

2016

Assessing Equity in Artisanal Mines in the Democratic Republic of Congo

Maya Kale

Claremont McKenna College

Recommended Citation

Kale, Maya, "Assessing Equity in Artisanal Mines in the Democratic Republic of Congo" (2016). *CMC Senior Theses*. Paper 1434.
http://scholarship.claremont.edu/cmc_theses/1434

This Open Access Senior Thesis is brought to you by Scholarship@Claremont. It has been accepted for inclusion in this collection by an authorized administrator. For more information, please contact scholarship@cuc.claremont.edu.

Claremont McKenna College

**Assessing Equity in Artisanal Mines in the Democratic Republic of
Congo**

submitted to
Professor William Ascher
and
Dean Peter Uvin

by
Maya Kale

for
Senior Thesis
Spring
April 25, 2016

Acknowledgements

I would first and foremost like to thank my reader, professor, and mentor, William Ascher, for his guidance throughout this process. Thank you for teaching me the power of public policy, and its role in changing people's lives. I would also like to give a special shout out to his purple and green pens. I appreciate both the reasoning and encouragement your colorful ink had on the pages of this thesis.

I would also like to thank my family for putting up with me no matter how many miles away they may be. Mili, thank you for being my role model, without your direction I would not be where I am today. Mama and Baba, thank you for continuing to give me the best opportunities life has to offer, and to grant me an education I will cherish forever.

Finally, I would like to thank my friends. Senior theses would not be the same without all of your encouragement, smiles, and laughter. To the people that have led me to discover my passion in the continent of Africa, I thank you for inspiring me to research the Democratic Republic of Congo, and to hopefully embark on a journey there someday.

Abstract

As a result of the continued violence and poverty in the Democratic Republic of Congo (DRC), artisanal mining serves as an opportunity for livelihood construction for the population in the Eastern DRC. Though the dominant discourse of “conflict minerals” has deemed natural resources as the cause or consequence of violence in the Eastern DRC, minerals in fact only serve as a funding tool for various foreign and local armed groups in the region. This thesis consequently explores the ways in which artisanal miners can reap the benefits of the minerals they work tirelessly to extract, using and adapting policies from two relatively successful case studies, Tanzania and Sierra Leone. In addition, this thesis proposes distinct top-down and bottom-up approaches the DRC should adopt to combat its equity issues, and finds that bottom-up methods have been the most ignored, yet successful in avoiding conflict and favoring miners’ livelihoods.

Table of Contents

Chapter 1: The Democratic Republic of Congo and the Fight for Minerals	5
The Current State of the Democratic Republic of Congo	6
Minerals in the Democratic Republic of Congo.....	8
Chapter 2: Case Study Analysis	11
Tanzania’s Mineral Industry	13
Mining Initiatives in Tanzania	16
Sierra Leone’s Mineral Industry	25
Mining Initiatives in Sierra Leone	28
Tanzania and Sierra Leone: Frameworks for the Democratic Republic of Congo	39
Chapter 3: Addressing the Democratic Republic of Congo.....	43
Historical Context of the DRC’s Conflict:.....	43
The First “Great” War	44
The Second “Great” War	46
Contemporary Regional, National, and Local Tensions.....	47
The Democratic Republic of Congo’s Mineral Industry:	52
The Conditions of Artisanal Mines	55
Mining Initiatives in the Democratic Republic of Congo	60
National Efforts	60
Regional Efforts.....	66
Local Efforts	67
International Efforts.....	68
Chapter 4: Appreciating the Context and Projecting Potential Solutions	74
Applications	76
Tanzania.....	76
Sierra Leone.....	82
Further Reforms Specific to the Democratic Republic of Congo	87
Bottom Up Approaches: Community Reconciliation and Inclusion	87
Analyzing and Reforming Decentralization Policies	88
Integrating Foreign Groups	90

Collaborative Development	91
Concluding Thoughts	92
Bibliography	94

Chapter 1: The Democratic Republic of Congo and the Fight for Minerals

Conflict over natural resources has been plaguing the world for generations, and has been a part of perpetuating conflicts that cause countless wars and millions of deaths. In greater detail, these conflicts are often fueled by the raw material demands required for industrialization or the demand for resources in general. In addition, the demand for resources enables certain groups to become extremely wealthy and gain power. This is the case of the Democratic Republic of Congo (DRC), as well as neighboring countries in Sub-Saharan Africa such as Rwanda and Burundi, where armed rebel groups like the Democratic Forces for the Liberation of Rwanda (FDLR) go into resource rich areas and take over communities and mines, hiring miners without any regard to human rights, as well as taxing the trade of the minerals.¹ Rebel groups are continually fueled and funded by the minerals that come out of these mines, which also present extremely poor working conditions.

The fight for land and therefore minerals in the DRC, which will be the focus of this thesis, has been widely recognized since the 1990s- but fighting started long before- and has been only a part of the complex and intricate conflicts and humanitarian crises that have led to over five million deaths, the greatest number of lives taken since World War II.² With these rebel groups in place, local citizens, especially in the Eastern region

¹ Epstein, Marc J., and Kristi Yuthas. "Conflict minerals: Managing an emerging supply-chain problem." *Environmental Quality Management*. 2011. 1. http://onlinelibrary.wiley.com/doi/10.1002/tqem.20314/epdf?r3_referer=wol&tracking_action=preview_click&show_checkout=1&purchase_referrer=onlinelibrary.wiley.com&purchase_site_license=LICENSE_DENIED_NO_CUSTOMER

² "Measuring Mortality in the Democratic Republic of Congo." *International Rescue Committee*. 2007. http://www.rescue.org/sites/default/files/resource-file/IRC_DRCMortalityFacts.pdf

of the DRC, are unable to benefit from the access they have to natural resources, or the hard labor it takes to extract these resources. In fact, according to a young woman from the mining town of Nyabibwe, North Kivu, “Not everyone gets the benefit of being in the mine, the miners don’t get benefit, the ones that profit are the ones [who own] the holes.”³ Once the tragedy of marauding rebel groups is no longer a major problem for the DRC, and the country stabilizes, it is important to have an agenda in place that allows citizens in the Eastern region of the DRC to mine without exposure to coercion, and reap the benefits of the resources they have access to.

The Current State of the Democratic Republic of Congo

The situation in the Democratic Republic of Congo continues to be poor for the civilian population of the country, especially in the Eastern region. With over 70 million people in the country as of December 2014⁴, as well as the GDP being US\$484.5 as of 2013,⁵ it is not surprising that the people of the DRC are plagued by insecurity and live in extreme poverty. The DRC continues to rank in the bottom five countries for 2014 GDP per capita. Its poverty headcount ratio at national poverty lines states that 63.6 percent of the population is living in poverty by the criterion of receiving less than US\$1.25 per day.

⁶ In addition, its population has been growing at a constant three percent yearly from

³ “Resources and resourcefulness : gender, conflict, and artisanal mining communities in Eastern Democratic Republic of Congo.” *The World Bank*. 2015. 15. http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2015/04/24/090224b082e03858/1_0/Rendered/PDF/Resources0and00epublic0of0the0Congo.pdf

⁴ “Data. Congo, Dem. Rep.” *The World Bank*. 2015. <http://data.worldbank.org/country/congo-dem-rep>

⁵ Ibid.

⁶ Ibid.

1990-2013.⁷ According to the United Nations, more than 2.7 million people are internally displaced, with more than 490,000 refugees in the Eastern DRC alone, and around 430,000 refugees from the DRC in neighboring countries.⁸ High levels of violence continue, the state provides very little benefit for the bulk of DRC citizens, and the welfare of the displaced persons, refugees, and citizens is extremely low. During the 2008-2012 period, only 3.2 percent the GDP was devoted to public spending on healthcare, 2.5 percent on education, and 0.9 percent on military. Because of the country's instability, it is obvious that the economic security of citizens is extremely low. In fact, the income share held by the bottom 20 percent of the population is six percent as of 2013.⁹ That being said, much of the potential economic opportunity is hindered for miners because of the way rebel groups have controlled the mines in the Eastern Congo.¹⁰

According to an Overseas Development Institute Report, "Poverty is both the reason and consequence of people engaging in informal activities: they are driven to these activities because they are in need of resources, and yet many informal activities serve for subsistence only – forming a 'poverty trap'. The vast majority of the Congolese population is poor, and the poverty has many facets: low income, non-food needs, lack of access to health care, schooling and decent housing, etc."¹¹ Because of the poverty trap of

⁷ "World Development Indicators." *The World Bank*. 2016.
<http://databank.worldbank.org/data/reports.aspx?source=2&country=COD&series=&period=>

⁸ "2015 UNHCR country operations profile - Democratic Republic of Congo." *The UN Refugee Agency*. 2016. <http://www.unhcr.org/pages/49e45c366.html>

⁹ "World Development Indicators."

¹⁰ "Congo, Democratic Republic of the, Statistics." *UNICEF*. December 23, 2013.
http://www.unicef.org/infobycountry/drcongo_statistics.html

¹¹ Weijjs, Bart, Dorothea Hilhorst and Adriaan Ferf. "Livelihoods, basic services and social protection in the Democratic Republic of Congo." *Secure Livelihoods Research*

which many Congolese are a part, mineral exploitation becomes an option for many to earn an income and sustain a livelihood.

Minerals in the Democratic Republic of Congo

The predicament of low-income Congolese is further exacerbated by the turmoil currently reigning in the DRC. Some examples of Congolese rebel groups are the Mai-Mai Sheka, Front de defense du Congo (FDC), Lord's Resistance Army (LRA) and Union des Patriotes Congolais pour la Paix (UPCP/FPC). In addition to Congolese rebel groups, there are also Rwandan and Burundian guerrilla groups such as Democratic Forces for the Liberation of Rwanda (FDLR), M18, and M26.¹² The continual existence of outside rebel groups in the DRC will not allow the country to settle, therefore, until neighboring countries like Rwanda and Burundi start to stabilize, rebel groups' impacts will not diminish. However, as soon as Rwandan and Burundian rebel groups flee or are integrated into the DRC, there will be opportunity for the Congolese government to stabilize its own country and therefore the issue of conflict minerals can be addressed.

