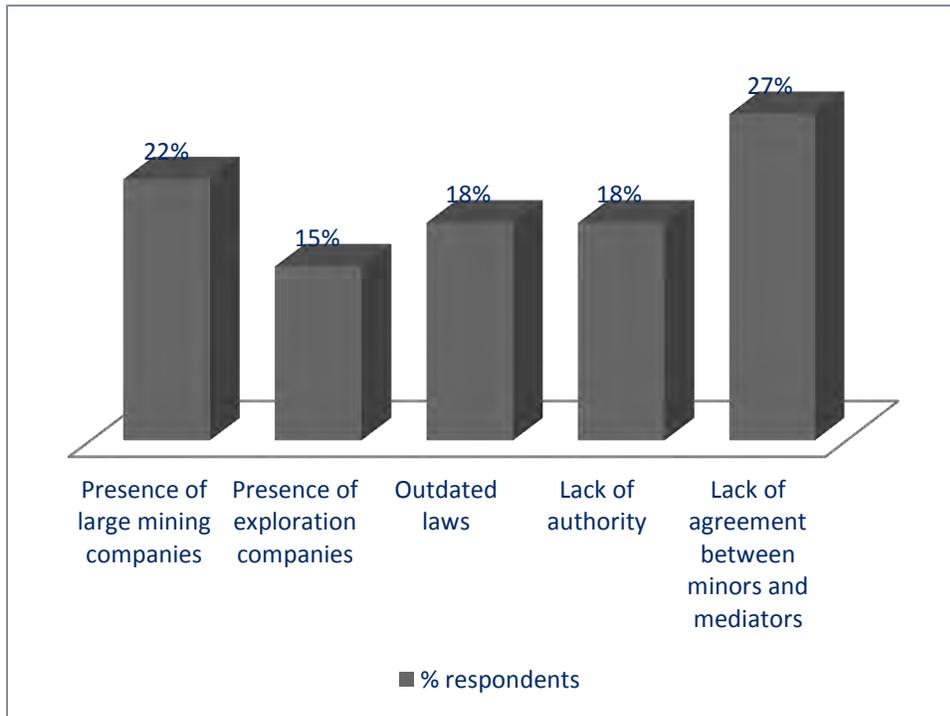


Figure 7. Sources of conflicts (n=55)

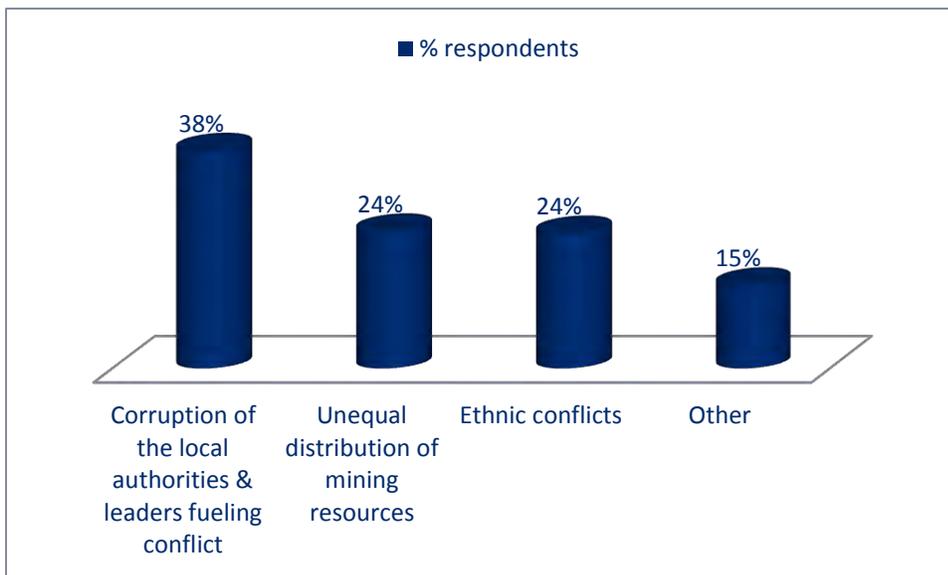


Figure 8. Do you know of structures for conflict resolution at your site? (n=75)

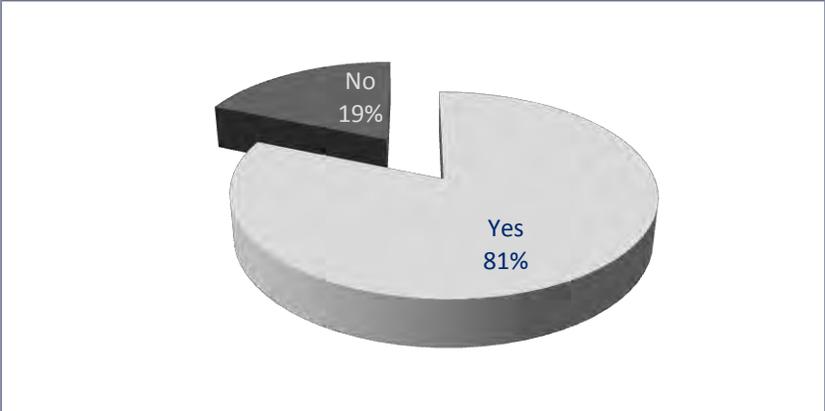


Figure 9. If yes, what are the structures of conflict resolution? (n=61)

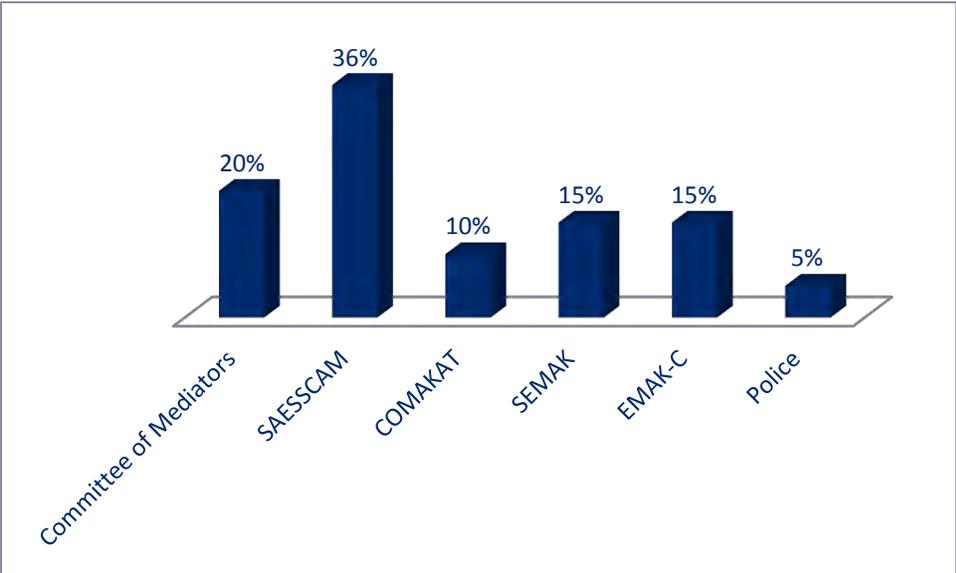


Figure 10. Strategies used for conflict resolution/mitigation (n=75)

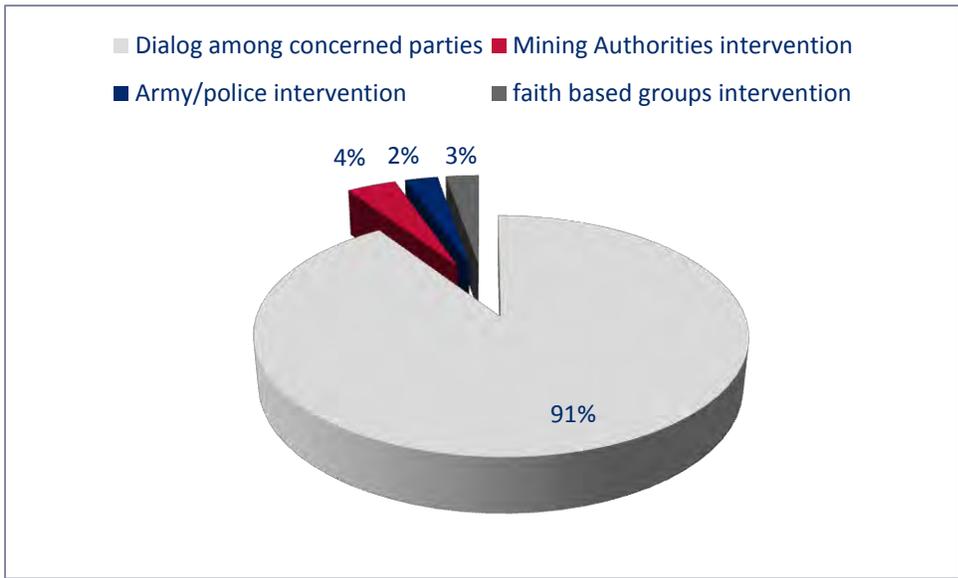


Figure 11. Presence of traditional reconciliation rituals (n=75)

