

# DEMILITARIZING MINING AREAS IN THE DEMOCRATIC REPUBLIC OF THE CONGO: THE CASE OF NORTHERN KATANGA PROVINCE

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## I. Introduction

Soldiers of all sides and factions have abused the civilian population of eastern Democratic Republic of the Congo (DRC) with impunity since the outbreak of armed conflict there in 1996.<sup>1</sup> These abuses continue despite a wide-ranging peace deal in 2002; the presence in the country of several international peace-support operations, including one of the largest United Nations peacekeeping missions ever deployed; and nationwide, internationally supported programmes to demobilize former combatants and create a unified national army.

The abuses are often linked to the economic exploitation of artisanal miners and others who are involved in the potentially lucrative mineral trade at the local level.<sup>2</sup> The mineral sector in eastern DRC is characterized by a convoluted mix of formal and informal activities, in which not only military units but police and other state agencies abuse their legal powers for individual economic gain.<sup>3</sup>

A recent survey found that militarization of the mining sector is widespread in eastern DRC and confirmed the prominent role played in this by elements of the new national army, the Forces armées de la République démocratique du Congo (FARDC, Armed Forces of the Democratic Republic of the Congo). The survey also showed that while the problem is most marked in Nord-Kivu and Sud-Kivu provinces, which have been and remain the

<sup>1</sup> Two internal conflicts with international involvement have taken place in the DRC since 1996. The first of these ended with the ousting of President Mobutu Sésé Séko in May 1997, after which the country's name was changed from Zaire to the DRC. The second broke out in 1998 and pitted the government of President Laurent-Désiré Kabila, supported by Angola, Chad, Namibia and Zimbabwe, along with Rwandan rebels and local militia, against Congolese rebels supported by Rwanda and Uganda. The second conflict formally ended with the inauguration of a transitional government under the Global and Inclusive Agreement on the Transition in the Democratic Republic of Congo, signed in Pretoria on 16 Dec. 2002. The text of the agreement is available at <<http://www.iss.co.za/AF/profiles/DR Congo/cdreader/bin/6global.pdf>>.

<sup>2</sup> In artisanal mining, minerals are extracted by hand or with rudimentary tools, in contrast to mechanized or industrial mining.

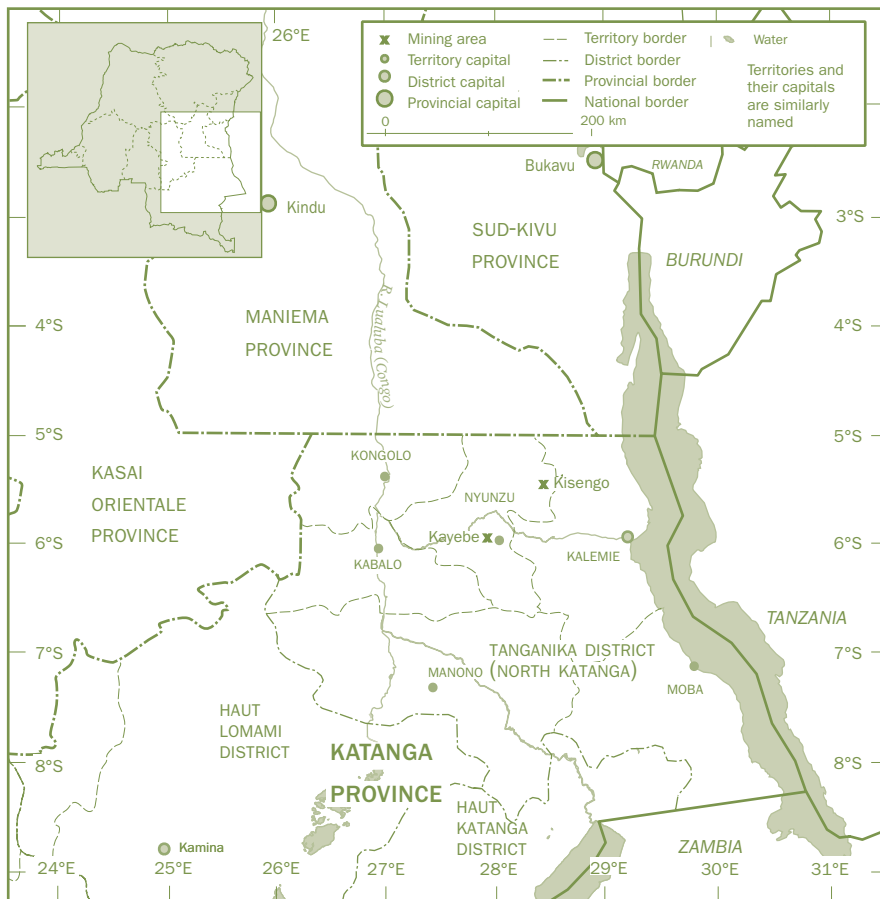
<sup>3</sup> See De Koning, R., 'Artisanal mining and post-conflict reconstruction in the Democratic Republic of the Congo', SIPRI Background Paper, Oct. 2009, <[http://books.sipri.org/product\\_info?c\\_product\\_id=392](http://books.sipri.org/product_info?c_product_id=392)>.

## SUMMARY

● The illegal economic exploitation of artisanal mining areas by military forces is a persistent problem in the eastern Democratic Republic of the Congo (DRC), even in areas such as northern Katanga Province that are in transition to peace. Many former rebels and militia have not demobilized or been properly integrated into new army structures, and the benefits they derive from mining serve as a disincentive to do so. The government seems to tacitly condone the practice. Continued militarization of mining areas is associated with human right abuses, is an obstacle to military reform and prevents the artisanal mining sector from contributing to post-conflict reconstruction.

There is little political will to completely demilitarize mining areas. However, some steps could be taken to promote gradual demilitarization. Military authorities could be convinced to punish abuse and reward moderation among units that exploit mines. Formalization of artisanal mining, including the official registration of mining zones, could increase civilian presence and intensify public scrutiny of military behaviour.

The international community should enhance its support to efforts initiated by United Nations peacekeepers and the Congolese mining authorities to re-establish civilian control over mines and trading centres in the entire eastern DRC, including northern Katanga.



**Figure 1.** Location of Kisengo and Kayebe mining areas, northern Katanga Province, Democratic Republic of the Congo

areas worst affected by conflict, it also persists in more peaceful areas, such as Maniema Province, Ituri District of Orientale Province and Tanganika District of Katanga Province, which is otherwise referred to as northern Katanga. FARDC elements continue to have deeply entrenched economic interests in artisanal coltan and gold mining in northern Katanga, particularly in Nyunzu Territory. This sometimes takes the form of simple plunder but also involves negotiated arrangements whereby soldiers provide security against external threats and protect particular interests in return for a share of the profits.

Several factors explain the inability of the new government elected in 2006—and the transitional government that preceded it—to end military exploitation of mining communities, as well as the slow progress of the broader demilitarization effort to limit the role and influence of the military in political, economic and social life. Among these is the challenge to security

presented by the numerous armed factions present in eastern DRC at the end of the conflict. The national programme for the disarmament, demobilization and reinsertion (DDR) of former Congolese combatants has been handicapped by poor implementation, mismanagement and a lack of resources that was exacerbated by the temporary suspension of donor funds. The already ambitious programme to integrate into the regular army those soldiers who did not choose to be reinserted into society has also proved slow and difficult to implement.