While it is noted that armed rebel groups have been able to earn a bulk of their revenues through the taxation and trade of these minerals, it is important to note that these minerals account for a total per capita value in the DRC of only US\$77.¹³ Therefore, the DRC should not be regarded as a "resource rich" country. Rather, the Eastern region's resources should benefit those people living in the region, in order to make the extraction of minerals a sustainable livelihood for at least some citizens of

Consortium. July 2012. 10. <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/7717.pdf>

¹² "Armed groups in Eastern DRC." *IRIN*. October 31, 2013.

<http://www.irinnews.org/report/99037/briefing-armed-groups-in-eastern-drc>

¹³ "Data." *The World Bank*. 2016.

Eastern DRC, rather than those of the whole country. In sum, the people in the Eastern region of the Democratic Republic of Congo could benefit from the minerals through targeted policies once the DRC stabilizes.

When describing the livelihoods of miners in the Eastern region, it is important to look at two different situations. The first, which is formal and large-scale industrial mining, is located mainly in Katanga, and occasionally occurs in the Eastern Kivu provinces as well. The second is known as artisanal mining, which is the focus of this thesis. This small-scale, largely unregulated artisanal mining is mostly located in the Kivu, Maniema, Province Oriental and Kasais areas,¹⁴ and is what scholars have deemed to be the source of tension and brutality from what is known to be “conflict minerals,” and what contributes to the ‘poverty trap.’

Conflict minerals¹⁵ are important not only because of the brutality and deaths that result, but also because they produce insecurity, and they force Congolese citizens to question the government’s legitimacy, justice, and accountability. They create a sense of mistrust with security forces, a high level of sexual violence on women and girls, and the exploitation of child labor. They also cause significant population displacement of families. Even though many organizations and governments condemn these human rights abuses and the tainted supply of minerals to the world, the demand for these minerals has not decreased. This thesis will assess government policy addressing artisanal mining

¹⁴ Weijs, Bart, Dorothea Hilhorst and Adriaan Ferf. “Livelihoods, basic services and social protection in the Democratic Republic of Congo.” 11.

¹⁵ Conflict minerals are those that are mined in conditions of armed conflict and human rights abuse.

under the condition of lower but not totally absence predatory behavior with respect to small-scale mining.

Chapter 2: Case Study Analysis

Artisanal mining issues are not limited to the Congo. Similar tragedies and reforms have been made in many places around the world, from Peru to Sri Lanka. In fact, two African countries that have parallels to the DRC but show promising reforms are Tanzania and Sierra Leone. Both these cases are beneficial to analyze in order to see poverty alleviation policies regarding mining; the Sierra Leone case also demonstrates successful mining reforms post-conflict. In Tanzania the Mwanza region is the strongest illustration of policies beneficial for poverty alleviation. The current system in the Mwanza region proves that “people working in mining or related services are less likely to be in poverty than people who are with other occupations.”¹⁶ The country’s central government, rather than local governments, manages Tanzania’s mining sector, and the central government has declared the mining sector is a priority area for national economic growth and poverty reduction today. Because of this, the government emphasizes “technological development, safety awareness, education, and information sharing.”¹⁷ Yet the government has much to work on in terms of attention to cultural norms in certain areas, populations with HIV/AIDS, and gender relations in mining communities. In addition, policies have been formulated that have not been implemented, and on-the-ground work has not been enforced properly. Still, Tanzania proves to be much more stable than the DRC and its mining economy has contributed around 3 percent of GDP

¹⁶ Fisher, Eleanor, Rosemarie Mwaipopo, Wilson Mutagwaba, David Nyange, and Gil Yaron. ““The ladder that sends us to wealth”: Artisanal mining and poverty reduction in Tanzania.” *Resources Policy*. 2009. 7.

<http://www.sciencedirect.com/science/article/pii/S0301420708000718>

¹⁷ Ibid.

annually.¹⁸ Although Tanzania has not gone through a conflict of the same magnitude as the DRC, it can be used as an important case study when analyzing ways in which the DRC can improve its own mining sector.

Sierra Leone has had a long history of conflict, from its colonization to today. Much of Sierra Leone's conflict is said to be caused by what is commonly known as "blood diamonds," or the connection between the diamond mining industry and violence, especially during the 1990s civil war. While the war, similar to the conflict of the DRC, was not wholly due to minerals, diamonds played a big role in funding rebel groups, particularly the Revolutionary United Front (RUF), which was backed by former Liberian President Charles Taylor. Structural problems like political and economic instability, corruption, and the remnants of a British-fuelled elite culture led to the rise of the RUF and the start of a ten-year brutal civil war.¹⁹ Yet as Sierra Leone has become somewhat more stable, promising initiatives have been proposed to promote more peaceful policies. The hope is that "diamonds could actually provide the impetus for post-war reconstruction."²⁰ In fact, within Sierra Leone, areas that had experienced higher levels of conflict have shown a greater likelihood for people of that community take part in community gatherings and join political groups. In some ways, this can account for the

¹⁸ "Tanzania." *African Economic Outlook*. 2013. 2.

<http://www.africaneconomicoutlook.org/fileadmin/uploads/aeo/2013/PDF/Tanzania.pdf>

¹⁹ Jang, Se Young. "The Causes of the Sierra Leone Civil War." *E-International Relations Students*. October 25, 2012. <http://www.e-ir.info/2012/10/25/the-causes-of-the-sierra-leone-civil-war-underlying-grievances-and-the-role-of-the-revolutionary-united-front/>

²⁰ Maconachie, Roy, and Tony Binns. "Beyond the resource curse? Diamond mining, development and post-conflict reconstruction in Sierra Leone." *Resources Policy*. 2007. 1. http://ac.els-cdn.com/S0301420707000347/1-s2.0-S0301420707000347-main.pdf?_tid=7584cbd0-9f74-11e5-b169-00000aacb35f&acdnat=1449776004_9de34ec716a2113d07c1a588143d5309

way Sierra Leone has been able to speed up its process of post-conflict reconstruction. Similar to Tanzania, mining districts in Sierra Leone are said to have higher local living standards than other areas. While Sierra Leone continues to work toward a conflict-free, sustainable diamond mining sector, the DRC can look toward government and NGO policies that provide insight on post-conflict reconstruction.

Tanzania's Mineral Industry

The mining industry in Tanzania covers various minerals, such as gold, silver, platinum, tanzanite, lead, copper, tin, zinc, petroleum, natural gas, coal, and other industrial rocks and minerals. Gold, diamonds, and gemstones, however, mostly fuel Tanzania's mining economy and export industry; in fact, Tanzania is Africa's fourth largest producer of gold.²¹ According to a 2009 CEEPA report, "Recent statistics show that the share of minerals in export GDP continues to rise, thus clearly manifesting the growing importance of minerals in the export revenues of Tanzania."²² The country produces roughly 40 tonnes of gold per year, 2890 tonnes of copper per year, 10 tonnes of silver per year, and 112670 carats of diamonds per year.²³ In 2011, Tanzania's mineral export was around 2.3 billion USD.²⁴ The mining sector is important to the government, and shown on the Tanzania Chamber of Minerals and Energy's website, which states that

²¹ Mungatana, Eric. "Accounting for Mineral Resources in Tanzania: Data Challenges and Implication for Resource Management Policy." *Center for Environment and Economic Policy in Africa*. March 2009. 4.

<http://www.ceepa.co.za/uploads/files/Discussion%20paper%20no%2043.pdf>

²² Ibid., 5.

²³ "Overview of mining sector." *Tanzania Chamber of Minerals and Energy*. 2015. <http://www.tcme.or.tz/mining-in-tanzania/industry-overview/>

²⁴ Kabwe, Zitto. "Tanzania's Mining Sector: Challenges and Prospects for the Future." *National Defence College*. 2008. 21. http://www.fes-tanzania.org/files/fes/pdf/YLTP%20RegConf%20Presentations/Tanzania%20Mining%20Sector%20-%20Challenges%20and%20prospects_Zitto%20Kabwe_edit.pdf

the operations of mining companies benefit the economy through revenue generation, job creation, the creation of new business opportunities in local communities, improved infrastructure, extensive corporate social investment programs, and the creation and support of international investor relationships.

All of these benefits, however, do not directly apply to non-industrial, smaller-scale mineral extraction, such as artisanal mining. Many of these mines are unregulated and operate illegally; therefore they do not have the government or corporate overview that is necessary for larger-scale mining areas.

Artisanal mining is extremely prevalent in Tanzania, and it is estimated that around 10 percent of the country's gold comes from small-scale mining.²⁵ It is important to recognize that because small-scale mining is largely informal or unlicensed, it is probable that a larger percentage of Tanzania's gold and gold revenue comes from small-scale mining, though it is not recorded as such. In fact, a 2012 U.N report highlights that "ASGM [artisanal and small-scale gold mining] activities, taking place in many regions of the country, play a significant role both as a direct source of employment in mining communities and in generating additional jobs and revenues in the rural economy."²⁶ Because of both the rise in gold prices worldwide, and the lack of livelihood opportunity in Tanzania, many people living in rural areas are attracted to small-scale mining,

²⁵ "Toxic Toil: Child Labor and Mercury Exposure in Tanzania's Small Scale Gold Mines." *Human Rights Watch*. August 2013. 25.

https://www.hrw.org/sites/default/files/reports/tanzania0813_ForUpload_0.pdf

²⁶ "Analysis of formalization approaches in the artisanal and small-scale gold mining sector based on experiences in Ecuador, Mongolia, Peru, Tanzania and Uganda." *United Nations Environment Programme*. June 2012. 4.

http://www.unep.org/hazardoussubstances/Portals/9/Mercury/Documents/ASGM/Formalization_ARM/Case%20Study%20Tanzania%20June%202012.pdf

increasing the reliance and amount of unregulated mining in the country.²⁷

Table 4: Contribution of the Mining Sector to GDP between 2002-2007⁵

	2002	2003	2004	2005	2006	2007
Contribution to GDP in millions (TShs)	220,000	288,200	357,368	457,431	576,363	742,932
Contribution to GDP based on 2001 prices (%)	1.9 (2.7)	2.1 (3.0)	2.3 (3.2)	2.4 (3.5)	2.6 (3.8)	2.7
Real growth of the mining sector based on 2001 prices (%)	16.9	17.1	16.0	16.1	15.6	10.7
Value exported minerals (US\$ million)	440.26	565.08	674.87	727.45	836.9	886.6

Source: JMT (2008a: 83) and JMT (2008b)

28

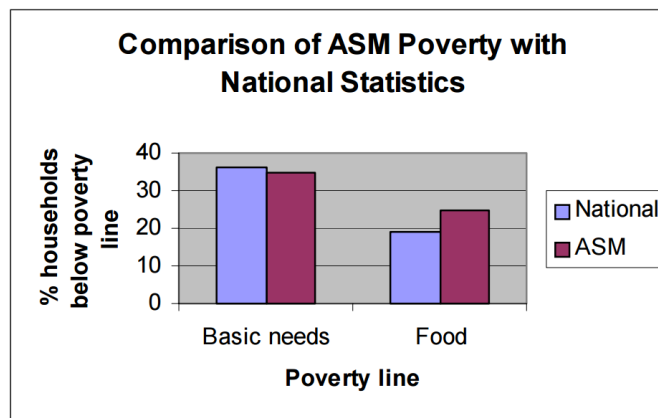
Still, artisanal mining has provided livelihood to many Tanzanians. The figure below indicates that poverty in areas with artisanal mines is consistently lower than other areas in Tanzania.