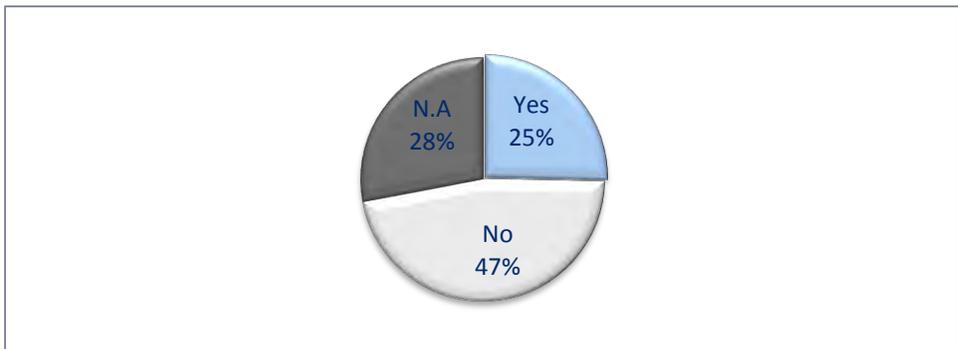


Figure 12. Types of conflicts resolved/mitigated (n=75)



Figure 13. Knowledge of the mining code (n=75)

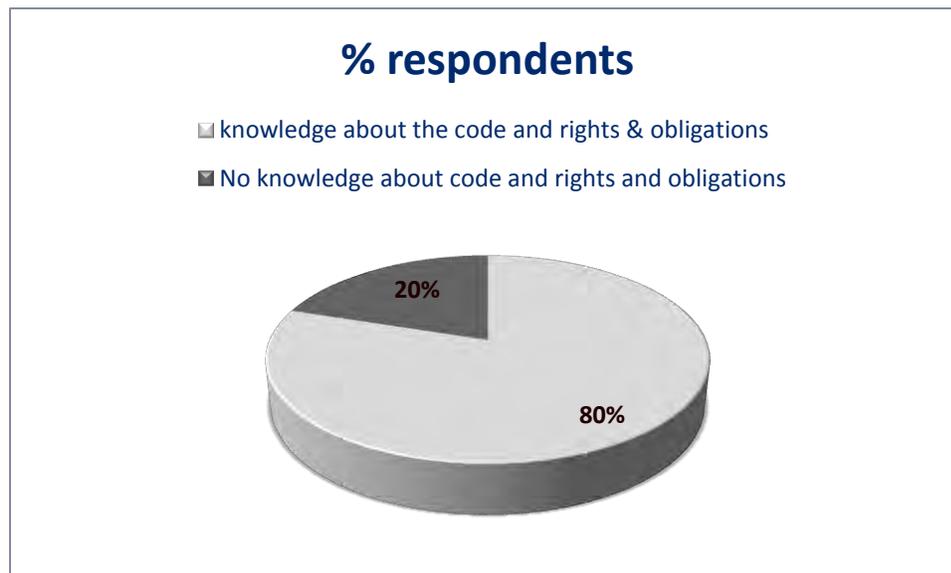


Figure 14. Local authorities' observance of the mining code (n=60)

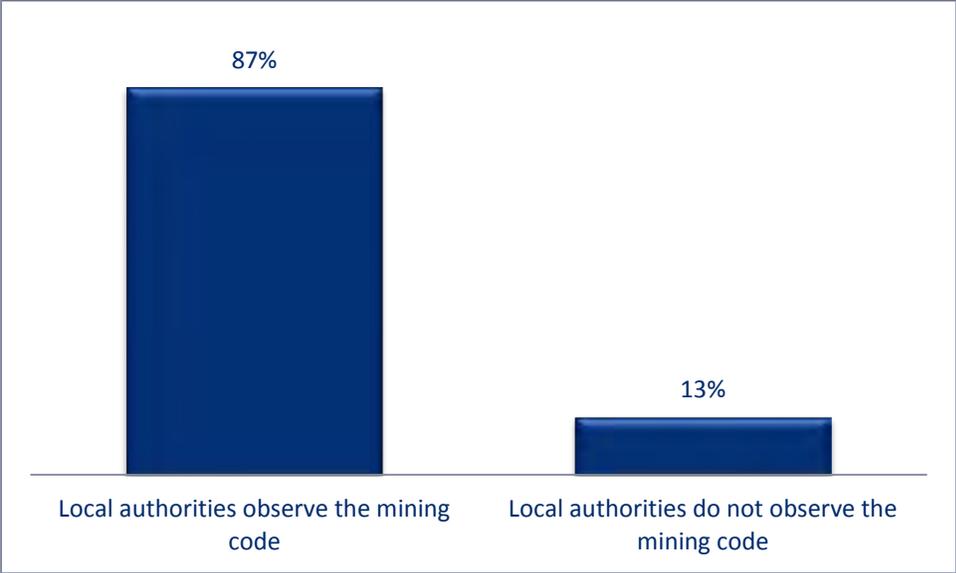


Figure 15. Protection by local authorities (n=75)

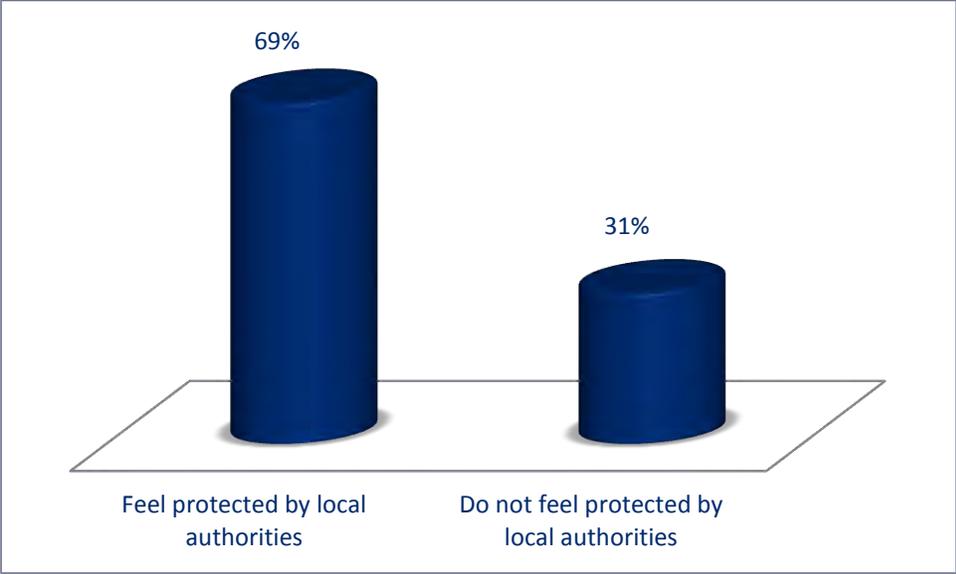


Figure 16. Are you aware of the threat of radioactivity to human health? (n=75)

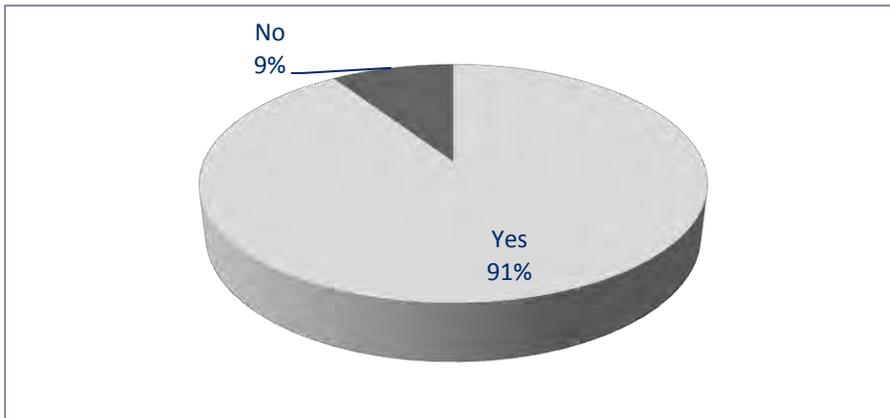


Figure 17. How did you learn about the dangers of radioactivity? (n=68)

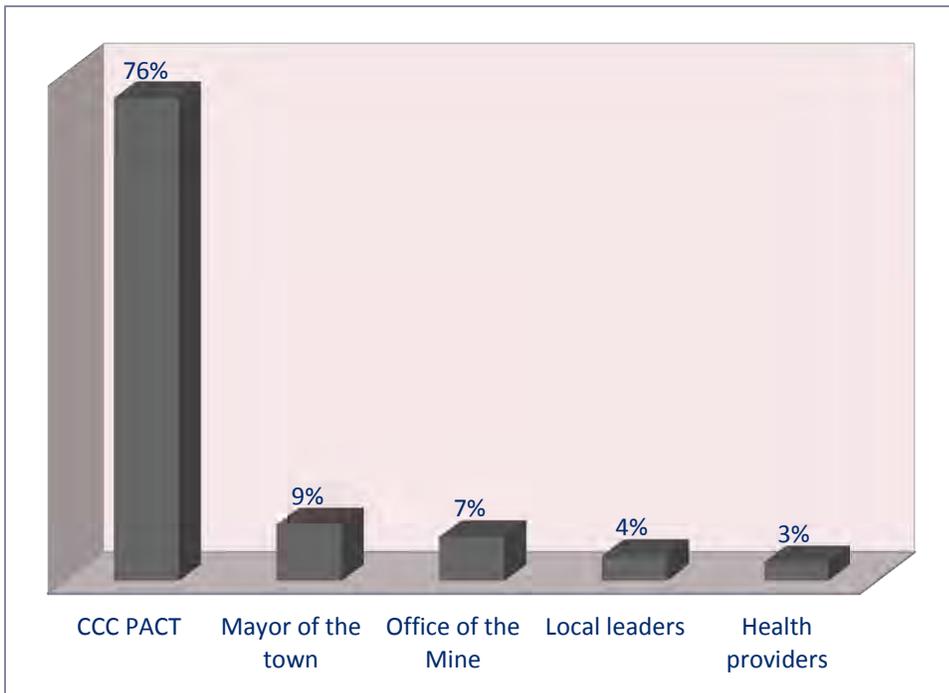


Figure 18. Have you taken any necessary measures against radiation effects? (n=68)