Until these programmes have made significant progress, security in the DRC will still depend on a national army comprised of a mix of badly trained former Congolese government forces, rebels and militia, some of whom remain in their old units, with their old command structures largely intact. Across all sections of the army economic exploitation of local communities is tacitly condoned as a way for soldiers to supplement their low and often unpaid wages.<sup>4</sup> Units that have not been properly integrated into the FARDC structure pose additional problems. As long as they can continue to exploit mining communities with little difficulty, many soldiers will find demobil-

<sup>4</sup> Alston, P., UN Special Rapporteur on Extrajudicial Executions, Press statement on a mission to the Democratic Republic of the Congo, 5–15 Oct. 2009, 15 Oct. 2009, <[http://www2.ohchr.org/english/issues/executions/docs/PressStatement\\_SumEx\\_DRC.pdf](http://www2.ohchr.org/english/issues/executions/docs/PressStatement_SumEx_DRC.pdf)>.



ization or army integration unattractive options. Meanwhile, the government will be understandably reluctant to cut them off—and any officers further up the chain of command who also benefit—from illicit sources of revenue, at least until it has deployed sufficient reliable regular, integrated units.

Another problem associated with militarization is that it prolongs—and thrives on—the informality of the mining sector and the absence of formal, industrial mining interests and of civil society and development organizations. This is partly due to the continuation of conflict, particularly in Sud-Kivu Province, but also because of a lack of capacity of state mining authorities to establish significant presence in often remote and rapidly shifting mining locations.

This paper focuses on military control of artisanal mining of the mineral coltan in and around Nyunzu Territory in northern Katanga (see figure 1).<sup>5</sup> Northern Katanga shares part of its northern border with Sud-Kivu Province, which in turn borders Burundi and Rwanda, both—like the DRC—locations of major armed conflicts in the past decade that have severely affected eastern DRC.<sup>6</sup> While fighting continues in Nord- and Sud-Kivu, Katanga Province is generally considered to be in transition to peace, with reduced military confrontations and the gradual reassertion of civil authorities' control over the local economy.

Northern Katanga has received little attention in the literature on the war economy in eastern DRC, which tends to focus on Nord- and Sud-Kivu.<sup>7</sup> Being further along the road to peace, the case of northern Katanga could provide valuable lessons on the demilitarization of mining areas and resumption of civil authorities' control that may be relevant for other areas of eastern DRC. Study of the current situation is also important for northern Katanga itself, as the military presence there—and with it the military exploitation of mining communities—will undoubtedly intensify as a result of the spillover of troops following military confrontations in 2009 in Sud-Kivu.

Section II of this paper provides background information on the size and organization of the local mineral sector in northern Katanga and on the governance of mining sites, with a focus on coltan mining in Nyunzu Territory. Section III describes the current military presence around the mines and gives a brief overview of the national DDR and army integration programmes. Section IV identifies the different ways in which the military and other state actors have benefited from two of the territory's coltan mining sites. Section V proposes a strategy for the gradual demilitarization of the mining sites in northern Katanga.

***Until DDR and army integration have made significant progress, security will still depend on a national army comprised of a mix of badly trained and poorly paid former government soldiers, rebels and militia***

<sup>5</sup> Coltan is a colloquial term for columbite–tantalite, an ore from which the elements niobium and tantalum can be refined. Tantalum is widely used in consumer electronic devices.

<sup>6</sup> Harbom, L. and Wallensteen, P., 'Patterns of major armed conflicts, 1999–2008', *SIPRI Yearbook 2009: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2009), pp. 69–84.

<sup>7</sup> Garrett, N. and Mitchell, H., *Trading Conflict for Development: Utilising the Trade in Minerals from the Eastern DR Congo for Development* (Resource Consulting Service: Apr. 2009), <[http://www.diana.ugent.be/crg/publications/rapport\\_rcs\\_def.pdf](http://www.diana.ugent.be/crg/publications/rapport_rcs_def.pdf)>; and Sullivan, D. and Atama, N., 'Digging in: recent developments on conflict minerals', Enough Project, Jan. 2010, <<http://www.enoughproject.org/files/publications/DiggingInConflictMinerals.pdf>>.



**Militarization prolongs—and thrives  
on—the informality of the mining sector**

The data presented in this paper derives from two weeks of fieldwork undertaken by the author in June–July 2009, which was assisted by a programme officer of the United Nations Development Programme (UNDP) and a representative of Promotion des populations indigènes, a local non-governmental organization (NGO) in Kalemie, the capital of Tanganyika District.

The fieldwork included visits to Kisengo, the main coltan mining and trading centre in Nyunzu Territory, and to Kalemie and the provincial capital, Lubumbashi, for observation and interviews with artisanal miners, mineral traders, local state and traditional authorities, and military and police personnel. The security situation and poor infrastructure did not allow for longer fieldwork or direct observation at other mining sites. The fieldwork was supplemented with a review of UN situation reports and studies by NGOs and journalists. Local resource governance and security arrangements can be very different in different locations in the DRC and thus findings cannot be generalized for northern Katanga, let alone for eastern DRC. However, the situations observed at the mines discussed in this paper share similarities with those described in studies of mines in other parts of eastern DRC and in earlier stages of the war.<sup>8</sup>

## II. Mining and mineral trading in northern Katanga

### **The economic significance of coltan**

Mineral exploitation in northern Katanga has historically been concentrated in Manono Territory, where coltan and the tin ore cassiterite were discovered in 1932. Significant industrial exploitation began in the 1960s and lasted until 1995, when the main producer and processor, Zaire-Etain, ceased operations. The industrial mining sector in the DRC (then known as Zaire) declined from the 1980s onwards due to a combination of factors including falling commodity prices, a lack of foreign investment and the economic mismanagement of state-owned companies, which was exacerbated by political interference.<sup>9</sup> Artisanal miners—of whom around 26 000 are reportedly active in northern Katanga<sup>10</sup>—took over the former industrial mines in Manono and opened up many more alluvial deposits in other parts of northern and central Katanga. Several mining companies have in recent years acquired exploration concessions covering most of the old and new mining areas, but industrial or semi-industrial mining has not yet restarted.

Northern Katanga's main mineral resource today is coltan, which is chiefly extracted from recently opened mines in Nyunzu Territory and exported

<sup>8</sup> See e.g. Garrett, N., Sergiou, S. and Vlassenroot, K., 'Negotiated peace for extortion: the case of Walikale territory in eastern DR Congo', *Journal of Eastern African Studies*, vol. 3, no. 1 (Mar. 2009), pp. 1–21; and Jörgel, M. and Matti, H., 'The shadow network: eastern Democratic Republic of Congo', ed. M. Persson, *Beyond the Façade of Formal Statehood* (Swedish National Defence College: Stockholm, 2008), pp. 31–56.

<sup>9</sup> De Koning, R., 'Resource–conflict links in Sierra Leone and the Democratic Republic of the Congo', SIPRI Insights on Peace and Security no. 2008/2, Oct. 2008, <[http://books.sipri.org/product\\_info?c\\_product\\_id=364](http://books.sipri.org/product_info?c_product_id=364)>.