²⁷“Analysis of formalization approaches in the artisanal and small-scale gold mining sector based on experiences in Ecuador, Mongolia, Peru, Tanzania and Uganda.” 4.

²⁸ “The Extractive Resource Industry in Tanzania: Status and Challenges of the Mining Sector.” *Society for International Development*. 2009. 18.

http://www.sidint.net/sites/www.sidint.net/files/docs/extractive_resource_industry.pdf

Figure 6: Comparison of Poverty Levels in AS communities with National Statistics



In addition, gold mining has been prominent in granting consistent sources of income in relation to other sources like agriculture. “Mining has served as a source of wealth creation, investment and asset accumulation and is evident in terms of investment in businesses and services in mining villages and towns like Geita and Mwanza.”²⁹

Mining Initiatives in Tanzania

The legal status of artisanal mining has gone through multiple reforms since its inception in 1979. The 1979 Mining Act allowed artisanal mining permits in specified areas, but was extremely limited, due to the State Mining Company’s formal monopoly. In the 1980s, however, the government started pursuing the liberalization of the mining sector, and by the 1990s “the government developed a legal and policy framework for formally integrating small-scale mining into a national mineral development strategy, introducing the Tanzanian Mining Policy of 1997 and the Mining Act of 1998,

²⁹ “The Extractive Resource Industry in Tanzania: Status and Challenges of the Mining Sector.” 102.

components of a mining policy reform process that was supported by the World Bank.”³⁰

The policy enabled any Tanzanian to register their mines and sell minerals. In addition to that policy, the government liberalized currency controls, allowing “permission to exporters to use their export proceeds and [floating the currency in 1994].”³¹ Mining benefits increased because the proceeds received from foreign exchange allowed miners to buy tools which they had previously lacked.

A notable change in the mining sector during the 1990s was the boom in rural job creation and incomes; in fact, “the basic income in mining towns (reservation wage) was about six times what rural men could earn doing farm labour- and very few days of paid farm labour were available in the year.”³² Artisanal mining surged throughout the country, and by 1995 the mining sector had added 46 percent of middle-income jobs to the total salaried jobs in Tanzania.

While the 1997/98 policy aimed to be inclusive of both large and small scale mining, and did benefit the cash flow in previously poverty-ridden areas, the larger scale mining gained popularity in Tanzania as an economic strategy, and artisanal mining started to drop by 1999. This drop was mainly due to the implementation of a new mineral sector development program, that paved the way for foreign direct investment

³⁰“Analysis of formalization approaches in the artisanal and small-scale gold mining sector based on experiences in

Ecuador, Mongolia, Peru, Tanzania and Uganda.” 5.

³¹ Phillips, Lucie C. and Dr. Haji Semboja, G.P Shukla, Rogers Sezinga, Wilson Mutagwaba, and Ben Mchwampaka. “Tanzania’s Precious Mineral Boom: Issues in Mining and Marketing.” *Equity and Growth Through Economic Research.*” March 2001. 1. http://pdf.usaid.gov/pdf_docs/PNACL372.pdf

³² Phillips, Lucie C. and Dr. Haji Semboja, G.P Shukla, Rogers Sezinga, Wilson Mutagwaba, and Ben Mchwampaka. “Tanzania’s Precious Mineral Boom: Issues in Mining and Marketing.” 7.

and the privatization of the mining sector.³³ The Act did so by providing “many subsidies to foreign investors in the form of incentives include five-year tax holidays, 100% transferability of profits, 100% foreign ownership, exemptions from a wide range of taxes and from environmental impact assessments”;³⁴ in addition, the Tanzanian government started to act as a regulator as more and more foreign firms were present. Artisanal mining was evidently put on the backburner as a topic of interest to the government; thus the lack of legalization of most artisanal mines left people in poverty.

The apparent theft of Tanzania’s minerals by foreign investors resulted in a public uproar. Tanzania’s president finally ordered reviews of the mining sector starting in 2008, resulting in the Bomani Commission Report. The issue of artisanal miners became more prominent, and national poverty reduction papers started to address the livelihoods of small-scale miners soon after.

The most recent reforms in small-scale mining laws occurred in 2010, when President Jaya Kikwete launched a high-level review of all mining legislation and policies. The products of the 2010 review include four important reforms that have made Tanzania an important case study for the DRC. The first allocated land areas specifically for small-scale mining. This provision intends to “help reduce conflict between small-scale miners and larger companies, provide a more equitable playing field for accessing mining permits, and create a more stable foundation for local environmental planning and

³³ “The Extractive Resource Industry in Tanzania: Status and Challenges of the Mining Sector.” 25.

³⁴ “The Extractive Resource Industry in Tanzania: Status and Challenges of the Mining Sector.” 25.

livelihood planning.”³⁵ The second reform improved the formalization process of mines. This ensured that the government “decentralized the permitting process for Primary Mining Licenses intending to make the small-scale mining formalization process more efficient and more accessible to rural communities.”³⁶ The third reform initiated steps to develop microfinance services for the artisanal and small-scale mining sector, which would aim to increase financial empowerment for lower income and marginalized groups in Tanzania. The fourth and final reform that pertains to the artisanal and small-scale mining sector delivers capacity building in mines through outreach and training activities, environmental management, technology upgrade programs and regional regulatory implementation. Essentially, these reforms are “bottom-up” approaches to achieving sustainable results, rather than the government “top-down” approaches that are most often unsuccessful.³⁷

While Tanzania’s initiatives have revealed that the mining sector has had higher job creation, and added more cash flow into rural areas more than any other industry, they have not been completely successful. The relationship between large-scale and small-scale mining in Tanzania remains conflictual. Because many large-scale industrial mining companies have the capabilities to buy large amounts of land and exploit the minerals, small-scale miners have found it difficult to have adequate land for their mining endeavors. The government has been pushed to implement new policies, but these relationships take different forms in various districts. Partnerships between small-scale

³⁵“Analysis of formalization approaches in the artisanal and small-scale gold mining sector based on experiences in Ecuador, Mongolia, Peru, Tanzania and Uganda.” 5.

³⁶ “Analysis of formalization approaches in the artisanal and small-scale gold mining sector based on experiences in Ecuador, Mongolia, Peru, Tanzania and Uganda.” 6.

³⁷ Ibid., 7.

miners and larger industries are quite prevalent; however, according to the Bomani Commission Report in many cases “small miners have partnerships with big miners only during the exploration period and...agreements between the two parties are usually for exploring in the small miners sites only.”³⁸ The UN environment programme assessing the Bomani Commission Report states that

The Bomani Commission report notes that misunderstanding between small-scale and large-scale miners is common, necessitating clearer policy commitment to long-term opportunities for small-scale miners in the agreements and the development of policies for- and more active government involvement in- mediation.³⁹

The aforementioned 2010 Mining Law does include the designation of areas for mining to alleviate tension between the industries. However, these programs leave out more mediation between the industries; and the need to move from policy to implementation is crucial to improving the small-scale mining sector in Tanzania. Tanzania has room to improve, though it is important to recognize that the government’s policies have created jobs and income for rural areas.

An office of the Extractive Industries Transparency Initiative operates in Tanzania and puts out an annual report about the mining industry. The most recent (2014) report has compelling data showing an increase in both government revenue and mining companies revenue over the past year. Part of the reason why Tanzania can be viewed as

³⁸ Cited in “Analysis of formalization approaches in the artisanal and small-scale gold mining sector based on experiences in Ecuador, Mongolia, Peru, Tanzania and Uganda.” 15.

³⁹ Ibid.

a successful model is because of the commitment the government has had to initiatives in both small and large scale mining. Tanzania's institutional setup and changes in mineral policy has allowed mining to become a core component to the country's economy, and has recently created a space for artisanal miners emerge from poverty. A study on artisanal mining and poverty alleviation states that "with diminishing agricultural opportunities and increased rural poverty, coupled with the opening up of AS [artisanal] mining and mineral markets as legitimate activities, it is likely that AS mining will continue to be perceived as a viable and desirable economic opportunity into the future."⁴⁰ The idea that artisanal mining has become such a viable option has therefore influenced government's action. For example, the Ministry of Energy and Minerals

Has eight Zonal offices and twelve District or "Resident" offices spread across the country. The offices are located according to the level of activities in a particular region of the country. For example, the Lake Victoria Goldfields which is the most active mining area has two zonal offices and five district offices. All regions with active mining activities have organizations known as "Regional Miners' Associations" (REMA). REMAs are run by miners but were initiated by the

⁴⁰ Mwaipopo, Rosemary, Wilson Mutagwaba and David Nyange. "Increasing the Contribution of of Artisanal and Small-Scale Mining to Poverty Reduction in Tanzania." *Department of International Development*. October 2004. 28.
<http://eisourcebook.org/cms/Jan%202013/Tanzania,%20Increasing%20the%20Contribution%20of%20Artisanal%20and%20Small-Scale%20Mining%20to%20Poverty%20Reduction%20in%20Tanzania.pdf>

Government as a way of indirectly assisting regional mines offices in overseeing the smooth functioning of the sub-sector.⁴¹

Two examples within these zones are the Geita and Mererani mines. The Department, especially regarding the contentious relations between the larger scale corporations and artisanal miners, has prioritized these mines. The Geita Gold Mine has been fenced with high levels of security, and therefore incursions by illegal miners are not as apparent. Heavy policing allows for the mines to operate successfully, and Geita Gold Mine “has demonstrated excellence in community relations and development over and above the requirements of statutory regulations that will be sustainable throughout the life of the mine and beyond.”⁴² This harmonious relationship extends to the entire Geita region, as the mine then supports the District Council with a portion of fees, US\$ 137,614 since 2002.⁴³ Because of this, the District Council is able to run various development programs for the community (though this has not always been successful because many districts have large deficits).