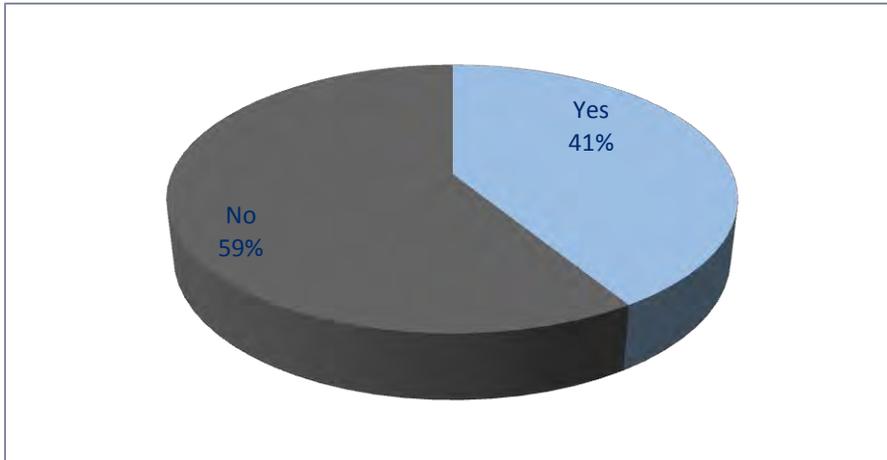


Figure 19. If no, what are the reasons? (n=40)

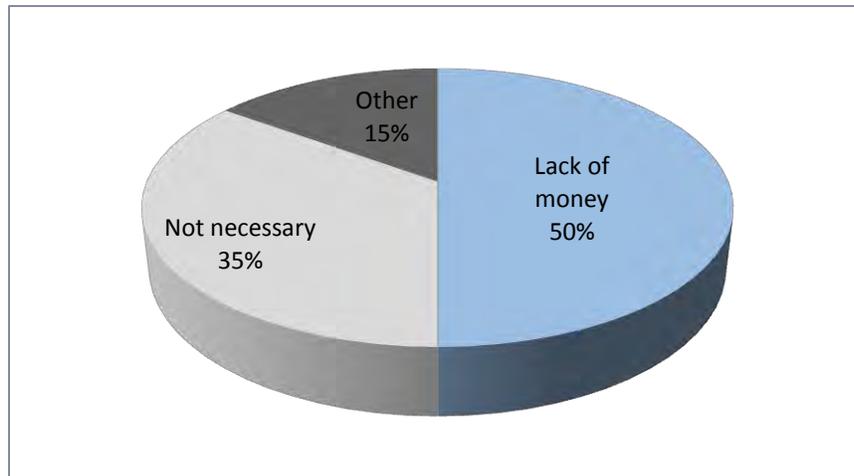


Figure 20. If yes, what are some of these measures? (n=28)

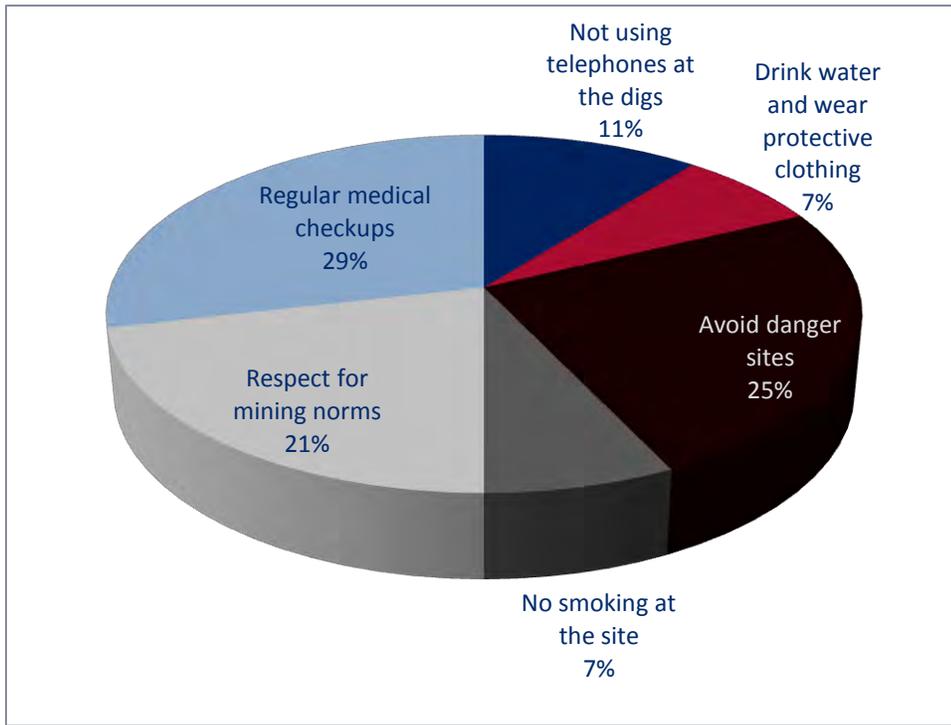


Figure 21. Other security measures promoted by CCC project (n=75)

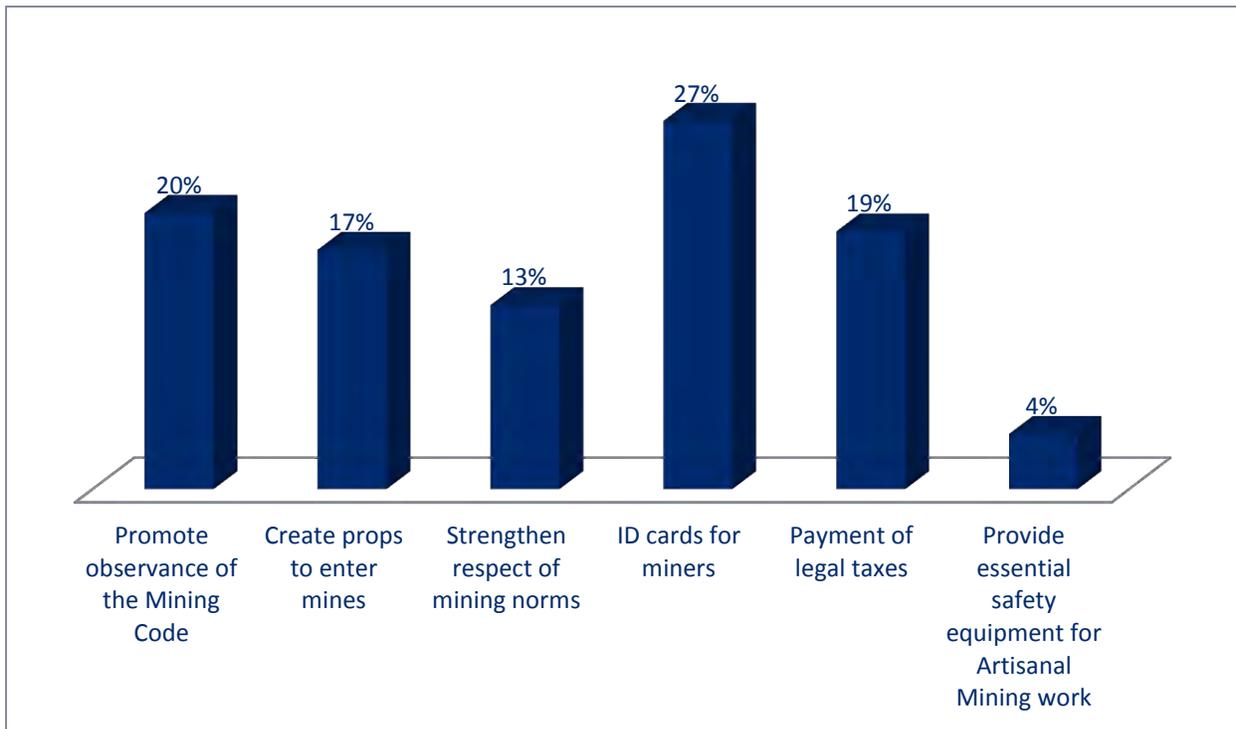


Figure 22. Awareness-raising means of communication (n=75)