<sup>10</sup> Mikonge Kyanza, G., Office chief, Service d'assistance et d'encadrement du small scale mining (SAESSCAM, Assistance and Training Service for Small-Scale Mining), Interview with the author, Kalemie, 3 July 2009.



from Bukavu in Sud-Kivu. According to the Mining and Geology Department in Kalemie, Tanganika District produced over 300 tonnes of coltan in the first half of 2009.<sup>11</sup> This is estimated to have added about \$7.5 million to the local economy.<sup>12</sup> Only 365 tonnes of coltan exports are officially recorded for the same period.<sup>13</sup> Considering that northern Katanga is only one of many coltan mining areas across the eastern DRC, this figure indicates that a large share of total production is under-declared or smuggled out of the country.

There are seven active coltan mining areas in northern Katanga, the most productive of which are in Nyunzu Territory.<sup>14</sup> Extraction at the largest of these, Kisengo, started in 2007. In a few months Kisengo grew from a village into a town of about 20 000 people, with miners coming from across eastern DRC. Kisengo has also developed as a trading centre (*centre de négoce*), where almost all the coltan mined in northern Katanga is now marketed. Thus, although mining production is declining in Kisengo, mineral trading continues to attract people from outside the area.<sup>15</sup> By late 2009 the population of Kisengo was an estimated 12 000, of whom no more than 3000 appeared to work in the mines.<sup>16</sup> The other mining site examined during this research, in Kayebe, is also in Nyunzu Territory. Coltan was discovered there in 2008.

Other minerals extracted in northern Katanga are cassiterite and gold. Cassiterite production in the area is small, at 50 tonnes per month or less, annually adding about \$3.9 million to the local economy.<sup>17</sup> However, officials suggest that as much as 400 tonnes could be transported through the region from elsewhere in Katanga using the Congo River system.<sup>18</sup> There are also several small gold mines, but these have a short lifespan and yield no more than \$1 million worth of gold per year, according to estimates.<sup>19</sup>

<sup>11</sup> Mande Kalenga, P., Mining and Geology Department of Tanganika District, Interview with the author, Kalemie, 3 July 2009.

<sup>12</sup> Coltan from northern Katanga has a relatively high concentration of tantalum, c. 30–40 %. Mineral traders report that exporters in Bukavu pay \$25 per kilogram for coltan originating in Katanga. Members of the Association of Mineral Traders, Interviews with the author, Kisengo, 5 July 2009.

<sup>13</sup> Centre d'évaluation, d'expertise et de certification des substances minérales précieuses et semi-précieuses (CEEC, Centre for Evaluation, Expertise and Certification of Precious and Semi-precious Mineral Substances), 'Situation semestrielle des exportations de Janvier 2009 à Juin 2009' [Half-yearly situation of exports from Jan. 2009 to June 2009], Unpublished report, 2009.

<sup>14</sup> The 7 coltan mining sites are Kisengo, Mai Baridi, Kayebe and Malemba in Nyunzu Territory, and Kisunkulu, Mutundua and Museke in Kalemie Territory.

<sup>15</sup> In June–Dec. 2007 the mines at Kisengo produced 217 tonnes. In the period Jan.–July 2009 this fell to 131 tonnes. Mande Kalenga (note 11).

<sup>16</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA) 'Briefing humanitaire en RDC, 05 au 09 Octobre [Humanitarian briefing in DRC, 5–9 Oct.], 9 Oct. 2009, <<http://www.rdc-humanitaire.net/?Briefing-humanitaire-en-RDC-du-05>>.

<sup>17</sup> Ngoy, D., Independent consultant, Interview with the author reporting on a telephone interview with the mining services chief of post in Manono, Lubumbashi, 1 July 2009.

<sup>18</sup> 'Mines: Manono–Kongolo–Bukavu, nouvel itinéraire de la cassitérite vers l'exportation' [Mines: Manono–Kongolo–Bukavu, new route of cassiterite towards exportation], Radio Okapi, 28 Aug. 2008, <<http://www.radiookapi.net/index.php?i=53&a=20111>>. The Lualaba and Luvua rivers, which pass through Katanga, are tributaries of the Congo River.

<sup>19</sup> Centre d'évaluation, d'expertise et de certification des substances minérales précieuses et semi-précieuses, 'Rapport d'ouverture du Bureau auxiliaire de Kalemie' [Report on the opening of the auxiliary office in Kalemie], Unpublished report, Mar. 2005.



### **Governance of mining sites**

Traditional village authorities exercise considerable influence over mining operations. On the basis of customary land ownership, village chiefs allocate land to and claim customary taxes from artisanal producers. The village chief of Kisengo accumulated significant power from 2007 and was therefore upgraded to *chef de groupement*, the second tier in Congolese local government.<sup>20</sup>

State mining authorities—the Service d’assistance et d’encadrement du small scale mining (SAESSCAM, Small-scale Mining Assistance and Training Service) and the Service des mines (Mining services)—are only present at two of the seven coltan mining sites in northern Katanga. According to these agencies’ representatives in Kisengo, FARDC elements have repeatedly prevented them from accessing the other mines.<sup>21</sup>

However, several other state bodies, both military and non-military, have established unauthorized permanent presences in and around several of the new coltan mines in recent years and are involved in economic exploitation of one type or another, as described in section IV. The military bodies have included the FARDC and the military intelligence service T2, while the non-military bodies have included the Direction générale de migration (DGM, Directorate General for Migration), the Agence nationale de renseignements (ANR, National Intelligence Agency) and the Police nationale congolaise (PNC, Congolese National Police). Relations between the military and other state authorities (both formal and traditional) have generally evolved without major disputes, although conflicts of interests do sometimes occur.

The continued presence of unauthorized police and army units in the vicinity of mines is in contravention of an order given by the provincial governor in November 2009 for all unauthorized security services to leave mining areas.<sup>22</sup> As described in section IV below, while FARDC soldiers frequently engage in simple pillaging, some units have established vested interests in mining. For this reason they provide a degree of security and exercise a form of coercive governance.

### **The local coltan commodity chain**

The coltan commodity chain involves a number of formal and informal activities and players. Coltan is mined entirely by teams of artisanal miners (*creuseurs*). Typically, these miners operate independently or with the support of a sponsor (*manager*). Managers pre-finance mining operations, providing miners in advance with cash, food, tools and other necessities, in return for a guaranteed share of the operation’s output. Miners who receive pre-financing from a manager repay their debt with 50 per cent interest in

<sup>20</sup> Among the tribes indigenous to the area, Bantu chiefs appear to control access to the mining areas and have often denied access to local Pygmies. Rawlence, B., ‘Congo’s coltan rush’, *Prospect*, no. 141 (22 Dec. 2007).

<sup>21</sup> Field chief, SAESSCAM, Interview with the author, Kisengo, 5 July 2009.

<sup>22</sup> Province of Katanga, Note Circulaire no. 2631 sur les mesures d’encadrement des activités minières pendant cette période de crise financière internationale [Circular Note no. 2631 on the measures of supervision of mining activities during this period of international financial crisis], Lubumbashi, 26 Nov. 2008.



the form of coltan—a system locally called *banque lambert*.<sup>23</sup> Miners sell any surplus or self-financed production to managers of their choice. Military elements have frequently taken on a role similar to that of a *manager* in the Nyunzu mines.