Many of these policy reforms and governmental commitment have paved the way for artisanal mining to contribute to local communities positively, though it is important to note that Tanzania is not a perfect case. Issues of social exclusion, the inability to express voice, low access to government help, corruption, and governmental limitations continue to plague Tanzania.

⁴¹ Mwaipopo, Rosemary, Wilson Mutagwaba and David Nyange. “Increasing the Contribution of Artisanal and Small-Scale Mining to Poverty Reduction in Tanzania.” 28.

⁴² Lange, Siri. “Benefit streams from mining in Tanzania: Case studies from Geita and Mererani.” *Chr. Michelsen Institute*. 2006. 11.

<http://bora.cmi.no/dspace/bitstream/10202/80/1/Report%20R%202006-11.pdf>

⁴³ *Ibid.*, 19.

Many policy recommendations have been proposed to address these problems. The first of these recommendations revolves around the diversity and complexity of different artisanal mines, and that by addressing diversity, the government would be more in tune with miners, needs in different areas. The current mining laws of Tanzania do not address a definition of artisanal mining, which would also be helpful to include because some mining areas are excluded and not formally recognized by the government. A suggestion for this would be to “develop specific legal definitions and categories for ‘artisanal mining’ to make the mining legislation and regulatory framework more responsive to local priorities.”⁴⁴ Another recommendation is to make processes of licensing more inclusive of poorer mining communities, as it is currently a process directed at wealthier mines.

Whereas the PML [primary mining licenses] system has tended to be best suited for wealthier entrepreneurs, new policy adjustments and institutional innovation are needed to meet the needs and concerns of poorer mining communities, to make licences more accessible to artisanal miners, and to make regulation more effective.⁴⁵

In greater detail, it would be beneficial if more research were collected in different mining communities regarding access to licenses and the relationship with the district-licensing department. Having discussions with the miners themselves on organization dynamics, as well as discussions with large-scale mining companies on equitable land

⁴⁴ “Analysis of formalization approaches in the artisanal and small-scale gold mining sector based on experiences in Ecuador, Mongolia, Peru, Tanzania and Uganda.” 24.

⁴⁵ Ibid.

distribution. It is also important that services to miners are not limited only to those that operate on formal mines, rather that social services be available to all informal miners.

Continuing to develop microfinance programs and making them more strategic in supporting artisanal miners will also contribute to successful partnerships.⁴⁶ For example, recent successes in microfinance programs have revolved around village-level banks lending money to artisanal miners.⁴⁷ This, under the Global Mercury Project, resulted in various meetings with miners to come up with the best ways microfinance could actually help them. One suggestion was “that equipment loans (as opposed to monies) could be an effective way of ensuring that the finances dispensed are used to purchase the required technologies and not siphoned.”⁴⁸ Eventually, meetings were held in Dar es Salaam to share such findings, enabling the microfinance models to coincide with miners’ needs. These projects and meetings should continue to take place in order to truly affect miners’ livelihoods.

Currently, the environmental requirements for licensed artisanal mines are vague and hard to follow. The government should also make an effort to make environmental requirements clear and simple so that all artisanal mines will be able to follow them or make quick adjustments to follow them, enabling better safety and handling of minerals, as well as human rights practices.

It will also be important to improve miners’ livelihoods by granting additional services in education and training. This would allow hands-on training that is supported

⁴⁶ “Analysis of formalization approaches in the artisanal and small-scale gold mining sector based on experiences in Ecuador, Mongolia, Peru, Tanzania and Uganda.” 25.

⁴⁷ Hilson, Gavin, and Abigail Ackah-Baidoo. "Can microcredit services alleviate hardship in African small-scale mining communities?." *World development*. July 2011. 1195.

⁴⁸ Ibid.

by the government, allowing miners to gain knowledge of best practices as well as vocational education. In sum,

All parties need to take into account the complexity of local forms of organization, institutions, knowledge, social relationships and claim-making processes, and how these underpin the way that artisanal miners have successfully developed a niche to exploit mineral resources; this niche forms the basis from which artisanal miners respond to externally instigated change.⁴⁹

Thus, artisanal mining reforms need to take place with knowledge and careful examination, in order to create a system in which miners can earn livelihoods in safe, productive environments.

Sierra Leone's Mineral Industry

Sierra Leone's mining industry and economy parallels that of Tanzania in its share of mineral resources. The industry is made up of diamonds, gold, bauxite, rutile and iron ore. Sierra Leone's GDP per capita in 2013 was US\$ 679, and has been ranked as one of the poorest countries in the world for the past decade.⁵⁰ However, the mining industry has played a role in increasing the country's GDP over the past couple of years. In fact, in 2013, 93.4 percent of export revenues were attributed to the mineral sector,⁵¹ and "Sierra Leone was among the world's top 10 ranked producers of diamond and rutile

⁴⁹ Fisher, Eleanor. "Occupying the Margins: Labour Integration and Social Exclusion in Artisanal Mining in Tanzania." July 25, 2007. 756.

<http://onlinelibrary.wiley.com/doi/10.1111/j.1467-7660.2007.00431.x/full>

⁵⁰ "2016 Index of Economic Freedom: Sierra Leone." *The Heritage Foundation*. 2016. <http://www.heritage.org/index/country/sierraleone>

⁵¹ "2013 Minerals Yearbook: Sierra Leone." *US Geological Survey*. 2013. 36.1. <http://minerals.usgs.gov/minerals/pubs/country/2013/myb3-2013-sl.pdf>

[a source of titanium] by carat and tonnage, respectively.”⁵² In 2013 Sierra Leone produced 616 tons of bauxite, 98 tons of gold, 20,300 tons of iron ore, 152, 698 tons of titanium, 3,185 tons of zirconium, and 608,995 carats of diamond.⁵³ While the data show that production levels for bauxite and gold decreased in 2013, the amount of production for all other mineral commodities has been increasing. For example, diamond production in 2013 increased by 12.5 percent from the previous year, and iron ore production increased by 208 percent from the previous year. Both minerals have also been a catalyst to GDP growth; in fact, in 2012 the diamond export of 541,166ct was valued at an average of US\$163.2 million.⁵⁴ Export revenues have also been increasing in Sierra Leone. In 2013, export revenues totaled US\$1.92 billion, an increase of 70.9 percent from 2012.⁵⁵ This revenue increase was also due to the mineral sector. Compared to 2012, exports in 2013

Increased by 161% to 13.6 million metric tons (Mt) valued at \$1.06 billion.

Diamond exports, which were mainly gem quality diamond, increased by 13.6% to about 605,000 carats, and were valued at \$186 million; industrial-quality diamond exports increased by about 16% in terms of weight, but decreased by about 5.2% in terms of value. Exports of rutile and ilmenite increased by 76.2% to

⁵² “2013 Minerals Yearbook: Sierra Leone.” 36.1.

⁵³ *Ibid.*, 5.

⁵⁴ “A Mineral Renaissance.” *Komatsu Pan African Mining Journal*. June 2013. 7. <http://www.african-minerals.com/sites/default/files/attachments/pdf/Sierra%20Leone%20Supplement%202013%20copy.pdf>

⁵⁵ “2013 Minerals Yearbook: Sierra Leone.” 7.

149,535 metric tons (t) and 21.6% to 12,169 t, respectively; rutile exports were valued at \$129.6 million and ilmenite exports at \$2.92 million.⁵⁶

Sierra Leone's mining sector is not only important for the country's wealth but also for the livelihood of otherwise very low income people, as the sector is the second largest provider of jobs in the country, "providing employment to over 300,000 people."⁵⁷ Artisanal mining makes up a huge portion of the mineral industry in Sierra Leone, and has been prevalent for decades; in fact, before 1991, "mining was by far the most important foreign exchange earner for the country, accounting for some 80 per cent of export earnings and 20 per cent of GDP (NMJD, 2007)."⁵⁸ In addition, until around 2009, most of the kimberlite diamond mining was done in artisanal mines all over the country;⁵⁹ and accounting for nearly 90 percent of diamond export value.⁶⁰

It has been suggested that the simple mining techniques of artisanal mines allowed rebel groups and their unskilled workers to easily control and exploit mines in Sierra Leone, especially those with kimberlite mines: "Such 'opportunities' can be a determining factor of rebellion...Indeed, Keen...argues that 'greed' was a main cause of

⁵⁶ Ibid.

⁵⁷ "Sierra Leone Extractive Industries Transparency Initiative." *Moore Stephens LLP*. December 2013. 4.

<https://eiti.org/files/SLEITI%20Reconciliation%20Report%202011%20-%20Final.pdf>

⁵⁸ Maconachie, Roy. "Diamonds, governance and 'local' development in post-conflict Sierra Leone: Lessons for artisanal and small-scale mining in sub-Saharan Africa?" *Resources Policy*. June 2009. 3. http://ac.els-cdn.com/S0301420708000706/1-s2.0-S0301420708000706-main.pdf?_tid=950c75f0-d36f-11e5-825d-00000aacb35f&acdnat=1455491370_111a494615b0462872959e8e047b12bc

⁵⁹ "Sierra Leone Extractive Industries Transparency Initiative." 8.

⁶⁰ Kawamoto, Kazumi. "Insights from Diamond Extractive Industries in Sierra Leone Community Development Fund, Kimberley Process and Kimberlite Mining." *Center for Documentation of Refugees and Migrants*. September 2010. 10. <http://cdr.c.u-tokyo.ac.jp/Quarterly/Vol1.pdf#page=7>

the civil war, which means that the purpose of the civil war was to achieve economic gains rather than a political agenda...”⁶¹ Though the extent of which diamonds played a role in fuelling the war in Sierra Leone is highly contested, it was able to spark an international campaign on “conflict (or blood) diamonds” and catch the attention of various NGOs and civil society groups.⁶² The trade of “blood diamonds” and the multiplicity of other governance-related challenges in many informal small-scale mines encouraged the Sierra Leonean government put its effort towards the formalization of artisanal mines as well as making mines a space for post-war reconstruction and peace building. Roy Maconachie posits that, “Not only does the government regard the revival of the mining sector as one of the main sources of economic growth and poverty reduction...but as Maconachie and Binns...maintain, if diamond capital was reinvested into the local economy, it could also provide an impetus for post-conflict development and the restoration of rural livelihoods.”⁶³

Mining Initiatives in Sierra Leone

Because Sierra Leone’s artisanal and formal mining sectors are factors in post-war reconstruction, poverty alleviation, and economic growth, the country proves to be a strong case study for the DRC to learn from. However, there are still various differences between the two cases. For one, Sierra Leone’s artisanal mining sector has been legal in many forms since 1956, and legislation has theoretically been made to benefit both the government and smaller mining communities. Legalization was fully put in place in the

⁶¹ Kawamoto, Kazumi. “Insights from Diamond Extractive Industries in Sierra Leone Community Development Fund, Kimberley Process and Kimberlite Mining.” 10.