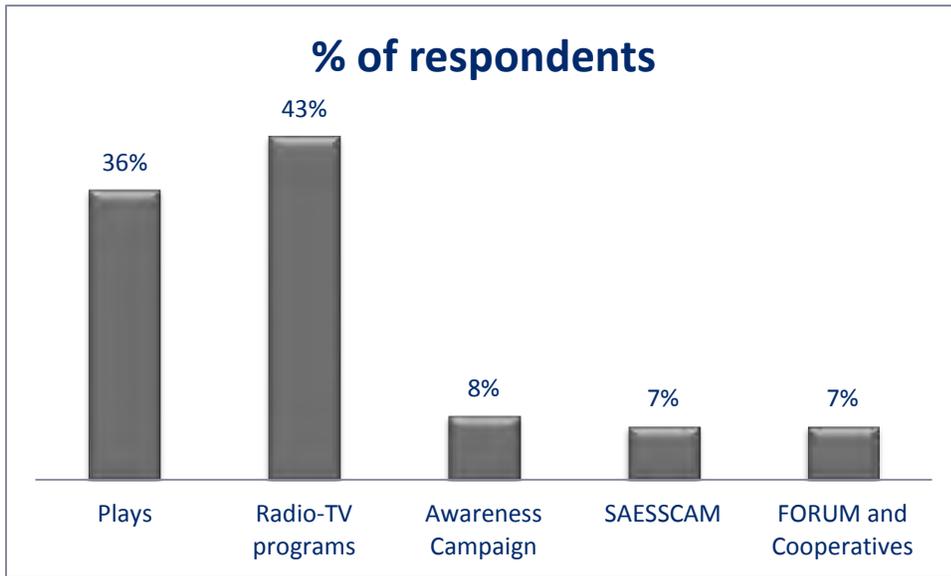


Figure 23. Accomplishments of conflict resolution structures (n=61)

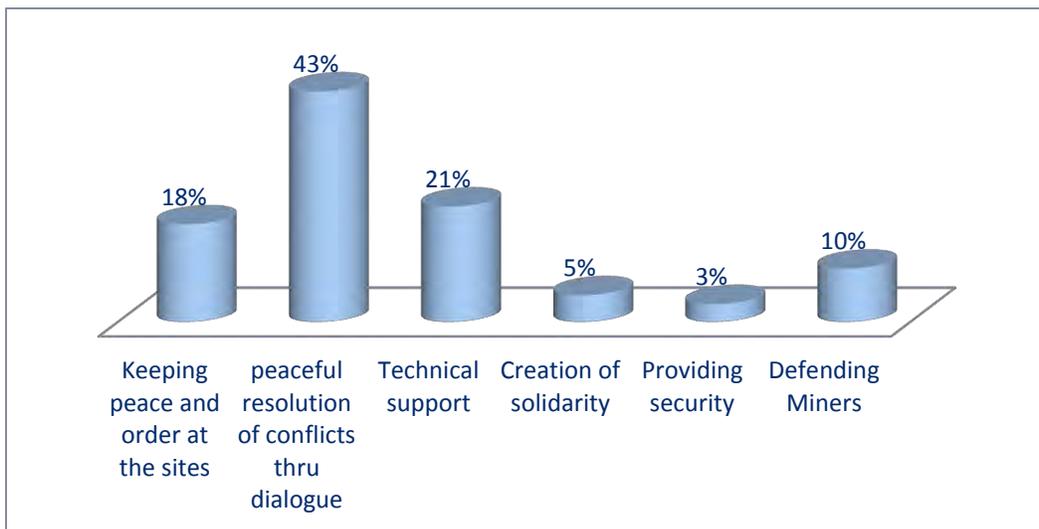


Figure 24. Satisfaction with the conflict resolution/mitigation structures (n=61)

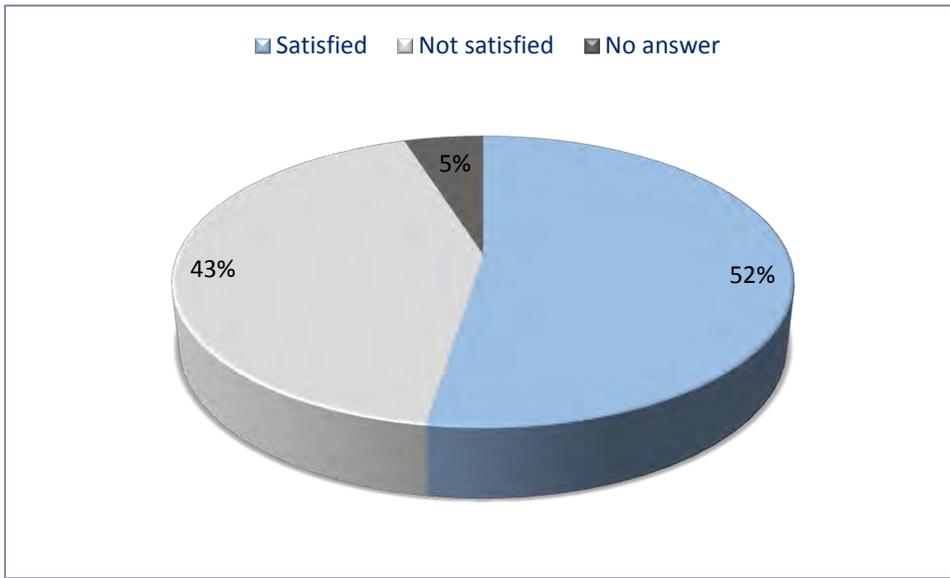


Figure 25. Reasons for satisfaction with the conflict resolution/mitigation structures (n=32)

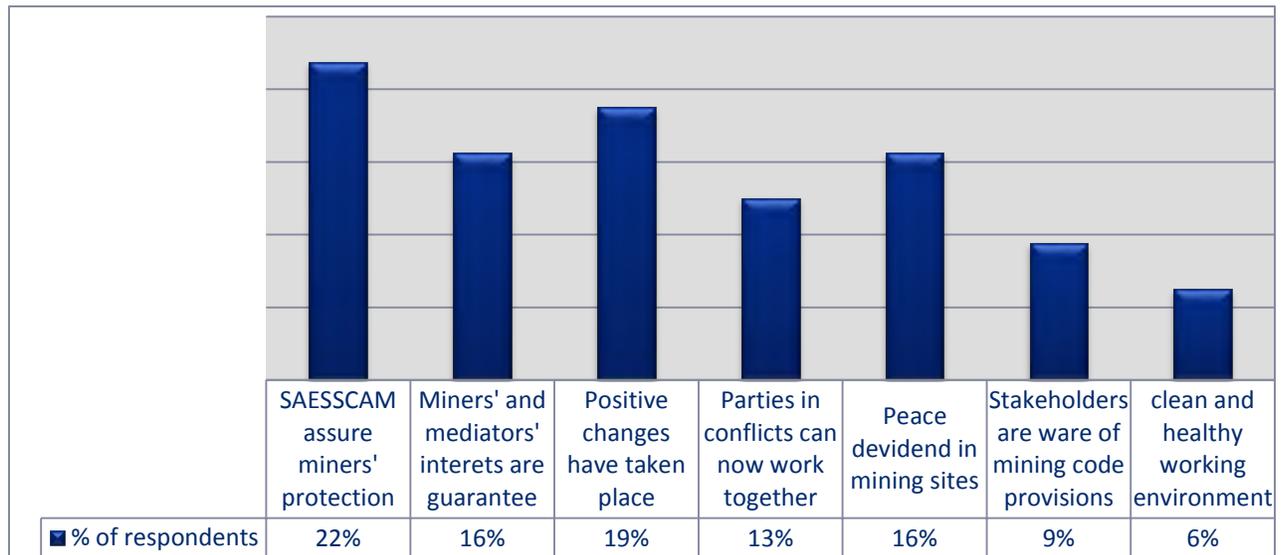


Figure 26. Reasons for dissatisfaction with conflict resolution structures (n=26)

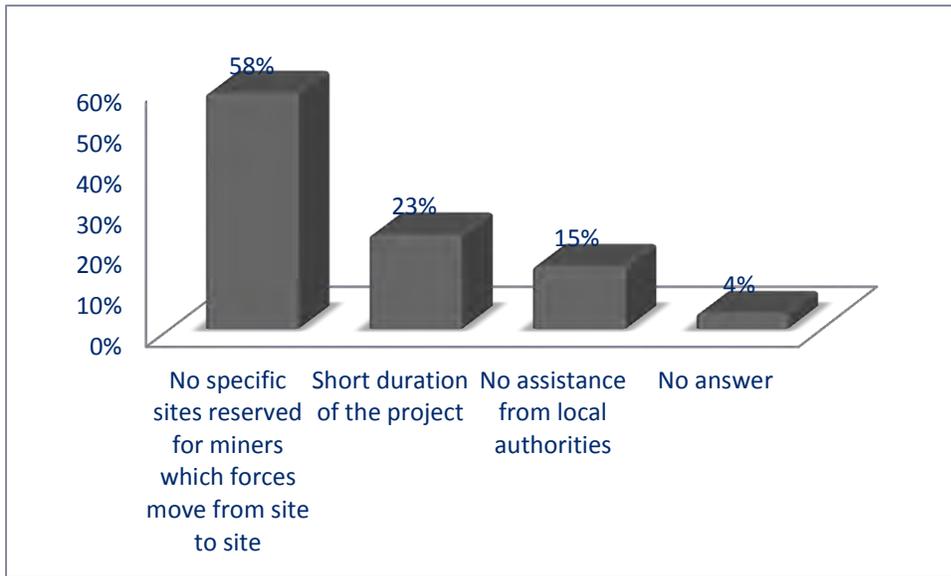


Figure 27. Are these structures sustainable? (n=61)