*Managers* sell the coltan to middlemen (*négociants*) who periodically visit the mines. Some of these *négociants* are independent operators while others are pre-financed by buying houses (*comptoirs*) in Bukavu, but all sell to the Bukavu *comptoirs*. Since the adoption of a new national Mining Code in 2002, many of the *négociants* and most of the *comptoirs* now hold trading licences.<sup>24</sup> These licences give legal authority to sell minerals derived from artisanal production. Licensed *négociants* and *comptoirs* pay a number of legal taxes. Nevertheless, these levies are often subject to negotiation and are not always passed on to the national treasury.<sup>25</sup> *Comptoirs* tend to understate the volume or value of their exports so as to reduce tax liability, and some are allegedly involved in smuggling.<sup>26</sup>

While the mineral trade is becoming more formal, production remains almost entirely informal. The Mining Code provides for the demarcation of artisanal mining zones (AMZs) where artisanal miners in possession of a permit (*carte de creuseur*) can operate legally.<sup>27</sup> However, few of these zones have been established and none exist in northern Katanga. In addition, the Kisengo mines are at least partly located in a protected hunting domain, which would complicate a change of legal status. Nevertheless, state authorities do not in practice prohibit artisanal mining in northern Katanga. Some miners in Kisengo even hold permits issued by the provincial mining authorities. Although these have no legal validity outside an AMZ, they are nevertheless considered to offer a degree of legal protection. In addition, the provincial governor and provincial minister of mines have both verbally authorized artisanal mining on separate visits to Kisengo.<sup>28</sup>

As the above descriptions show, distinctions between formal and informal economic activity are blurred in the mining sector in eastern DRC.<sup>29</sup> Clearly informal production and formalizing trade are integrated and made interdependent by middlemen. Formal actors such as licensed traders and tax officials engage in informal negotiations, while informal actors are subjected to unofficial ‘fiscal’ charges and less subtle forms of extortion by formal state and military actors. While the informal artisanal mining sector operates

***FARDC elements have repeatedly prevented legitimate mining authorities from accessing coltan mines***

<sup>23</sup> *Banque lambert* denotes money lending on particularly strict terms, including interest rates of up to 50% and rapid repayment of the debt.

<sup>24</sup> Loi no. 007/2002 du 11 juillet 2002 portant Code minier [Law no. 007/2002 of 11 July 2002 on the Mining Code], *Journal officiel de la République démocratique du Congo*, 15 July 2002, also available at <<http://www.glin.gov/view.action?glinID=151167>>.

<sup>25</sup> Garrett, N., ‘Walikale: artisanal cassiterite mining and trade in North Kivu’, *Communities and Small Scale Mining (CASM)*, June 2008, <[http://www.artisanalmining.org/userfiles/file/CASM\\_WalikaleBooklet.pdf](http://www.artisanalmining.org/userfiles/file/CASM_WalikaleBooklet.pdf)>.

<sup>26</sup> Spittaels, S. and Hilgert, F., ‘Accompanying note on the interactive map of militarized mining areas in the Kivus’, *International Peace Information Service*, Aug. 2009, <[http://www.ipisresearch.be/dbpdfs/20090810\\_mining\\_kivus.pdf](http://www.ipisresearch.be/dbpdfs/20090810_mining_kivus.pdf)>.

<sup>27</sup> Loi no. 007/2002 (note 24), Title IV.

<sup>28</sup> Mande Kalenga (note 11).

<sup>29</sup> See also Rubbers, B., ‘Retour sur le “secteur informel”: l’économie du Katanga (Congo-Zaïre) face à la falsification de la loi’ [Return to the informal sector: the economy of Katanga (Congo-Zaïre) confronted with falsification of the law], *Sociologie du Travail*, vol. 49, no. 3 (July–Sep. 2007), pp. 316–29.



outside the law, it is not beyond the control of state bodies.<sup>30</sup> The problem is that these state bodies, both civil and military—or rather their representatives—tend to misuse their official powers for personal economic gain rather than for the interests of the DRC.

### III. The military presence around the Nyunzu coltan mines

#### **Demobilization and army integration**

The most recent conflict in the DRC formally ended in July 2003 when a transitional government was inaugurated to lead the country to elections in 2006. Both were provided for in the 2002 Global and Inclusive Peace Agreement.<sup>31</sup> Although elections were held on time, armed conflict continued in the east of the country due, among other things, to the government's failures to neutralize or repatriate the Rwandan rebel group Forces démocratiques de libération du Rwanda (FDLR, Democratic Forces for the Liberation of Rwanda) and to bring all Congolese rebel and militia groups under effective central command.<sup>32</sup>

Integrating former fighters into Congolese society is as critical to creating peace and stability in northern Katanga as it is in other parts of eastern DRC. Under the terms of the Global and Inclusive Peace Agreement, the armed forces of all signatory parties automatically became FARDC soldiers. They could then choose to enter the voluntary national DDR programme (Programme national de désarmement, démobilisation et réinsertion, PNDDR), which would assist them to reintegrate into civilian life. Those not entering the PNDDR would be integrated into the new army structure, undergoing a process called *brassage* (intermingling). *Brassage* creates new retrained, re-equipped 'integrated' regular FARDC units in which government loyalist soldiers and former rebels and militia members serve alongside each other. Importantly, it is also meant to break down the existing command structures of units that enter the process. The integrated units are, in theory, posted away from the locations where their members previously operated, replacing FARDC units that have not yet undergone *brassage* or DDR.

*Brassage* has been underfunded and has been criticized for being too slow, providing inadequate training, underequipping the new units and inadequately vetting recruits. The result has been that the integrated units so far

*State bodies, both civil and military, tend to misuse their official powers to exploit artisanal mining communities for personal economic gain*

<sup>30</sup> See e.g. Lautier, B., de Miras, C. and Morice, A., *L'état et l'informel* [The state and the informal] (L'Harmattan: Paris, 1991).

<sup>31</sup> The parties to the Global and Inclusive Agreement included the sitting government, the political opposition and the following non-state armed groups: Rassemblement congolais pour la démocratie (RCD, Congolese Rally for Democracy), Mouvement pour la libération du Congo (MLD, Movement for the Liberation of the Congo), RCD–Mouvement de libération (CRD/ML, RCD–Liberation Movement), RCD–National (RCD/N) and the Mai-Mai (community-based militia).

<sup>32</sup> The FDLR often fought alongside Congolese government forces during the 1997–2003 conflict. However, following a détente between the Congolese and Rwandan governments in late 2007, the FARDC has launched military campaigns against the FDLR.





deployed have been ineffective and have contributed to persistent human rights abuses against civilian populations.<sup>33</sup>

These problems were exacerbated in 2009 due to the ‘accelerated’ army integration of around 6000 former rebels of the *Congrès national pour la défense du peuple* (CNDP, National Congress for the Defence of the People), and 6000 non-integrated Mai-Mai (community-based militia) soldiers in Nord- and Sud-Kivu. These soldiers did not pass through DDR or *brassage* facilities and became directly involved in combating the FDLR. In addition, the government recently decided that some non-integrated units, comprising around 7000 soldiers, could be considered regular FARDC units.<sup>34</sup> One significant problem with this is that the integration process for these new FARDC forces has been at best rudimentary. Another is that, as a result of the speed of the integration process, not all soldiers are identified. This leads to delays in payment, which is likely to negatively affect discipline.