⁶² Maconachie, Roy. "Diamonds, governance and ‘local’ development in post-conflict Sierra Leone: Lessons for artisanal and small-scale mining in sub-Saharan Africa?" 2.

⁶³ Ibid., 4.

1996 Mines and Minerals Act, which relied upon colonial methods of forging relationships between land and mineral ownership. Though it was not perfect, the Act aimed to open the mineral sector to foreign investment in order to strengthen the national economy. In greater detail, the act returned tenured land rights to chiefs and revoked licensing rights from the National Diamond Mining Company (NDMC), a government-run mining company.⁶⁴

The next important reform that was made after 1996 was the well-known Kimberley Process Certification Scheme (KPCS). The KPCS is essentially a set of rules that oversees the trade of rough diamonds,⁶⁵ and puts forth specific minimum requirements that participants must follow.⁶⁶ In May 2000, sub-Saharan African diamond producing countries met in South Africa to discuss ways in which a coalition of countries could help stop the trade of illicit diamonds, as well as how to stop rebel groups –that attempt to destabilize the governments- from taxing the trade of diamonds. In December 2000, the U.N General Assembly implemented a resolution supporting some kind of certification scheme, and by November 2002, the KPCS was created and implemented roughly half a year later. Today, 54 participants that represent 81 countries and make up a total of 99.8 percent of diamond production worldwide are part of the Kimberley Process, from Brazil to Australia. In addition to governments, the European Union, the World

⁶⁴ Maconachie, Roy, and Gavin Hilson. “Safeguarding livelihoods or exacerbating poverty? Artisanal mining and formalization in West Africa.” *Natural Resources Forum*. 2011. 295. <http://onlinelibrary.wiley.com/doi/10.1111/j.1477-8947.2011.01407.x/epdf>

⁶⁵ Rough diamonds, according to the Merriam-Webster dictionary, are a “native crystalline carbon that is the hardest known mineral, that is usually nearly colorless, that when transparent and free from flaws is highly valued as a precious stone, and that is used industrially especially as an abrasive.”

⁶⁶ To see the list of requirements, see: <http://www.kimberleyprocess.com/node/1122>

Diamond Council, the African Diamonds Producers Association, the Civil Society Coalition, and the Diamond Development Initiative all offer insight on the effectiveness of the certification scheme as well as provide the secretariat, working groups, applicants, and participants administrative and technical expertise.⁶⁷

It is important to note that even before KPCS was implemented in Sierra Leone, the UN carried out a diamond certification scheme particular to Sierra Leone in October 2000, to trace the trade of diamonds and ensure they were not coming from rebel-held areas. Yet the KPCS continued the UN's presence in Sierra Leone as the "earlier scheme conforms with the KPCS and continues to be used in Sierra Leone to this day."⁶⁸ KPCS also places higher stakes on Sierra Leone, as it is competing with many other countries in exporting diamonds, and as long as these other countries are adhering to the KPCS, then Sierra Leone would risk losing some of its market if the country does not commit to being conflict-free.

On a positive note, the KPCS has indeed been a success story in Sierra Leone in that it has forced a large volume of illicit diamonds out of underground networks and into official channels. Referring to the table below, for example, it is apparent that since the introduction of the KPCS in Sierra Leone, diamond exports through the Government Gold and Diamond Office (GGDO) have increased significantly.

⁶⁷ "Kimberley Process Certification Scheme."

<http://www.kimberleyprocess.com/en/about>

⁶⁸ Maconachie, Roy. "Diamonds, governance and 'local' development in post-conflict Sierra Leone: Lessons for artisanal and small-scale mining in sub-Saharan Africa?" 74.

In particular, when diamond export figures from 1999 are compared with those from 2000, a significant increase can be detected.⁶⁹

Table 1

Diamond exports from Sierra Leone: 1998–2006 (GGDO).

Year	Carats	Value (US\$)	Duty, 3 percent (US\$)
1998	15,818.04	1,780,287.41	53,408.22
1999	9320.32	1,244,825.34	37,344.76
2000	77,372.39	10,066,920.81	302,007.62
2001	222,519.83	26,022,492.27	780,674.77
2002	341,859.23	41,732,130.29	1,251,964.71
2003	506,723.37	75,969,753.32	2,193,335.84
2004 ^a	499,242.43 (A)	89,618,053.54	2,688,541.60
2004 ^a	58,030.54 (K)	11,172,434.79	335,173.04
2005	552,044 (A)	119,429,528	3,582,885.84
2005	116,665 (K)	22,510,716	675,321.48
2006 ^b	209,762 (A)	45,535,966	1,366,078.98
2006 ^b	30,631 (K)	6,984,425	209,532.75

Source: Strasser-King (2004, p. 9) and GGDO diamond export figures, 2001–2006.

(A) alluvial, (K) kimberlite.

^a Figures from January to September 2004.

^b Figures from January to June 2006.

Because of the rise in exports through official channels, the government has also been able to see an increase in export earnings, allowing much of this revenue to go towards post-conflict reconstruction, especially in mining areas ravaged by rebel groups.

The scheme, like many other initiatives in the country, has not been perfect. Issues with the relationship between national and chiefdom boundaries and diamond mining, the nature of artisanal mining and the difficulty with regulation, and the possibility that the KPCS is beneficial in theory but not in practice, have all been brought to light since its creation. In addition, the working conditions for artisanal miners in Sierra Leone have yet to be addressed as a policy issue.

⁶⁹ Ibid.

Sierra Leone's most recent reform in the mining sector since the KPCS has been the 2009 Mines and Minerals Act, which was ratified in early 2010. The 2009 reforms revolved around mining licensing procedures, particularly ways in which the requirements of licenses can be clarified as well as how the process can be sped up.⁷⁰ Other aspects of the act concern mineral sector transparency, environmental concerns, and international accountability.⁷¹ Still, the Act continues to exclude compelling reforms for artisanal miners, their livelihood demands, and welfare issues.

Many of the shortcomings of KPCS and the 2009 Mines and Minerals Act have been addressed by international donors, NGOs, and the government of Sierra Leone. One approach that has been launched in order to address the aforementioned issues is the Diamond Area Community Development Fund (DACDF), which in short attempts to give power over natural resource management to local actors such as chiefs, as it grants one quarter of the 3 percent diamond export tax to mining communities.^{72 73} However, the DACDF is frequently contested as questions have arisen about the decentralization of the use of funds and whether or not the program has exacerbated conflict.⁷⁴

DACDF grants communities a stake in their development, allows chiefs to help reduce harmful standards in mining communities, as well as promotes chiefs to use

⁷⁰ Maconachie, Roy, and Gavin Hilson. "Safeguarding livelihoods or exacerbating poverty? Artisanal mining and formalization in West Africa." 295.

⁷¹ "The Mines and Minerals Act, 2009." *Sierra Leone Government*. 2009.
<http://www.sierra-leone.org/Laws/2009-12.pdf>

⁷² Kawamoto, Kazumi. "Insights from Diamond Extractive Industries in Sierra Leone Community Development Fund, Kimberley Process and Kimberlite Mining." 13.

⁷³ Ibid.

⁷⁴ Ibid.

diamond revenues to develop their villages.⁷⁵ Some examples of the how the fund has been used are “for the rehabilitation and construction of roads, bridges, health centers, schools, prisons, guests houses and community grain stores.”⁷⁶ It has been proven that DACDF-benefitting areas have seen positive changes in opportunities for youth, employment, and coexistence between different youth groups.⁷⁷ In addition, in 2006, US\$3.5 million of diamond revenue has been returned to various diamondiferous areas.⁷⁸ While the DACDF has its constraints, without it, many communities would not have the opportunity to have any kind of post-conflict reconstruction, leaving infrastructure completely destroyed. Access to education and employment would be extremely low, and the potential of many going back to war would increase. Still, while the DACDF has seen many successes since its implementation, many constraints have made the program go awry.

One of the main criticisms of the DACDF has been whether or not there is some accountability on the use of funds by chiefs. The allocation of funds is based upon the number of mining licenses issued in a particular area and the area’s value of diamonds;

⁷⁵ “A Simplified Handbook on the Government of Sierra Leone’s New Operational Procedures and Guidelines For the Diamond Area Community Development Fund.” *World Bank Justice for the Poor*. 2009. 1. http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2009/12/24/000334955_20091224030102/Rendered/PDF/523990BRI0P1131oor0Simplified0DACDF.pdf

⁷⁶ Cited in Kawamoto, Kazumi. “Insights from Diamond Extractive Industries in Sierra Leone Community Development Fund, Kimberley Process and Kimberlite Mining.” 8.

⁷⁷ Kawamoto, Kazumi. “Insights from Diamond Extractive Industries in Sierra Leone Community Development Fund, Kimberley Process and Kimberlite Mining.” 8.

⁷⁸ Maconachie, Roy. “The Diamond Area Community Development Fund: micropolitics and community-led development in post-war Sierra Leone.” *High-value natural resources and post-conflict peacebuilding*. June 2012. 265.

http://environmentalpeacebuilding.org/assets/Documents/LibraryItem_000_Doc_102.pdf

the allocation of funds has nothing to do with whether the chief has plans to use the funds constructively the goals of the chief. Because of this, Sierra Leone has seen a number of chiefs misusing the money in ways that are not productive for development in their respective areas. After various reports revealed the misuse of funds, the DACDF Coalition (Ministry of Mineral Resources, Ministry of Local Government, NGOs, Anti-Corruption Commission, and Miners' Union) was created in order to set up an accountability system on fund usage. Since 2003, the transparency and accountability of funds has increased by substantially because of the Coalition's creation and projects.⁷⁹

Management Systems International reports that

Constant sensitization, reporting on mis-spending and refusal by central government to accept mismanagement of DACDF funds, has resulted in a remarkable turnaround in fiscal responsibility. Whereas fully sixty percent of the first tranche of DACDF funds disappeared, by the most recent tranche almost ninety percent of all funds were accounted for—including recovery of some of those funds missing initially (MSI 2004, 4).⁸⁰

Even with these new systems in place, however, the misuse of funds is still an issue in DACDF communities.