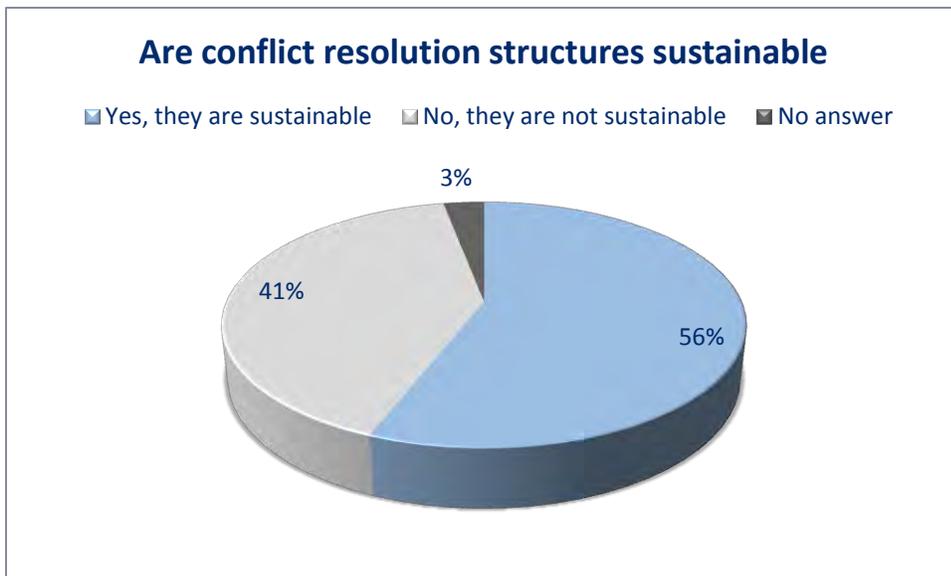


Figure 28. Reasons for sustainability of the project (n=34)

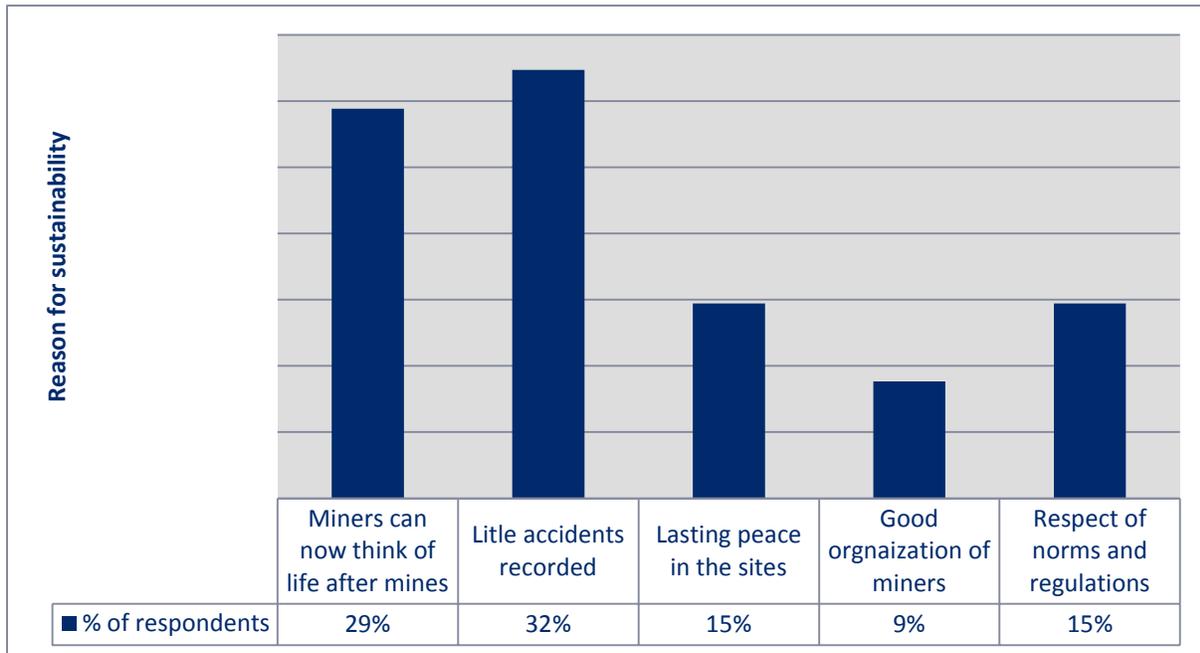


Figure 29. Reasons for non-sustainability of the project (n=25)

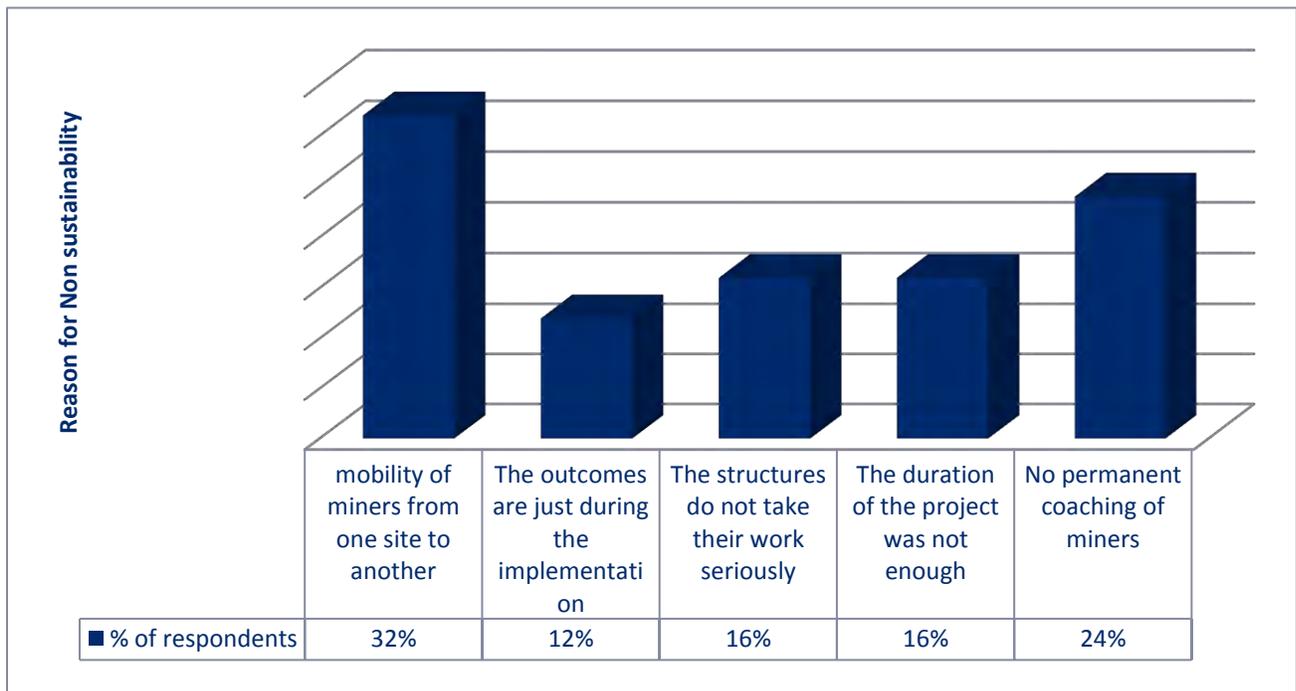


Figure 30. How would you judge the interrelation between SAESSCAM, the Division of Mines and miners as a result of the CCC project? (n=75)

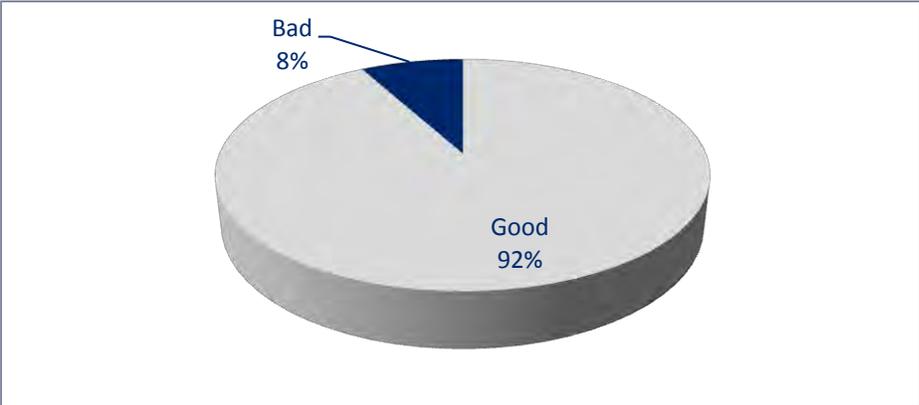


Figure 31. Other strengths of the CCC project (n=75)