Improvements in army reform are unlikely to be made under the current circumstances, despite the efforts of the UN peacekeeping operation, the UN Organization Mission in the DRC (MONUC), and of European Union missions in the DRC to better train and register new recruits.<sup>35</sup> Furthermore, continued fighting in the east and a suspension of donor funding for DDR between early 2007 and late 2008 both led to soldiers preferring army integration to demobilization. It is unclear whether new donor funding for DDR committed at the beginning of 2009 can reverse this trend.<sup>36</sup>

### **Military forces in northern Katanga**

Northern Katanga was an integral part of the war complex in eastern DRC. During the 1998–2002 conflict it was host to numerous, scattered armed groups with varied loyalties. The region was largely occupied by rebels of the *Rassemblement congolais pour la démocratie* (RCD, Congolese Rally for Democracy) Goma section, which was supported by the Rwandan Government. The RCD was joined by some units of Jean-Pierre Bemba’s *Mouvement de libération du Congo* (MLC, Movement for the Liberation of Congo). Mai-Mai groups were created either spontaneously or with support from the Congolese Government and mounted fierce resistance to the rebels. Although the Rwandan FDLR fought alongside regular Congolese government forces against the RCD until 2003, it never established a real presence in the area.

When the FARDC was created, Katanga (the Sixth Military Region) was put under the command of an ex-MLC officer, General Alengbia Nzambe, based in Lubumbashi. The former government and rebel units present in

<sup>33</sup> World Bank, ‘DDR in the Democratic Republic of Congo, program update’, Sep. 2009, <[http://www.mdrp.org/PDFs/DRC\\_Program\\_Update.pdf](http://www.mdrp.org/PDFs/DRC_Program_Update.pdf)>.

<sup>34</sup> World Bank (note 33).

<sup>35</sup> MONUC was launched in Oct. 1999. It currently deploys over 20 000 uniformed personnel, including more than 18 500 troops, along with c. 1000 civilian staff. The EU Advisory and Assistance Mission for Security Sector Reform in the Democratic Republic of the Congo was launched in 2005. It deploys c. 50 civilian staff. SIPRI Multilateral Peace Operations Database, <<http://www.sipri.org/databases/pko/>>; and UN Department of Peacekeeping Operations, ‘UN missions summary of military and police’, 30 Nov. 2009, <<http://www.un.org/Depts/dpko/dpko/contributors/>>.

<sup>36</sup> World Bank (note 33).



Katanga were organized into seven brigades.<sup>37</sup> The *brassage* process in the province started only in May 2007. Little reliable information about *brassage* or current deployments in Katanga is available. Sizeable contingents from the seven FARDC brigades appear to have stayed behind at their bases after the original order to move to the *brassage* camp in Kamina in Katanga's Haut Lomami District.<sup>38</sup> Other soldiers dropped out of *brassage* as a result of poor conditions and the unexpectedly lengthy process or seem never to have arrived in Kamina.<sup>39</sup> Some may have rejoined non-integrated units.

The first integrated units were deployed in Katanga in early 2008. Not all of the non-integrated elements in northern Katanga have yet been fully replaced, resulting in overlapping areas of authority. It is also possible that the government has chosen to 'regularize' some of the non-integrated FARDC units in northern Katanga as part of its recent initiative.

The Mai-Mai in Katanga did not automatically become FARDC units and very few opted for army integration, choosing reinsertion instead.<sup>40</sup> As the Mai-Mai were originally established as local defence units, they are generally less willing to enter the regular army, as this would imply leaving their home areas unprotected. Furthermore, Batwa Pygmies, who formed the first and most powerful Mai-Mai units in northern Katanga, reportedly fear discrimination in the new army structures.<sup>41</sup> However, the means provided for reintegration by the National DDR Commission (CONADER), were limited and internationally funded projects were unable to fill the gap. As a result, many Mai-Mai declined to enter or opted out of the PNDDR and some groups remobilized.

Recognizing the unwillingness of many Mai-Mai groups in northern Katanga to go through full *brassage*, the new regional commander, General Padiri Bulenda, in 2007 initiated a new programme to integrate the 'lost Mai-Mai' into the FARDC. Padiri, himself a former Mai-Mai leader from Sud-Kivu, established a special Border Guard Brigade composed exclusively of former Mai-Mai from northern Katanga. At least 700 Mai-Mai soldiers went through *brassage* in Kamina to join the brigade and by September 2008 it was partly operational.<sup>42</sup> However, a group of applicants, united under Mai-Mai commander Kabeja Tango Fort, has demanded that it undergo *brassage* in Kalemie and then be posted back in the area, possibly with the intention of establishing (or re-establishing) control over mining areas.<sup>43</sup>

<sup>37</sup> Spittaels, S and Meynen, N., *Mapping Interests in Conflict Areas: Katanga* (International Peace Information Service: Antwerp, Aug. 2007), <<http://www.ipisresearch.be/download.php?id=172>>, p. 9.

<sup>38</sup> 'Nyunzu: 600 militaires refusent d'aller au brassage' [Nyunzu: 600 soldiers refuse to go to *brassage*], Radio Okapi, 17 Apr. 2007, <<http://www.radiookapi.net/index.php?i=53&a=12958>>; and Spittaels and Meynen (note 37), pp. 9–10.

<sup>39</sup> Spittaels and Meynen (note 37), p. 9.

<sup>40</sup> Spittaels and Meynen (note 37), p. 7.

<sup>41</sup> Bilonda, K., Director of Progrès des peuples indigènes [Progress of Indigenous Peoples], Interview with the author, Kalemie, 7 June 2009.

<sup>42</sup> Spittaels, S. and Hilgert F., 'Mapping conflict motives: Katanga, update: May–September 2008', International Peace Information Service, 5 Jan. 2009, <<http://www.ipisresearch.be/download.php?id=253>>.

<sup>43</sup> Spittaels and Hilgert (note 42), p. 6. Kabeja Tango Fort should not be confused with the influential former RCD officer Gabriel Amisi, whose *nom de guerre* is also Tango Fort.



## Military forces around the Nyunzu coltan mines

### *Kisengo*

Being the centre of coltan mining and trading activity, Kisengo has attracted a significant military presence in recent years. At the end of 2007, when coltan production in the area was at its peak, up to 200 FARDC soldiers were present, including mostly non-integrated elements from the 69th FARDC brigade based in Kongolo. These were headed by a former MLC officer, Captain Mamadou Ndala. Naval forces from Kalemie were also present and regular forces from integrated battalions in Kalemie and Nyunzu town later joined them. Tango Fort has also had permanent representatives at Kisengo.

Non-integrated elements of the Kongolo Brigade appear to be the strongest military presence in Nyunzu Territory, able to extend direct or indirect control over mines as far as 150 kilometres east of their base. They are also the most notorious armed elements in the area and are believed to be involved in all forms of economic exploitation of mining communities in Nyunzu. The brigade was constituted from both soldiers who were loyal to the government and former members of the RCD and MLC. In 2005, members of the brigade cited the need to maintain the peace in Kongolo and Nyunzu as a reason for not undergoing *brassage*.<sup>44</sup> It is unclear today which part of the brigade, if any, is integrated. What is clear, however, is that despite an order to return to barracks from the regional FARDC commander and the posting of newly integrated units and police units in these areas, non-integrated elements from Kongolo continue to operate beyond the main towns.<sup>45</sup> Whether this is with authorization from brigade commanders in Kongolo is unclear. Given the current circumstances it seems likely that access to mining areas, rather than a desire to maintain security, is the reason for these non-integrated elements' continued presence in Nyunzu.