Other criticisms of the DACDF have revolved around lack of involvement of women and youth in the decision-making process, as well as the lack of operational procedures and guidelines for communities. Both of these issues have been addressed in

⁷⁹ Kawamoto, Kazumi. "Insights from Diamond Extractive Industries in Sierra Leone Community Development Fund, Kimberley Process and Kimberlite Mining." 14.

⁸⁰ Maconachie, Roy. "The Diamond Area Community Development Fund: micropolitics and community-led development in post-war Sierra Leone." *High-value natural resources and post-conflict peacebuilding*. June 2012. 266.

the form of the 2008 Operational Procedures and Guidelines. The paper outlines proposed criteria by requiring reports on proposals, implementation, and procurement of each project. In addition, it encourages participation from a variety of stakeholders by demanding at least five people in each community to sign and complete each report in addition to the chief.⁸¹

Though efforts to combat the problems have been made, hierarchical systems are deeply entrenched within the diamond mining communities, which engender conflicts, especially between chiefs and youths.⁸² Glyn Williams suggests that placing development projects in the hands of communities intensifies the power structures that have been in place in specific communities for years.⁸³⁸⁴

Sierra Leone has even more room to improve its mineral economy and reconstruction plans by developing the gold mining sector. “Blood diamonds” have been at the forefront of concerns in Sierra Leone; therefore issues with and benefits from gold mining have not been fully addressed in policy. Because the civil war kept so many youth preoccupied with fighting rather than being employed or in school -- especially those young men who fought in the war -- many youth and their children have little employment opportunity as Sierra Leone continues to rebuild.

⁸¹ Kawamoto, Kazumi. “Insights from Diamond Extractive Industries in Sierra Leone Community Development Fund, Kimberley Process and Kimberlite Mining.” 14.

⁸² Maconachie, Roy. “The Diamond Area Community Development Fund: micropolitics and community-led development in post-war Sierra Leone.” *High-value natural resources and post-conflict peacebuilding*. June 2012. 268.

⁸³ Williams, Glyn. “Evaluating participatory development: tyranny, power and (re)politicisation.” January 24, 2007. 16.

<http://www.tandfonline.com/doi/pdf/10.1080/0143659042000191438>

⁸⁴ Maconachie, Roy. “The Diamond Area Community Development Fund: micropolitics and community-led development in post-war Sierra Leone.” *High-value natural resources and post-conflict peacebuilding*. June 2012. 268.

Greater attention to the revival of gold mining is necessary, as it clearly will play a role in Sierra Leone's post-conflict reconstruction, poverty alleviation, and the economy.⁸⁵ A 2005 World Bank report indicated that before the onset of the war, around 50,000oz of gold was mined annually; more recently, however, only around one-tenth of that was being mined.⁸⁶⁸⁷ The government should attempt to formalize and support gold mining in order to provide jobs to rural populations, especially youth, ensuring that outbreaks of conflict do not continue to lure young people.⁸⁸⁸⁹

Recent geological surveys have shown that there is an abundance of gold that could continue to be extracted in Sierra Leone, and while these surveys have seen an influx of mining licenses to larger companies, the government has not addressed them in a way that could be beneficial to indigenous artisanal mining groups.⁹⁰ In addition, the gold mining sector, is unique because it is extremely organized and it encounters little resistance and obstruction from foreign mining companies. Because the gold in Sierra Leone can only be extracted using artisanal methods, large-scale mechanized companies that specialize in extracting from deep reserves have no place in the gold mines. Thus,

⁸⁵ Maconachie, Roy and Gavin Hilson. "Artisanal Gold Mining: A New Frontier in Post-Conflict Sierra Leone?" *Development Studies*. April 20, 2011. 616.
<http://www.tandfonline.com/doi/pdf/10.1080/00220381003599402>

⁸⁶ Ibid., 611.

⁸⁷ Bauxite and gold exports decreased by 37.4% to 447,849 t and by 31.6% to 96 kilograms, respectively; bauxite exports were valued at \$13.82 million and gold exports at \$3.68 million. "2013 Minerals Yearbook." *US Geological Survey*. 2013. 36.1.

⁸⁸ Maconachie, Roy and Gavin Hilson. "Artisanal Gold Mining: A New Frontier in Post-Conflict Sierra Leone?" 616.

⁸⁹ Ibid., 611.

⁹⁰ Ibid., 597.

smaller-scale artisanal miners could profit from gold mining as the benefits go directly to them rather than foreign investors.⁹¹

While much of this holds true to Sierra Leone, foreign resistance still exists. Gold mining has been portrayed poorly in terms of western standards of child labor, leaving the government wary of pursuing support towards the sector-- as well as the possibility of having the international community condemn Sierra Leone for such a decision. Because many young children-- like Aminatta-- work lightly in the mines, and because the International Labor Organization⁹² has deemed mines as having among the worst working conditions in the world (for both adults and children), gold mining initiatives are condemned by human rights and labor organizations that picture children working long hours in gruesome conditions. However, studies done on the ground in gold mining communities in Sierra Leone show that youth are by no means doing the most onerous work. Roy Maconachie and Gavin Hilson's 2015 report, based on these interviews, display that youth participation in gold mining as extremely beneficial for communities and especially for youth education- dismantling the idea that there are tradeoffs between work and school:

Child labor in ASM should not be interpreted as an unwillingness to attend school. It is rather a testament to the resilience of the country's rural populations,

⁹¹ Maconachie, Roy and Gavin Hilson. "Artisanal Gold Mining: A New Frontier in Post-Conflict Sierra Leone?" 616.

⁹² "World Report on Child Labor." *International Labor Organization*. 2013. 1.

and a sign of how far many young boys and girls are willing to go in order to improve their quality of life.⁹³

The surveys of youth's experience in the Kono district show that gold mining also proves to be a more stable option:

As a 13-year-old gold miner “Aminatta Turay” put it in an interview: The diamond work that my uncle does is not always good. There are days when he goes to bed without feeding. But with gold, there is small money coming in every day. And unlike diamond mining, gold pays for day-to-day expenses. With gold you always find your daily bread. [Interview, July 2011]⁹⁴

In addition, criticisms of diamond mining and efforts like KPCS and the EITI rest upon the idea that these “‘soft’ laws and policies that are voluntary, self-enforced, self-monitored and not legally binding... are incapable of changing these dynamics on their own,”⁹⁵ especially when the diamond mining economy is heavily export-driven and firmly controlled by foreign investors or elite. However, because the government has not looked at reviving the gold mining economy as a viable option, it has not been pursued-- and this mindset change is one of the biggest hurdles to gold mining.

⁹³ Maconachie, Roy and Gavin Hilson. “Re-Thinking the Child Labor ‘Problem’ in Rural Sub-Saharan Africa: The Case of Sierra Leone’s Half Shovels.” *World Development*. February 2016. 140. http://ac.els-cdn.com/S0305750X1500234X/1-s2.0-S0305750X1500234X-main.pdf?_tid=5fec3156-e0d2-11e5-adaa-00000aacb361&acdnat=1456963166_d6c4c4f009d4e01184e73c4025e4b3d5

⁹⁴ Maconachie, Roy and Gavin Hilson. “Re-Thinking the Child Labor ‘Problem’ in Rural Sub-Saharan Africa: The Case of Sierra Leone’s Half Shovels.” 143.

⁹⁵ Maconachie, Roy and Gavin Hilson. “Artisanal Gold Mining: A New Frontier in Post-Conflict Sierra Leone?” 600.

Tanzania and Sierra Leone: Frameworks for the Democratic Republic of Congo

Sierra Leone and Tanzania are important cases for the DRC as both countries have worked at including mining in the growth of their economies, regardless of whether or not the growth comes as post-conflict reconstruction or poverty alleviation.

Since the formal end of Sierra Leone's civil war in 2002,⁹⁶ the country has attempted to help artisanal miners be a part of post-conflict reconstruction, both physically and economically. However, not all efforts have been fully efficient, especially in the past few years. Because of the Ebola outbreak, many diamondiferous areas have had a lack of growth and therefore a slow cash flow. The civil war has left remnants of conflict in different areas in the country, slowing down the reconstruction process.⁹⁷ The government is also at fault due to its lack of attention to gold mining as a means of economic recovery. Options that have been pursued have in some ways failed, seen by the shortcomings of projects like the KPCS and DACDF. In fact, many scholars have noticed that the lack of attention the KPCS has given to the livelihood and working conditions of artisanal miners-- approximately one million of whom are not regulated by the KPCS in sub-Saharan Africa.⁹⁸ The KPCS also disregards questions regarding boundaries and accountability. Likewise, one of its solutions, the DACDF, also struggles with issues of accountability.

⁹⁶ Jan, Se Young. "The Causes of the Sierra Leone Civil War."

⁹⁷ "Diamond exports in Ebola-hit Sierra Leone plummet in 2015." *Agence France-Presse*. February 25, 2016. <http://www.rappler.com/business/industries/123676-sierra-leone-diamond-exports-2015>

⁹⁸ Maconachie, Roy. "Diamonds, governance and 'local' development in post-conflict Sierra Leone: Lessons for artisanal and small-scale mining in sub-Saharan Africa?" 75.

The DACDF has, however, seen successes, especially in its model in which communities are made stakeholders. Other successes have been apparent through the government acts that have granted artisanal miners access to the paperwork and mining rights documentation they need. The lack of control, exploitation, and misappropriation of mineral resources have all been crucial problems in Sierra Leone, and have been points of focus in reconstruction. This is evident through the 2000 National Peace and Reconciliation Act, which indicate that reforming the mineral economy is part of the peace process.⁹⁹ The government's commitments to changing the mineral economy to better serve miners and residents in artisanal communities are what have distinguished Sierra Leone's post-conflict reconstruction.