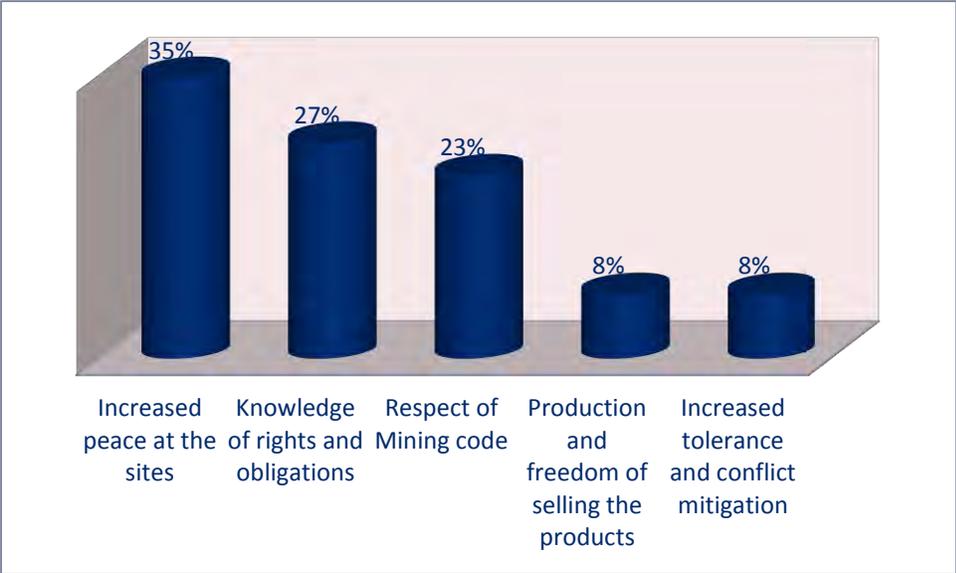


Figure 32. Miners' capability to organize themselves (n=75)

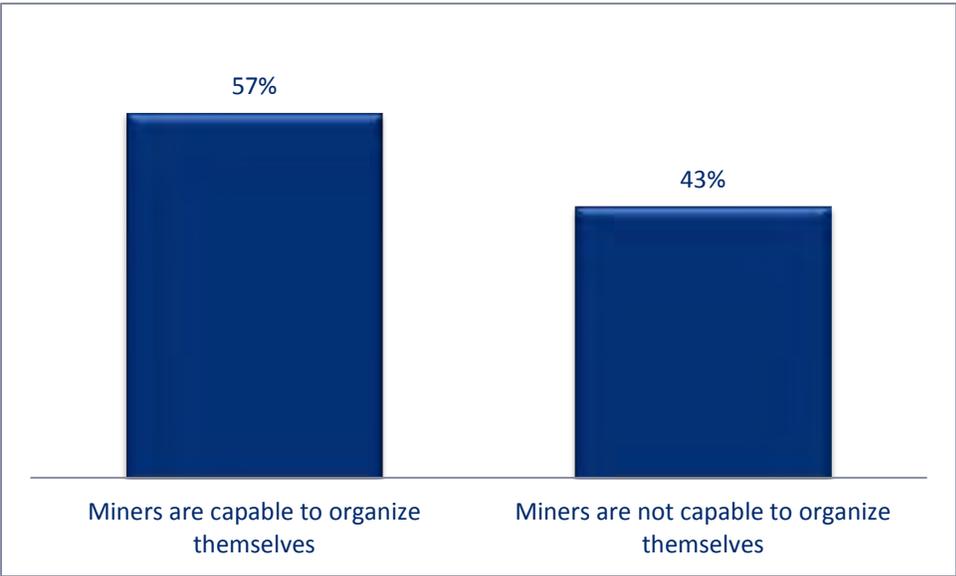
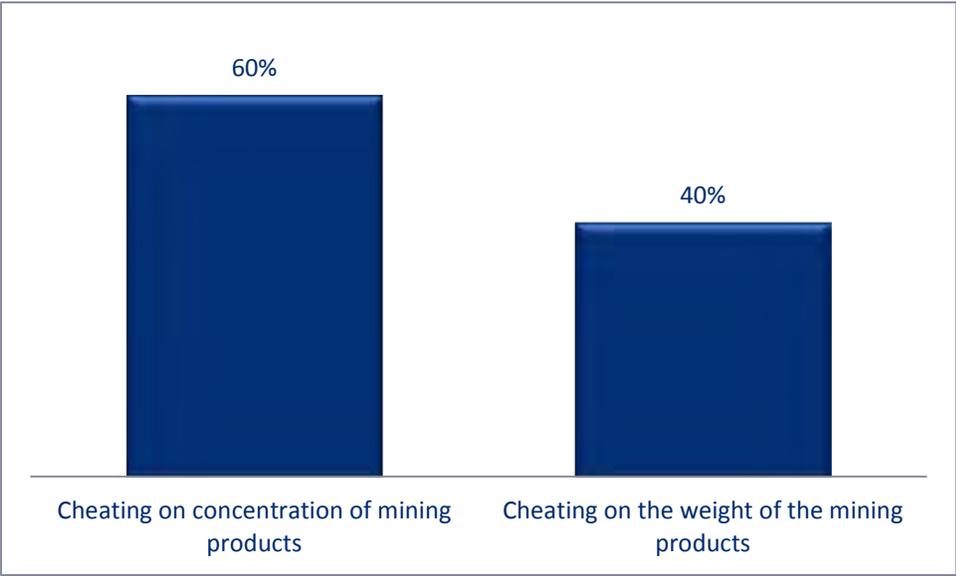


Figure 33. Types of exploitative practices recognized at the sites (n=75)



## APPENDIX B. SCOPE OF WORK

### USAID/DRC MONITORING AND EVALUATION (M&E) PROJECT PACT REVIEW SCOPE OF WORK (SOW): DRAFT

#### I. Purpose

This statement of work presents a plan for an evaluation to be conducted for the USAID/DRC Peace and Stability office on the Copper, Cobalt and Conflict project implemented by PACT.

The project aims at creating the capacity, mechanisms and relationships for reducing conflict in the artisanal mining sector of Kolwezi. It was implemented in three artisanal mining sites (Kawama, Lwilu and Kamilombe2) from July 2009 to July 2011. (See the table below)

Project	Award Amount	Time Period	GeoFigure Coverage
Copper, Cobalt and Conflict project	\$596,983.00	07/8/2009 – 07/7/2011	Katanga, ASM of Kolwezi, in three sites

With agreement of the USAID Programs Office and the Peace and Stability team, the M&E Project proposes to use the opportunity of the Data Quality Assessment (DQA) for the DG office to conduct a review of the CCC Project and give an overall appreciation of how the project was implemented, report the level of conflict mitigation in the ASM of Kolwezi in order to highlight the success of the U.S. Government in resolving the conflict of this area.

#### II. Background

The overarching goal of U.S. foreign assistance is enabling stability in the DRC, as stated in the Country Assistance Strategy (CAS) the Mission now operates under. The USAID/DRC's Peace and Stability Office's priority goal is to increase stability by mitigating the causes and consequences of conflict in the country. The CAS lists two focal areas of this objective:

1. Promote conflict prevention mitigation and resolution, as well as stabilization and recovery, with an initial focus on the ongoing tensions in Eastern DRC.
2. Promote security sector reform and professionalization of the Congolese armed forces and police.

The CCC Project falls under the first item with the goal of creating the capacity, mechanisms and relationships for reducing conflict in the ASM sector of Kolwezi. The project intended to achieve this goal through the following four objectives:

- Promote reconciliation, cooperation and understanding among ASM-related institutional actors;
- Prevent conflicts and risks to communities over resource access and use;
- Improve community access to and understanding of pertinent mining legislation;
- Establish a resolution mechanism for disputes and conflicts.

The CCC for the five first quarters teamed up with the ARDERI, the SAESSCAM and PARACLISSIS at the University of Lubumbashi. The project has been active in 3 sectors of the ASM of Kolwezi:

- Kawama
- Lwilu
- Kamilombe

The CCCP works to create the capacity, mechanisms, and relationships for reducing conflict in the ASM sector of Kolwezi.

PACT is expected to utilize knowledge on the artisanal mining sector in the DRC, conflict mitigation expertise and prevention programming, to contribute toward a peaceful transition of the ASM sector in Kolwezi, Katanga Province.

USAID has assigned four objectives to this program with the following intermediary results:

### **Objective 1: Promote Reconciliation, Cooperation And Understanding Among ASM-Related Institutional Actors**

#### **Activities to achieve under Objective 1:**

PACT Congo will address distrust and competition through a strategy of institutional reconciliation and dialogue. The activities will complement current ILO work to improve “economic interest groups and organizations” for artisanal Miners in Kolwezi as funded through the Belgian Ministry of Foreign Affairs.

Activities will focus on:

- Public dissemination of roles, responsibilities, and mandate of these different institutions,
- including legal fee structures, to artisanal miner and broader community audiences;
- Development of a document to be used in discussion with government on the definition of
- cooperatives within Congolese law;
- Training for artisanal Miners and Mediators on appropriate cooperative and other economic
- interest group models for improved organization and representation; and,
- Support to groups who wish to form, or transform, cooperative structures.

### **Objective 2: Prevent Conflicts And Risks To Communities Over Resource Access And Use**

#### **Activities to achieve under Objective 2**

PACT Congo will establish an ASM Monitoring Unit to serve as a government-led, early warning system. This unit will track the potential conflicts and human risks detailed above in order to provide government and other actors with information to improve regulation of the ASM sector.