Soldiers from Kongolo and Kalemie have confronted each other on numerous occasions to expand their respective areas of control.<sup>46</sup> One notable incident occurred in November 2007 when military justice officers from Kalemie arrested soldiers from Kongolo and their local commander. Captain Mamadou responded by forcibly liberating the arrested soldiers, vowing to confront any force supporting the work of the military justice system.<sup>47</sup> Mamadou was eventually summoned to Lubumbashi in 2008 because of problems with his troops. However, instead of being punished he was promoted to the rank of major and given a new posting elsewhere.<sup>48</sup>

***Non-integrated elements of the Kongolo Brigade are the most notorious armed elements in the mining areas around Nyunzu***

<sup>44</sup> 'Kalemie: le brassage pose problème' [Kalemie: intermingling poses problem], Radio Okapi, 25 Jan. 2005, <<http://www.radiookapi.net/article.php?id=1685>>.

<sup>45</sup> 'Axe Kalemie-Nyunzu-Kongolo: la population se plaint des tracasseries des militaires non brassés' [Kalemie-Nyunzu-Kongolo axis: the population complains about harassment by non-integrated militaries], Radio Okapi, 19 May 2008, <<http://www.radiookapi.net/index.php?i=53&a=18685>>.

<sup>46</sup> Spittaels, S. and Hilgert, F., 'Mapping conflict motives: Katanga, update: December 2007–May 2008', International Peace Information Service, 5 Jan. 2009, <<http://www.ipisresearch.be/download.php?id=241>>, p. 7.

<sup>47</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA), 'Situation humanitaire en RDC (Katanga): rapport hebdomadaire du 03 au 09 novembre 2007' [Humanitarian situation in DRC (Katanga): weekly report from 03 to 09 Nov. 2007], 9 Nov. 2007.

<sup>48</sup> Bilonda (note 41).



One reason for competition between the Kongolo and Kalemie brigades and between the non-integrated elements and the new integrated Nyunzu battalion is the coexistence of old and new FARDC command structures. In 2003 Nyunzu was under the control of the RCD, which divided northern Katanga into two military zones. The zone that included Nyunzu was commanded from Kongolo. The other was commanded from Kalemie. Some of the mining sites around Nyunzu lie close to or in Kalemie Territory. The non-integrated elements of the Kongolo Brigade regard Nyunzu as being under their command. However, this is no longer the case under the new FARDC structure, which places forces in Nyunzu under the direct command of Lubumbashi.

By July 2009, around 20 soldiers from Kongolo were the only military forces permanently present at Kisengo. The reduction of troop presence seems to have been due to a number of factors, including a flash deployment of MONUC peacekeepers in 2007, the deployment of a police unit in 2008 and declining mineral production.<sup>49</sup> However, non-integrated elements from the Kongolo Brigade frequently visit Kisengo and other mines in the territories of Nyunzu and Kalemie for the purpose of economic exploitation. Some of the soldiers formerly based in Kisengo may be among them.

The make-up of the military presence in Nyunzu could soon change. FARDC military campaigns against the FDLR in Sud-Kivu at the beginning of 2009 seem to have pushed some FDLR forces into northern Katanga.<sup>50</sup>

Likewise, a group of unpacified Mai-Mai, the Rahiya Mutumboki, has entered northern Katanga from Maniema Province in a bid to evade the FARDC.<sup>51</sup> In response to these troop movements, the FARDC is deploying fresh troops in Kalemie and Kongolo.<sup>52</sup> These developments could lead to increased military infiltration into mining areas in Nyunzu and trigger new confrontations between competing factions.

Furthermore, the recent incursions of non-state armed groups in northern Katanga may be used by non-integrated elements as an argument for ignoring orders to leave the area.

***Economic exploitation of miners and mineral traders ranges from robbery at gunpoint through illicit fees and ‘taxes’ up to coercive business arrangements and even ‘coercive governance’***

#### *Kayebe and the smaller mines*

The same rival FARDC groups are present in Kayebe as in Kisengo, but they appear to have agreed a form of cohabitation. Units from Kongolo, operating under Lieutenant Yanzungu, and security services based in Nyunzu—involving an integrated FARDC battalion, a military intelligence unit and a police unit—have divided the mine into parcels where each can exercise its influ-

<sup>49</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA), ‘Situation humanitaire, province du Katanga, Du 03 au 09 Novembre 2007 [Humanitarian situation, Katanga province, 3 to 9 November 2007], 9 Nov. 2007, <[http://www.reliefweb.int/rw/rwb.nsf/retrieveattachments?openagent&shortid=KHII-78Z7R6&file=Rapport\\_complet.pdf](http://www.reliefweb.int/rw/rwb.nsf/retrieveattachments?openagent&shortid=KHII-78Z7R6&file=Rapport_complet.pdf)>.

<sup>50</sup> ‘Traqués dans l’opération Kimia II, des rebelles rwandais FDLR en cavale sont signalés dans le Nord-Katanga’ [Tracked down in Operation Kimia II, Rwandan FDLR rebels on the run have been spotted in north Katanga], *La République*, 8 July. 2009, <<http://www.digitalcongo.net/article/59383>>.

<sup>51</sup> Peleman, J., MONUC, Correspondence with the author, 17 Sep. 2009.

<sup>52</sup> UN Office for the Coordination of Humanitarian Affairs, ‘OCHA/Katanga: rapport de situation humanitaire du 14 au 20 octobre 2009’ [OCHA/Katanga: report on the humanitarian situation, 14 to 20 October 2009], 23 Oct 2009, <<http://www.rdc-humanitaire.net/?OCHA-Katanga-Rapport-de-situation,2276>>.



ence. Additional parcels were allocated to the village chief and to other local elites. Rather than having a permanent presence at mines, Yanzungu installed a small unlicensed mining company, SOCOMIN, to manage the Kongolo military elements' section of the mine on orders from his superior, Captain Lwamba.<sup>53</sup>

The smaller coltan and gold mines in Nyunzu and Kalemie territories have also been infiltrated by elements from the same forces as Kisengo. However, confrontations between FARDC groups have generally been averted. For example, in 2006 a stand-off between soldiers from Kongolo and Nyunzu at the gold mine of Lunga was resolved when the former obeyed an order from higher military authorities in Lubumbashi to vacate the site.<sup>54</sup>

#### IV. Military exploitation of mining communities

Artisanal coltan miners and mineral traders around the coltan mines of Nyunzu are subject to a various forms of economic exploitation that are perpetrated by a variety of state and non-state actors. The forms of exploitation range from robbery at gunpoint through the imposition of illicit fees and 'taxes' up to types of coercive business arrangement and even a kind of coercive governance of the mining area.

The selling price of coltan at the mines is already roughly half the export price. Thus there are significant opportunities for economic exploitation at the local level. Miners' revenues at Kisengo and Kayebe are highly variable, ranging between \$10 and \$40 per week but usually closer to \$10.<sup>55</sup> On the basis of their stated average production, miners should earn at least double this. Part of the lost income is due to the high rates of interest many miners pay to their *managers*. The rest is due to the various forms of exploitation by soldiers and other state entities.