Though mining cannot be seen as an aspect of post-conflict reconstruction in Tanzania, it has proved to be an integral part of wealth creation and poverty alleviation. Similar to Sierra Leone, the success of Tanzania's artisanal mining economy has partially been due to the government's commitment. For example, the inclusion of zone offices that act as a middleman between the central government and the miners has allowed for oversight in areas that previously had no surveillance. In addition, the Bmani Commission Report emphasized the controversial relationship between small and large-scale miners, as well as the President's symbolic recognition of artisanal miners' livelihoods. The penultimate president, Jaya Kikwete, has also committed to mining reform through his comprehensive review of the mining industry. Through the Tanzania

⁹⁹Cubitt, Christine. "Sierra Leone's post-conflict reconstruction: a study of the challenges for building long term peace." 2010. 89.
https://bradscholars.brad.ac.uk/bitstream/handle/10454/4859/Cubitt_PhD_Thesis_FS.pdf?sequence=1

Mineral Audit Agency and the participation in the Extractive Industry Transparency Initiative, Kikwete was able to gain insight on different sectors of the mining economy to better inform the newest mineral policy;¹⁰⁰ since then, Tanzania has seen greater benefits and monitoring from all facets of its mining industry.

While improvement has been made, Tanzania's mineral sector- especially the small-scale industry- could still use a lot of work in order to truly reap the benefits of its resources. Efforts regarding intervention in dealing with the tensions of small and large-scale miners should be expanded, as currently they are merely mentioned in official documents but not solved. Microfinance systems need careful examination and strategic planning, as well as the addition of services in education and training. Environmental requirements have been extremely vague and hard to follow. Issues have also come up concerning the relationship between each district licensing office and the miners in that region; in other words, the disconnect between licensing offices and the central government has resulted in a lack of uniformity when dealing with the provision of licenses.

Tanzania and Sierra Leone have made significant efforts in their mining reforms, though both have room to improve. In fact, the two governments have had a common failure in ignoring the diversity in ethnicity and tribal affiliations when creating mining policy. At least in Sierra Leone, diversity is an important issue as it affects the ways in which mining opportunities are allocated. This will be extremely important to look at when assessing the artisanal mining industry in the DRC, as the areas that are mineral

¹⁰⁰ "Kikwete: There is More Transparency in Mineral Sector." *Tanzania Minerals Audit Agency*. March 18, 2016. <http://www.tmaa.go.tz/news/view/kikwete-there-is-more-transparency-in-minerals-sector>

rich hold a host of different ethnic and religious groups. The inclusion of new policy recommendations in the DRC should result in mining reforms that allow artisanal miners to reap the benefits of the resources they work hard to extract and sell. In addition, aspects of post-conflict reconstruction reforms from Sierra Leone, aligned with aspects of poverty alleviation from Tanzania, must fuse together in order to create practical policies for the DRC to follow. In order to create these policies, it is important to take a more detailed look into the history of mining and conflict in the DRC, and the impact of the past on the current state of artisanal mining.

Chapter 3: Addressing the Democratic Republic of Congo

Historical Context of the DRC's Conflict

While minerals have by no means been the root cause of the conflict in the DRC, they have played an important role in the funding of rebel groups around the country. Scholars like Séverine Autesserre criticize the discourse of conflict minerals, aiming to create a deeper understanding of the complexities of the Congolese conflict--one that hosts a myriad of factors in play. Regardless of the degree to which minerals have been a factor of conflict, artisanal miners have been working under armed groups that reap benefits from resources that do not belong to them. Since the Belgian invasion in the late 1800s, the DRC has been plagued with conflicts—the two Great Wars of Africa occurred that lay the foundation of the tensions in the Congo today, and minerals have played a role in fuelling both these conflicts and their aftermath. In fact, with the introduction of the Great Wars, primary economic systems in the Congo like agriculture and small trade were replaced with mining, due to “active hostilities stretched into decades of insecurity, displacement, crop viruses, the threat of sexual violence, and constant danger of looting and predation.”¹⁰¹ Mining thus emerged, giving opportunities for armed groups to control, as well as opportunities for vulnerable populations to find economic opportunity, eventually leading to a problematic social, economic, and political landscape.¹⁰²

Yet because conflict minerals are only part of the perpetuation of war in the Congo, ending the illegal trafficking of resources is not the simple fix to save the Congo. Instead, by looking at the history of war in the Congo, it is easier to understand the

¹⁰¹ “Resources and resourcefulness : gender, conflict, and artisanal mining communities in Eastern Democratic Republic of Congo.” 5.

¹⁰² Ibid.

dynamics of the Eastern region and how local artisanal miners will be able to reap the benefits of the minerals they work tirelessly to extract, rather than deeming minerals as the leading solution to the Congolese conflict, as it is prevalent in how many factors are at play.¹⁰³

The First “Great” War

In order to understand Congo’s First ‘Great’ War circa 1996-1998, it is important to briefly analyze what was happening in Rwanda at the time. Simply put, the 1994 Rwandan genocide between the Hutus and Tutsis sparked the conflict in the Congo. The genocide in Rwanda was led by Hutu power groups like the Interhamwe (or Federation for the Liberation of Rwanda [FDLR]) and the Impuzamugambi-- these groups caused the mass killings of Tutsis, who eventually responded by forming a coalition known as the Rwandan Patriotic Front (RPF). The RPF, backed by Uganda,¹⁰⁴ gained power and overthrew the Hutu government, causing millions of Hutu refugees (7 percent of whom were perpetrators of the genocide)¹⁰⁵ to flee to neighboring DRC.¹⁰⁶ Soon, Hutu-dominated refugee areas in North and South Kivu formed a breeding ground for power, enabled by President Mobutu Sese Seko, who was closely tied to the instigators of the Rwandan genocide. This led to Rwandan Hutu groups’ terrorization of local populations,

¹⁰³ To read more about the conflict in the DRC, read “Dancing in the Glory of Monsters,” by Jason Stearns.

¹⁰⁴ Williams, Christopher. “Explaining the Great War in Africa: How Conflict in the Congo Became an Continental Crisis.” *The Fletcher Forum of World Affairs*. Summer 2013. 86. <http://www.fletcherforum.org/wp-content/uploads/2013/05/Williams-37-2.pdf>

¹⁰⁵ “History of the Conflict.” *Eastern Congo Initiative*.
<http://www.easterncongo.org/about-drc/history-of-the-conflict>.

¹⁰⁶ As Séverine Autesserre states in “Trouble with Congo: How Local Disputes Fuel Regional Conflict.” *Foreign Affairs*. May/June 2008., Over 85,000 Rwandans were sent to the DRC in the early part of the twentieth century, both Hutu and Tutsi, even before the 1994 issues.

especially Congolese Tutsis, as well as threats to the ruling RPF in Rwanda. In addition, local Congolese Mai Mai groups forged a relationship with the Hutu rebels against the Congolese Tutsis. The Hutu rebels in the Congo even posed a security threat to Rwanda as they continued to raid the country across the border. And even before the Hutu's emergence, "[m]icro-level rivalries over land, resources, and traditional or administrative power' had 'produced cleavages both at the local and at the national level.'"¹⁰⁷ In fact, President Mobutu pocketed revenues from state-owned mining companies, illegitimately gaining wealth and ignoring state institutions.

As the situation became worse, the eastern Congolese Banyamulenge (Tutsi), backed by the training and support from Rwanda, led an uprising to oust the Rwandans out of the Congo in October 1996—the start of the First Congo War. Rwandan and Ugandan armies responded by invading the Congo, and came together as the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL), led by Laurent-Désiré Kabila. In May 1997, the AFDL controlled the Eastern Congo, spread west and took over Kinshasa, and overthrew Mobutu's government. By September, Kabila was named President, and the country became officially known as the Democratic Republic of Congo.¹⁰⁸

Soon enough, Rwanda and Uganda became increasingly frustrated with Kabila's rule. Kabila was thought of as incapable of creating sound economic policy, a national

¹⁰⁷ Williams, Christopher. "Explaining the Great War in Africa: How Conflict in the Congo Became an Continental Crisis." 87.

¹⁰⁸ Zapata, Mollie. "Congo: The First and Second Wars, 1996-2003." *Enough Project*. November 29, 2011. <http://www.enoughproject.org/blogs/congo-first-and-second-wars-1996-2003>

consensus, and preventing extremist groups from attacking neighboring countries.¹⁰⁹ His lack of political backing exemplified even more his incompetence; thus, Kabila backed off from his relations with Rwanda and the Congolese Tutsis and instead pursued his own power base. This was made through alliance with Sudan (offsetting prior issues between Uganda and Sudan) and the Interhamwe militiamen he previously defeated.¹¹⁰ By late July 1998, Kabila issued a statement requesting all Rwandan forces to exit the Congo. The decision saw the subsequent coalition of Rwanda, Uganda, and the DRC's 10th Brigade, the strongest branch of the army, all against President Kabila.

The Second “Great” War

War had started again, and eventually included a host of countries (Burundi, Angola, Zimbabwe, Namibia, Sudan, Chad, Rwanda, Uganda) and rebel groups.¹¹¹ Military agreements and alliances were made by deals struck over the scramble of the DRC's resources, especially with Angola, Zimbabwe and Namibia.¹¹² Corruption plagued the deals, as state-owned mining company rights were privatized and given to Kabila's allies. These arrangements were part of “a long line of deals involving the DRC's natural resources to benefit a small, elite minority at the expense of the general population,”¹¹³ paving the way for a cycle of mineral exploitation. The war also saw the

¹⁰⁹ Cited as International Crisis Group in Williams, Christopher. “Explaining the Great War in Africa: How Conflict in the Congo Became an Continental Crisis.” 37.

¹¹⁰ Williams, Christopher. “Explaining the Great War in Africa: How Conflict in the Congo Became an Continental Crisis.” 96.

¹¹¹ Zapata, Mollie. “Congo: The First and Second Wars, 1996-2003.”

¹¹² “Making a Killing: The Diamond Trade in Government Controlled DRC.” *Amnesty International*. 22 October 2002. 4.

<https://www.amnesty.org/en/documents/afr62/017/2002/en/>

¹¹³ “Making a Killing: The Diamond Trade in Government Controlled DRC.” 4.

onset of a popular strategy, one that involved countries using rebel groups to destabilize competing states, whose remnants have been crucial in understanding the conflict today.