The unit will act in cooperation with the ASM Forum (see Objective 4 below) to predict and respond rapidly to situations of conflict on concessions and other ASM sites, in addition to developing policy recommendations for the Provincial Ministry of Mines, international agencies, the UN, donors, and other ASM government institutions. The unit will be housed within SAESSCAM and will use telephone communications, and field visits to record and verify cases. Training will be provided by ECOCRIM.

Artisanal Miners will be trained as on-the-ground monitoring counterparts. In addition to this conflict prevention and response function, the unit will address the other issues identified through the following activities:

- Establish a database for migration and risk data and review every month in preparation for
- bi-monthly ASM Forum meetings;
- Mapping of artisanal mining migrations within the province, focusing on the Kolwezi area;
- Recording information on conflicts and accidents and use this information to predict risk areas;
- Production of a report on illegal mining of uranium and other radioactive substances;
- Monitoring the presence of different security agents and forces in each mine.

### **Objective 3: Improve Community Access To And Understanding Of Pertinent Mining Legislation**

#### **Activities to achieve under Objective 3**

These three dissemination topics **Mining Code, land laws, and taxes** will be the focus of a public campaign to raise community awareness on their rights and responsibilities within the mining sector. It will assist in diminishing artisanal miner and community distrust toward public service agencies, and public security forces, and will reduce opportunities for corruption by Government and cooperative organizations. The project intends to reduce violent conflict that results from misinformation and manipulation, and to highlight mechanisms for actors to address their concerns peacefully through dialogue. Activities will include:

- Increasing awareness on recourse to the authorities and conflict resolution mechanisms;
- Collaborative selection of texts most relevant to the conflicts and misunderstandings being experienced by communities and companies; development of appropriate materials and media;
- Dissemination of the Mining Code including information regarding the process of acquiring, exploring, and exploiting a mine concession (see methodology in section 3);
- Increasing awareness on regulation and implementation standards in the artisanal mining sector;
- Clarification and dissemination of issues relating to land law, traditional land rights, and the granting of mine titles;
- Making available information on legal ASM taxes.

### **Objective 4: Establish A Resolution Mechanism For Disputes And Conflicts**

#### **Activities to achieve under Objective 4**

PACT will support the government in transforming previous efforts into an ASM Forum which will be a Kolwezi-based mechanism and will be chaired by the Mayor's Office. The aim will be to provide a public space for various stakeholders to meet, address their differences, and agree on peaceful resolutions. This ASM Forum will meet bi-monthly to receive information from the ASM Monitoring Unit and to agree on responses. In urgent cases, the ASM Forum could be convened to decide on a rapid response intervention.

The ASM Forum members will be trained in conflict resolution and analysis skills to enable prevention of conflicts and to better analyze the potential impact of decisions made relating to the mining sector. It will include government, mining companies, artisanal Miners, cooperatives, Mediators, and NGOs, and meeting results will be disseminated to concerned communities. The activities will include:

- Proposing the concept to government and other stakeholders;
- Agreement on the objectives, participants, responsibilities, and rules of engagement of the
- forum;
- Training participants on conflict resolution, conflict analysis, and their roles/skills as
- representatives of their various groups;
- Establishing the forum’s clear relationship and authority with the ASM Monitoring Unit;
- Documentation and dissemination of minutes of meetings and resolutions to the public.

### **III. OBJECTIVES OF THE EVALUATION**

#### **Evaluation Approach**

This evaluation will be a final review of the CCC Project. The overall purpose is to provide insights into ASM of Kolwezi conflict prevention mechanism. These inputs will help USAID/DRC to document the contribution of the U.S. Government in resolving conflicts in the mining sector of Kolwezi and thus, contributing to stability of the Katanga province.

The review will be led by the dTIS M&E Analyst and the USAID M&E Specialist as Ex-Officio member will be present. The team will focus on central issues the project was to address and assess if USAID expectations were met during the implementation.

**Specific assessment objectives: These are to determine (a) the extent to which the project focused on its goals; (b) the extent to which it accomplished its objectives; and (c) the sustainability of actions undertaken by the project for its “legacy”).**

### **IV. METHODOLOGY, DELIVERABLES, PLANNING, & LOGISTICS**

#### **Methodology**

Methodologies for this assessment will include:

1. **Review of project documentation:** The project team will review, as necessary, archived material related to the CCC Project, as well as other information available in USAID/DRC files, as needed, to finalize the evaluation instruments. This review has already begun. This review will include quarterly and final reports.
2. **Data Collection:** To facilitate the collection of quantitative and qualitative data, the following tools will be developed:

**a. Focus Group Discussions (FGD):** These will include ASM organizations and their members. Part of the focus group discussion will be with ASM organizations and their member artisanal Miners, who were direct beneficiaries of the project.

**b. Key Informant Interviews** will be conducted with representatives from diverse organizations involved with ASM.

### **Deliverables**

Expected outputs of the assessment are:

- Output 1:** Detailed documentation of USAID Peace and Stability community reconciliation programming done under the project.
- Output 2:** One brief results summary of USAID/DRC Peace and Stability efforts utilizing interview data collected during the evaluation.
- Output 3:** Draft recommendations for future community reconciliation programming focused on ASM.

### **Draft Evaluation Report Outline**

The evaluation report will include the following items:

I. Executive Summary: Key findings and recommendations

II. Introduction and Background

    Definition of the problem

    Summary of projects

III. Program Results

    Relevance: How well did the project focus on its goals?

    Effectiveness: Did the project accomplishing its objectives?

    Impact: To what extent did the projects benefit people in the target communities?

    Sustainability and Replication: Are the activities and results likely to be sustained after the project is completed? To what extent can the activities and results of the project be replicated?

IV. Considerations for special populations and gender

V. Conclusions

VI. Recommendations for future USAID programming

### **Planning And Logistics:**

#### **Assessment Team**

- dTS M&E Analyst
- Partner and Field Operation Coordinator
- USAID M&E Specialist as Ex-Officio.

#### **Timeline**

The DRC M&E Project will use the DQA opportunity for the DG office to merge with the review of PACT CCC Project. The evaluation will be done at the end of the DQA from August 18 to August 31.

<b>Activity</b>	<b>Where</b>	<b>When</b>	<b>Who</b>
<b>Develop and share SOW</b>	Kinshasa	Jul. 27	dTS
<b>Finalize the SOW</b>	Kinshasa	Jul. 29	USAID and dTS
<b>Develop and share the data collection tools</b>	Kinshasa	Aug. 2 - 3	Assessment team
<b>Data collection</b>	Kolwezi ASM	Aug. 19 - 30	Assessment team
<b>Data entry</b>	Kinshasa	Sept. 5 - 7	DTS to use 4 Data clerks Students intern 3 days
<b>Data analysis</b>	Kinshasa	Sept. 8 - 10	Assessment team
<b>Report writing</b>	Kinshasa	Sept. 12 - 23	Assessment team
<b>First draft of the assessment available</b>	Kinshasa	Sept. 26	Assessment team

## APPENDIX C. QUESTIONNAIRES

### SURVEY BENEFICIARY QUESTIONNAIRE

SITE OF: ..... Territory of..... Province of.....

Data collection date: .....

Interviewer: .....

#### Theme I: Identification Of Interviewee

1.1. Gender: .....

1.2. Function in the community: .....

#### Theme II: Conflicts And Their Resolution

##### 2.1. Do conflicts exist in your mining sites?

Yes

No

No responses

##### 2.2. If yes, what type of conflicts?

-

-

-

-

##### 2.3. According to you, who are responsible for or actors of conflicts?

• Big mining companies

• Stripping companies

• Lack of authorities

• Obsolescent laws

Other .....

.....

.....

##### 2.4. Why do conflicts exist in your mining site?

• Unequal distribution of mining resources

• Confiscation of power by one ethnic group

• Corruption of the local authorities

- Ethnic intolerance
- Political leaders fuel conflicts

Other .....

.....

2.5. What are the conflicts considered resolved?

- \*
- \*
- \*
- \*

2.6. What strategies are resorted to in resolving conflicts?

- Dialogue among concerned parties
- Mining Authorities interventions
- Army or police
- Faith based groups

Other .....

2.7. Is the strategy good  or bad?

If bad, which one seems adapted?

.....

2.8. Do you have another structure intervening in conflict resolution?

Yes  No

2.9. Have you ever witnessed a big reconciliation ceremony in the mining site?

**Theme III: Mining Code Existence Awareness**

3.1. Do you know that the mining code exists?

Yes  No

3.2. Do you know your rights and obligations in the mining sites?

Yes  No

3.3. Can you provide one (or more) provision of the mining code?

.....

3.4. Do you think different services of the Government comply with the mining code?

Yes  No

3.5. Do you feel protected by the local authorities while performing your job?

Yes  No

**Theme IV: Conflict Settlement Structures**

4.1. Is there a structure in charge of solving conflicts your mining site?

Yes  No

If yes, which ones?

.....  
.....

4.2. What has this structure achieved in your mining site?

.....

4.3. Are you satisfied with this achievement?

Yes  No

Why .....

.....  
.....

4.4. Do you think that those achievements are sustainable?

Yes  No

Why .....

.....  
.....

**Theme V: Awareness Campaign For Averting Radioactivity Effects**

5.1. Are you aware of the radioactivity threats against human being health?

Yes  No

5.2. If yes, how did you know about it?

- Division of mine
- Local chief
- Mayor
- PACT Project

Other .....