Plundering of mining communities—taking the form of brief visits to demand cash, goods or minerals with violence or the threat of violence—is a well-documented phenomenon, perpetrated by soldiers of all sides since during the recent conflict in the DRC, that evidently continues—although it is hard to quantify what share of miners' income is lost to it.<sup>56</sup> Additionally, all of the state entities that have established unauthorized presences around the Nyunzu mines allegedly set up temporary roadblocks around the mines and adjacent towns and demand fees from passing traders, threatening those who refuse to pay with arrest or other illegitimate uses of their legal powers. Miners also pay regular illegal taxes. Most importantly, the *chef de groupement* in Kisengo reportedly claims about \$8 per miner per week, payable partly in money and partly in the form of coltan.<sup>57</sup> Mining authorities levy a

<sup>53</sup> Tanganika District Mines and Geology Service, 'Rapport de mission effectuée à la chefferie Benze Territoire de Kalemie et à Kayeba Chefferie—secteur Sud Lukuga Territoire de Nyunzu' [Report of the mission to Benze chiefdom, Kalemie Territory, and to Kayeba chiefdom, South Lukuga Sector, Nyunzu Territory], Unpublished report, 10 Nov. 2008. This SOCOMIN is evidently a different entity to the similarly named joint venture between Congolese and Chinese state-owned enterprises, which operates in southern Katanga.

<sup>54</sup> Spittaels and Meynen (note 37).

<sup>55</sup> Five teams of artisanal miners, Interviews with the author, Kisengo, 5–6 July 2009.

<sup>56</sup> Artisanal miners (note 55).

<sup>57</sup> Artisanal miners (note 55); and Chef de groupement for Kisengo, Interview with the author, Kisengo, 6 July 2009.



legal tax on trade but SAESSCAM also illegitimately demands a small fee from miners.<sup>58</sup> The different state actors involved in the exploitation generally coexist in relative peace, and in some cases cooperate, although tensions between them do sometimes arise.

### **Vested interests and ‘coercive governance’**

The role of soldiers in local production and trade is more diverse than plundering from miners or illegal taxation of trade. At Kisengo, some soldiers from the Kongolo Brigade who are permanently posted near the mine operate as *managers*, claiming up to half of the production generated by a team of three to five miners. In return, they offer some supplies (although reportedly somewhat less than most other managers) and, most importantly, protection from harassment and extortion by other soldiers, who are also usually from the Kongolo Brigade. In addition, miners working under the protection of a soldier can refuse any other demands for taxes or fees. In the new mining area at Kayebe, the company SOCOMIN performs the role of *manager* for all miners working in one part of the site.<sup>59</sup> If the miners refuse the arrangement, the company can call in soldiers to enforce its claim. In return, soldiers receive a share of the company’s income.

In both cases, the soldiers in one way or another way invest their time, labour and even cash in productive processes in order to make individual profits. Having vested interests in local production, locally posted soldiers have an incentive to contribute to creating a stable business environment. During discussions with the author, the permanent FARDC commander at Kisengo claimed that his unit contributed to the improved management of mining and mineral trading and thus increased both the production and the value of minerals. Among the contributions he cited were excluding traders attempting to bring low-grade materials to Kisengo; providing security so that prospectors could be brought in to identify productive veins; and referring disputes between miners to the police.<sup>60</sup> Through his interactions with other members of the delegation, the author learned that the commander resented extortion by soldiers from his own brigade, as it disrupted local production. He asserted that his own unit refrained from harassing the mining population. It is hard to verify such claims. In separate interviews, local miners reported that locally posted soldiers did not bother them, but such statements should also be treated with caution because there is evidently fear of reporting soldiers’ abuses. Local civil society actors did report acts of physical intimidation of miners committed by non-permanent soldiers.

In Kisengo and Kayebe, some military elements could be said to have instituted a system of coercive governance also found in other parts of eastern DRC, where the military actor tries to obtain a monopoly on the use of violence in order to advance resource-management processes that guarantee a

<sup>58</sup> Artisanal miners (note 55); and SAESSCAM Field chief, Interview with the author, Kisengo, 5 July 2009.

<sup>59</sup> Mande Kalenga (note 11).

<sup>60</sup> Kisengo produces high-grade coltan. Mixing with lower-grade coltan from elsewhere can lower the value of the mineral.



steady flow of resources and thereby a steady flow of income.<sup>61</sup> Soldiers offer protection to—or impose protection on—defined groups of economic operators, and are rewarded with a share of production or revenues. Furthermore, the soldiers provide security against external military threats, because these might threaten their income from the mining by reducing productivity or by looting.

Based on the patterns found in Kisengo and Kayebe, coercive governance seems to be the prevalent means of military exploitation of the coltan mines in northern Katanga. After a chaotic period in 2007, and despite some current competition between the locally posted units and other soldiers, mines or sections of mines are under control of a single military unit, generating a relatively stable environment for the extraction of resources and for related business. Within their separate areas of control, FARDC units have become part of an informal political and economic governance system that incorporates other state agencies and local authorities as long as they do not challenge the FARDC units' rent-seeking. However, while it generates relative stability, the persistence of such a parallel governance system prevents real economic reconstruction by depleting miners' incomes, minimizing formal revenue generation and keeping legal businesses and development actors out. For the non-integrated elements of the Kongolo Brigade and the Border Guard Brigade, the actual or potential benefits they can derive from controlling mining areas are a disincentive to accept full integration into new FARDC structures.

*The benefits from controlling mining areas are a disincentive to accept full integration into new FARDC structures*

## V. Conclusions: demilitarizing mines in northern Katanga

### **The importance of demilitarization**

Military control and exploitation of coltan mining and trade in northern Katanga cannot be allowed to continue. Demilitarization of the mining sites is only one aspect of a broader demilitarization process needed in the DRC in order to reduce the size and influence of the military sector in the state and society, reassert democratic control and the rule of law, and reallocate military resources for other purposes.<sup>62</sup>

The Congolese Government and the military leadership are unlikely to put much real pressure on their own troops to relinquish their control of mining sites for fear of violent resistance or of creating a void that would be filled by non-state armed groups. The Congolese state turns a blind eye to rent-seeking by military units because it can exercise only limited command over them but relies on them for security. Revenues from local rent-seeking are also probably passed up the chain of military command, providing another disincentive for the military leadership to take firm action against the practice. Because there is relatively little violence in the mining areas of northern

<sup>61</sup> Garrett, Sergiou and Vlassenroot (note 8).

<sup>62</sup> On demilitarization in an African context see e.g. Batchelor, P. and Kingma, K., 'Security and defence: concepts and discourse in Southern Africa', eds P. Batchelor and K. Kingma, *Demilitarization and Peacebuilding in Southern Africa*, vol. 1, *Concepts and Processes* (Ashgate: Aldershot, 2004), p. 4; and Adejumbi, S., 'Demilitarization and the search for democratic stability in Nigeria', Nigeria, 1999, <<http://unpan1.un.org/intradoc/groups/public/documents/cafrad/unpan009003.pdf>>.



Katanga compared with other parts of the DRC, there is no international pressure to dislodge military units from the mines there.

The presence of non-military security services and other civil state agencies is increasing in the major mining and trading centres like Kisengo. These do not replace or challenge military control but coexist with it and thus place an extra burden on the local economy.

The presence of civil society, development actors and legal businesses that could help to defend miners' rights against the soldiers is still limited. The little presence that there is could have a positive impact on the local populations' physical security if military authorities started acting on reports of abuses by soldiers. While this has not happened so far, local commanders do fear possible repercussions from negative reports about their behaviour to military authorities and MONUC. As an illustration, the author's visit to Kisengo prompted a non-permanently stationed captain named Alexis to release a prisoner he had arrested earlier that day after the man in question had tried to stop his soldiers from harassing miners. It is likely, however, that the most abusive and mobile soldiers would relocate their activities to more remote mining sites as a result of increased public scrutiny elsewhere.

### **Recommendations**

Although the Congolese Government is unlikely to attempt complete and immediate demilitarization—which would, of course, be preferable—opportunities exist to gradually reduce the military exploitation of mining communities, particularly in its more destructive and predatory forms. Some of these would require support from the international community.

One important step to encourage the demilitarization of mining sites would be for military authorities to start condemning and punishing abuse and rewarding moderation. This first of all implies that the Structure militaire d'intégration (SMI, Military Integration Structure), the national body responsible for *brassage*, should end the practice of trying to induce officers to stop abusing their power by giving them senior positions. This practice only encourages similar behaviour among other officers still deployed in the field. Instead, the military justice system should be more vigilant in tracking down and bringing to justice officers under whose command serious human rights abuses are committed against local people. MONUC forces could support field missions conducted by the military justice system for this purpose. In addition, the recommendation made by UN experts to create 'a national tribunal to prosecute the abuse of military and police powers in connection with the illicit exploitation of natural resources' deserves serious consideration by the Congolese Government.<sup>63</sup>

#### ***Military authorities should start condemning and punishing abuse and rewarding moderation***

Second, in the process of demilitarizing mining areas, military authorities should distinguish between soldiers who merely visit the mines for the purposes of plunder and those soldiers permanently based at mining sites who perform (albeit minimal, coercive) governance functions. The latter can cut off the former from sources of revenue, which may convince them to inte-

<sup>63</sup> United Nations, Final report of the Group of Experts on the Democratic Republic of the Congo, S/2009/603, 23 Nov. 2009, p. 89.





grate or to remain at their bases. In turn, the possibility should be explored of transforming (in addition to replacing) those FARDC units that illegally control mining sites but have a decent track record on human rights into *police des mines* (mining police). This is a special branch of police set up to provide security around mines at the request of local civil authorities.<sup>64</sup> Such efforts could be financed through the newly proposed \$20 million UN peace-building fund that, among other things, focuses on strengthening the military justice system and supporting the ‘recycling’ of military forces into public service.<sup>65</sup>

Incomplete demilitarization should not discourage attempts to formalize and regularize the artisanal mining sector according to the 2002 Mining Code. The government’s stabilization plan for eastern DRC includes a section that provides for deploying mining authorities in militarized mining sites and at critical ‘choke points’. By mid-2009 little progress had been made in implementing this section of the plan because the necessary extra funding had not yet been provided to SAESSCAM; the authority that is supposed to intensify its presence on the ground.<sup>66</sup>

Besides the presence of mining authorities, development-oriented efforts are needed to enhance the miners’ capacity to organize themselves and improve their living and working conditions. To enable these efforts to begin, the government should turn the unofficially authorized mining zones into official AMZs. This should, if necessary, take precedence over any prior classification of the area. Once artisanal mining activities there become legal, development actors will be less reluctant to support them, for example by means of cooperative development, microfinance and saving schemes. While industrial-scale production will remain difficult in many remote mining sites in eastern DRC, mining enterprises could support artisanal mining, for example by carrying out *découverte* (surface stripping). This provides easier access to minerals and reduces the need to construct dangerous tunnels. In return, companies could be allowed to purchase the extracted minerals. Such arrangements have proved successful in developing AMZs in southern Katanga.<sup>67</sup>

***Incomplete demilitarization should not discourage attempts to formalize and regularize the artisanal mining sector***

MONUC recently launched efforts in Nord- and Sud-Kivu to establish protected *centres de négoce* where traders can operate without military interference and mining and other state officials can inspect shipments, verify the origin of minerals and levy legal taxes. This initiative should be extended to include the main militarized mines—not only *centres de négoce*—in eastern DRC, including those in northern Katanga. This would require substantial donor support.

Army reform and the formalization of artisanal mining are complementary and mutually reinforcing processes in the DRC. Increased discipline among the military elements, and by extension police elements, that control mining

<sup>64</sup> ‘Note circulaire no. 2631 sur les mesures d’encadrement des activités minières pendant cette période de crise financière internationale’ [Circular note on the measures of supervision of mining activities during this period of international financial crisis], Lubumbashi, 26 Nov. 2008.

<sup>65</sup> UN Peacebuilding Fund, ‘Priority plan for the Democratic Republic of Congo (DRC)’, undated, <<http://www.unpbf.org/docs/DRC-Priority-Plan.pdf>>.

<sup>66</sup> Kwimi N’sel, G., Administrative and financial coordinator, SAESSCAM, Interview with the author, Kinshasa, 24 June 2009.

<sup>67</sup> De Koning (note 3).



sites would allow authorized and legal state, private and civil society actors to become involved at the production level. These civil actors, in turn, would increase public scrutiny of the security services and could put pressure the legislature to follow up cases of abuse. However, such a twofold strategy for demilitarization will only work if the Congolese Government starts to hold its own military to account—which looks a long way off in much of eastern DRC.

## Abbreviations

|          |  |
|----------|--|
| AMZ      | Artisanal mining zone  |
| ANR      | Agence nationale de renseignements, National Intelligence Agency   |
| CEEC     | Centre d'évaluation, d'expertise et de certification des substances minérales précieuses et semi-précieuses, Centre for Evaluation, Expertise and Certification of precious and semi-precious mineral substances |
| DGM      | Direction générale de migration, Directorate General for Migration   |
| DRC      | Democratic Republic of the Congo   |
| FARDC    | Forces armées de la République Démocratique du Congo, Armed Forces of the Democratic Republic of the Congo   |
| FDLR     | Forces démocratiques de libération du Rwanda, Democratic Forces for the Liberation of Rwanda   |
| MLC      | MLC, Mouvement de Libération du Congo, Movement for the Liberation of Congo  |
| MONUC    | United Nations Organization Mission in the Democratic Republic of the Congo  |
| PNDDR    | Programme national de désarmement, démobilisation et réinsertion, National programme for disarmament, demobilisation and reinsertion.  |
| RCD      | Rassemblement Congolais pour la Démocratie, Congolese Rally for Democracy  |
| SAESSCAM | Service d'assistance et d'encadrement du small scale mining, Small-scale Mining Assistance and Training Service  |
| SMI      | Structure militaire d'intégration, Military Integration Structure  |



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# DEMILITARIZING MINING AREAS IN THE DEMOCRATIC REPUBLIC OF THE CONGO: THE CASE OF NORTHERN KATANGA PROVINCE

RUBEN DE KONING

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