.....

5.3. Did you start taking necessary measures to counter radioactivity effects?

Yes  No

5.4. If not, why?

- Lack of money
- Feel it unnecessary

Other .....  
.....

5.5. A part form Radioactivity protection measures, are there other security measures you adopted as a result of the CCC Project?

Yes  No

Why?.....

5.6 Are you satisfied with the services provided to the Miners by the PACT project?

Yes  No

If yes, which ones? .....

.....

If no, why?

.....

5.7. What are the positive or negative changes obtained through services provided by the PACT project?

.....  
.....

**Theme VI: Miners' Organizations**

6.1. Are Miners now better equipped to organize themselves?

Yes  No

6.2. How many cooperatives or formal organizations do you have locally?

6.3. Do these organizations have all required papers?

Yes  No

6.4. Do they enjoy sound relationships with the government services of mines?

Yes  No

6.5. Do they enjoy sound relationships with other local organizations?

Yes  No

6.6. Is there sound collaboration between SAESSCAM and the Division of Mines?

Yes  No

6.7. Is there sound collaboration between SAESSCAM and the Miners' organization?

Yes  No

**Theme VII: Sensitization**

**7.1. Cite communication means used by the PACT Project for his messages?**

.....  
.....

**7.2. Which one was the best and why?**

- Peacemaking radio programs;
- Plays;
- Recreational activities

**Theme VIII: Assessment And Suggestions For The Future**

**8.1. How do you assess the sustainability of the Miners' forum as a platform promoting dialogue among stakeholders?**

It continues to work.

The future of this structure is uncertain.

N.B.: Any response obtained will be supported by an argumentation:

.....  
.....

**KEY INFORMANT QUESTIONNAIRE**

**Theme 1: Resolution Mechanism For Disputes And Conflicts**

*Possible questions*

1. What were the conflicts identified which were to be addressed by the CCC Project?

2. What was the responsibility of your association in nourishing those conflicts?

.....  
.....  
.....

3. How did PACT proceed in order to make all conflicting parties together to start speaking about these conflicts?

.....  
.....  
.....

4. Do people continue having recourse to structures set up by the CCC Project to settle their disputes or have they simply forgotten about these structures?

.....  
.....  
.....

5. What are the alternative ways that could be put forward to settle conflicts in different mining sites?

.....  
.....  
.....

6. What are on your perspective the positive/negative effects of the CCC Project? How could you mitigate the negative impact and give more chance to positive impact of a similar Project?

.....  
.....  
.....

7. How is the current relationship between the ASM Forums and the Monitoring Units set up by the project? Please elaborate on this aspect.

.....  
.....  
.....

**Theme 2: Promote Reconciliation, Cooperation And Understanding Among ASM-Related Institutional Actors**

*Possible questions*

1. How many reconciliation ceremonies were held during the CCC Project?

2. Do key stakeholders understand now better their roles, responsibilities, and mandate in the ASM?

.....  
.....  
.....

3. How many groups wishing to form/transform cooperative structures did you support? Do they still operational within targeted areas?

.....  
.....  
.....

**Theme 3: Prevent Conflicts And Risks To Communities Over Resource Access And Use;**  
***Possible questions***

1. What are the initiatives set forward by your institution to prevent conflicts (risks of occurrence) in targeted mining sites?

.....  
.....  
.....

2. What are the messages and channels used for addressing targeted people on conflict prevention issue?

.....  
.....  
.....

3. Did you test the efficiency of the messages delivered through some behavior change? Please elaborate on this aspect.

.....  
.....

Was the Early Warning System workable? Does it continue to function under the GDRC authority?

.....

4. Do the ASM Forums continue to function on their own?

.....  
.....

**Theme 4: Improve Community Access To And Understanding Of Pertinent Mining Legislation**  
***Possible questions***

1. How innovative has your training methodology been?

.....

2. Do you feel that artisanal Miners know their rights and obligations better?

.....

.....

Do they accept peacefully to withdraw from sites awarded to Mining Companies by the GDRC?

.....

### **Theme 5: Awareness Campaign For Averting Radioactivity Effects**

#### ***Possible questions***

1. How would you evaluate your awareness campaign activities with regards to Radioactivity effects?

.....

.....

2. What is your opinion on the public perception of the danger radioactivity represent to them?

.....

.....

3. What would your objectives and your orientation be if you were asked to manage a project on Radioactivity in your area

## **FOCUS GROUP QUESTIONNAIRE SUGGESTED DISCUSSION TOPICS**

### **Motivations For Working In The Mining Sites.**

#### ***Possible questions:***

- Why do you choose to work in the mining sites rather than study?
- What is the view point of your parents about work in the mining site?
- Do you find your job rewarding?
- What type of work do you perform in the mining sites?

### **About PACT CCC Project Achievements**

#### ***Possible questions:***

- Do you know the PACT CCC Project?
- Can list some achievements of this project?
- Do you think this project made some change in Miners' day-to-day lives? Can you elaborate more on this aspect?
- Did you participate in some training led by PACT?
- How did you understand PACT's mission?
- How did you find these training sessions? Were they truly helpful?
- Do you continue to put into practice lessons learned from PACT training or sensitization campaigns?
- Do you have new types of well-structured organizations evolving in the mining sites, i.e., cooperatives, Miners' unions, etc.?
- What do you think about the PACT CCC Project communications?

### **Conflicts In The Mining Site**

#### ***Possible questions:***

- What are the types of conflicts have you experienced in the mining sites?
- Are these conflicts occasioned by the normal activities of artisanal Miners or are they from outside?
- Have you witnessed murders from these conflicts?
- Did you notice a real decrease in conflicts in your area after the close out of the PACT CCC Project?
- Are the Government services a real source of conflicts?
- Did you notice some help from the PACT CCC Project in order to deal with the harassment from government services?
- Are you a victim of tensions and conflicts in the mining sites?
- What could you suggest to avert conflicts in the mining sites?

## **Mining Code Existence Awareness**

### ***Possible questions:***

- Do you know that the mining code exists and may help to address problems in the mining site?
- Do you know your rights and obligations in the mining sites?
- Do you think people working in the mining site are aware of the existence of the mining code?
- Do you think different services of the government respect the mining code?
- Do you feel protected by the local authorities?
- What do you think could be done to improve your work environment and the lives of your families?

## **Project's Conflict Settlement Structure**

### ***Possible questions:***

- How do you solve conflict in the mining site?
- Is there any change since the PACT CCC Project trained people?
- Do you have recourse/advice to the conflict settlement structure of the mining site?
- What do you think about this structure?
- Are there other problems that you face in the mining sites and which do not end up in conflicts?
- Do you feel that you're losing space for your mining works for the benefit of big companies?
- Do you think you're better equipped to negotiate with big companies/stripping companies?

## **Danger Inherent To Radioactivity**

### ***Possible questions:***

- Are you aware of the health threats inherent to radioactivity?
- How did you know about this danger? From the PACT CCC Project?
- How was the communication? Clear or unclear? Elaborate.
- Did you take enough measures to avoid health problems? Since which year/month?
- Do artisanal Miners' organizations take measures to address the radioactivity issue? Since which year?

## **APPENDIX D. KEY INFORMANTS AND FOCUS GROUP ATTENDANTS**

### **Forum Structure In Kolwezi (Focus Group)**

1. MUHALILA Beatrice
2. RUBAB ZAMA Jacques
3. KUNGWA SHAMWANGR
4. NUMBI Pascaline

### **Kamilombe 2 Women (Focus Group)**

5. Mylene MIKOMBE
6. MBAYA Helene
7. KAZADI Astride
8. KAINDA MUJINGA
9. MUMBA KASONGO
10. Marcelline MUKENA
11. Mamy PEZO
12. Yrence BULUNGO

### **Kawama Members of the Local Committee (Focus Group)**

13. MUTEB YAV
14. KAZADI NTUYU
15. Arthur KAWAMA
16. ILUNGA KAYAMBA
17. Djoudjou KABEYA
18. ONYA OKOMBE
19. ILUNGA KABEMBA
20. RAMA AMISI
21. Robert KABWE
22. Clovis CHAMBUY
23. Gaston ILUNGA
24. Emery Tshilamba
25. Alain COSMOS

26. Isaac KUMPELA
27. Clement SHONGANYE
28. Mardoche MUAMBA
29. Marc ONDJO

**Key Informant: Paraclissis Group**

30. Dr. Basile KAKOMA

**Key Informants: ARDERI**

31. Willy MUYAMBA
32. Béatrice MUHALILA
33. Jean-Paul ILUNGA NGUZ

**Key Informant: RECOPE**

34. Alexis MWEPU SEPE

**Key Informant: SAESSCAM**

35. Ir. Jean – Paul KAYEYE

**Participants to the Debriefing Session:**

36. Luc ASSOSA, PACT INC.
37. Jacques RUBAB ZAMA, CERN
38. Pascaline NUMBI NGOIE, RECONFORT
39. Dr. Basile KAKOMA, PARACLISS GROUP
40. Béatrice MUHALILA, ARDERI
41. Alexis MWEPU SEPE, RECOPE
42. Jean-Paul ILUNGA, ARDERI
43. Willy MUYAMBA MUSANGU, ARDERI
44. Madeleine KYUNGU, SAESSCAM
45. Marcel MUKWAKA, PACT