In July 1999, the Lusaka Peace Accord was signed and 5,000 U.N peacekeepers were sent to monitor the DRC. In January 2001, Kabila was killed and his son Joseph took over, starting a peace process that officially ended in 2003, when Rwandan and Ugandan forces left the DRC and a new transitional constitution was signed. It is estimated that since the onset of the war in the late 1990s, around four to five million people have died.¹¹⁴ Even after the official end to the war on June 30, 2003, the peace process culminating in a democratic presidential vote in 2006 saw the deaths of thousands of people every day. Yet the 2006 elections created a grim end for the Congolese Rally for Democracy, an armed group from Rwanda that had previously controlled almost a third of the DRC. The group ended up securing only a few seats in the government, causing the creation of a rebellion known as the National Congress for the Defense of the People (CNDP). Eventually, this group was co-opted by the Congolese government into the Congolese national army in 2009—a quick fix, or “superficial integration of rival forces while doing little to diminish Rwandan ambitions in Congo to render the Congolese state more accountable and efficient.”¹¹⁵

Contemporary Regional, National, and Local Tensions

The ongoing conflict was, and continues to be, due to regional, national, and local conflicts. Regional conflict was fuelled by the aforementioned tactic of countries using

¹¹⁴ Englebert, Pierre. “The Democratic Republic of Congo: Fault Lines and Local Fissures.” *On the fault line: managing tensions and divisions within societies.* 2012. 34. <https://pierreenglebert.files.wordpress.com/2013/12/fault-lines-englebert.pdf>

¹¹⁵ Stearns, Jason K. “Helping Congo Help Itself.” *Foreign Affairs.* 2013. 102. <file:///C:/Users/mkale16/Downloads/92ForeignAff99.pdf>

rebel groups as proxies in warfare. For example, in 2005, the UN condemned Rwanda and Uganda for supporting the rebel groups that perpetuated violence in the DRC, particularly in areas like North Kivu and Northern Katanga. Séverine Autesserre outlines three reasons the Rwandans were so keen on keeping their presence in the DRC at this time. “First, the threat posed by the continued presence of Rwandan Hutu militias; second, the problem of ethnic hatred against Congolese Rwandophones; and third, the appeal of the Kivus’ mineral resources.”¹¹⁶ Most of the regional militias were affiliated with the FDLR, the Rwandophones,¹¹⁷ the indigenous Congolese (Mai-Mai), or the Democratic Rally for Democracy.¹¹⁸ Rwanda and Uganda lacked of mining opportunities in their countries; therefore they had economic incentives to staying in the Eastern Congo, as the Kivus hold a fair amount of resources. Thus, Rwanda ended up backing armed groups that were responsible for violence in the eastern Congo, allowing rebel groups to profit from the exploitation of minerals, as farming was no longer an option. Their exploitation displaced Congolese families; in fact, as of 2014, around 2.7 million were internally displaced.¹¹⁹ A medical provider from the town of Mulamba described the situation as such:

¹¹⁶ Autesserre. Séverine. “D.R Congo: Explaining Peace Building Failures, 2003-2006.” *Review of African Political Economy*. October 22, 2007. 426.

<http://www.tandfonline.com/doi/pdf/10.1080/03056240701672510>

¹¹⁷ ‘Rwandophone’ means a Kinyarwanda-speaking person. In the Congolese context, the term is used to refer to Congolese of Rwandan ancestry (both Hutus and Tutsis).

Although many of them descend from families who arrived in the Congo before or during the colonization period, or shortly after independence (1960), their Congolese citizenship has been hotly contested for the past fifty years. From: Autesserre. Séverine. “D.R Congo: Explaining Peace Building Failures, 2003-2006.”426.

¹¹⁸ A rebel group that controlled the Eastern Congo during the second Congolese war.

¹¹⁹ “2015 UNHCR country operations profile - Democratic Republic of Congo.”

These men [the Hutu militia] exploited our land and exploited our people, and used our labor to feed themselves. This created a domino effect as people decided to flee one militarized place to go to another. Now, the people that took flight left their homeland. This meant they had no land of their own anymore and nothing to eat. The native population became the slaves of those in uniform. The men in uniform exploited the earth and used the local population to work. After exploiting the people like this, they forced out other people from other places, so soon no one had anywhere to farm.¹²⁰

Nationally, the Transitional Government granted the eight most powerful military and political groups during the beginning of the war equal share of the government. Rather than working together, these groups strived to gain more and more power, disintegrating the government into several factions rather than one unit. This lack of integration ended up manifesting itself in local consequences, where armed groups would start conflicts in order to prevent villagers from supporting other factions. In addition, continued hatred towards the Rwandophones were a way to form nationalist sentiments-- "This led to a vicious circle: existing ethnic tensions encouraged national politicians to use anti-Rwandophone rhetoric, which further stirred ethnic hatred, which was an important cause of local violence in the eastern Congo."¹²¹ On top of that, because the transition process was so slow, a lack of legitimate state authority in the eastern region left room for violence and crime to ensue. In particular, it eased the exploitation of

¹²⁰ "Resources and resourcefulness : gender, conflict, and artisanal mining communities in Eastern Democratic Republic of Congo." 11.

¹²¹ Autesserre. Séverine. "D.R Congo: Explaining Peace Building Failures, 2003-2006." 428.

resources on behalf of rebel groups as they were able to trade cassiterite, coltan, gold, diamonds, and palm nut without any surveillance. Control of the mines started to emerge as an important way for local and foreign armed groups to finance themselves, cause massive violence and rape in the local population, as well as resulting in the embezzlement of funds by officials.¹²²

While regional and national-level factors manifested themselves in local conflict, there are also local causes of conflict that led to armed groups' presence in artisanal mines. One in particular is the Mai Mai militias: local armed groups based on ethnicity that resides throughout the eastern Congo. Though the Mai Mai groups are officially recognized as one entity, they are instead distinct groups under various leaders with different agendas and fluid followers, depending on the issue for which they are fighting (social, economic, or political). Tension rose at the local level during and after the war, as traditional and new leaders fought for power; in fact, some areas became rebel-held during the transition, causing significant conflicts when traditional leaders came back to their communities. For example, in North Katanga, those families of local traditional authorities were banned from coming back to their towns as the Mai Mai soldiers who took over the region had gained power; however, the Mai Mai allowed ordinary citizens to come back.¹²³ Cases like this were common throughout areas in Katanga and North and South Kivu. In addition to clashes between traditional and new authority, there were also clashes between factions of new authority- especially that of the Rwandophone and Hunde populations in North Kivu, the Banyamulenge and Vira in South Kivu, and the

¹²² Autesserre. Séverine. "D.R Congo: Explaining Peace Building Failures, 2003-2006. 429.

¹²³ Ibid., 431.

Lunda and Balubakat in the Katanga region.¹²⁴ The lack of economic opportunity in such areas led to an increased participation in armed factions, as they were the most profitable option.¹²⁵ In addition, these local-level conflicts led to rebel groups acquiring vast amounts of mineral resources, which in turn provided the ability to buy arms and secure political power.

With all of these national and local-level conflicts continuing, the Eastern DRC has and continues to be a difficult place in which to survive. In fact, “there were more people internally displaced in 2010 than at the end of 2006,”¹²⁶ and in 2014 estimates of around 2.7 million people were internally displaced in the Eastern region alone.¹²⁷ Though a peace agreement was signed in 2008 between the government and armed groups¹²⁸, armed rebel groups such as the M23 (referring to the March 23, 2009 agreement), the Allied Democratic Forces (ADF), the Mai Mai militias, the Coalition of Congolese Patriotic Resistance (PARECO), the Congolese Army (FARDC) and the Lord’s Resistance Army (LRA), continue to have a presence in the Eastern region of the

¹²⁴ Englebert, Pierre. “The Democratic Republic of Congo: Fault Lines and Local Fissures.” 4.

¹²⁵ Autesserre, Séverine. “D.R Congo: Explaining Peace Building Failures, 2003-2006.” 431.

¹²⁶ Autesserre, Séverine. “Dangerous Tales: Dominant Narratives On the Congo and Their Unintended Consequences.” *African Affairs*. February 9, 2012. 2.
<http://afraf.oxfordjournals.org/content/early/2012/02/09/afraf.adr080.full.pdf+html>

¹²⁷ “Conflict Minerals in Eastern Congo.” *Global Witness*. March 2, 2015.
<https://www.globalwitness.org/en/campaigns/conflict-minerals/conflict-minerals-eastern-congo/>

¹²⁸ “Freedom in The World: Congo, Democratic Republic of (Kinshasa).” *Freedom House*. 2013. <https://freedomhouse.org/report/freedom-world/2013/congo-democratic-republic-kinshasa?gclid=CPL964rCxMsCFYeUfgodBKkL7A>

country. In addition, human rights violations are still seen constantly throughout the country, and the DRC is ranked 176th on the 2015 UN Human Development Index.¹²⁹

The Democratic Republic of Congo's Mineral Industry

To this day, armed groups take part in the mineral exploitation and trade. Mainly done through the taxation of mining and mining-related activities, several armed groups earn large profits off the resources in artisanal mines. “An ‘average’ estimate developed by the Enough Project (using statistics from RCS) suggested that Eastern DRC armed groups may have seen US\$185 million from the minerals trade in 2008. An AK-47, in comparison, may cost US\$30.”¹³⁰ A 2010 World Bank report indicated that around 90 percent of exported minerals from the DRC belonged to artisanal mines.¹³¹ In 2015, the International Peace Information Service (IPIS) published reports that revealed over half the artisanal gold mining sites IPIS visited were controlled by armed groups. Yet if the existence of armed groups continues, significant degradation of the social fabric of these areas will continue to encourage negative behaviors as rape and child labor, making it difficult for artisanal mining to benefit the DRC and its people.

Artisanal mining has been part of the DRC's history since the Belgian invasion. During the 1940s until Congo's independence in 1960, Belgian private companies were nearly completely in control of the mining sector, especially the industrial mining sector. By the 1990s, President Mobutu had liberalized the DRC's mining sector, and since

¹²⁹ “Human Development Reports: Congo (Democratic Republic of the).” *United Nations Development Programme*. 2015. <http://hdr.undp.org/en/countries/profiles/COD>

¹³⁰ “Conflict Minerals and the Democratic Republic of Congo.” *Business for Social Responsibility*. May 2010. 5.

http://www.bsr.org/reports/BSR_Conflict_Minerals_and_the_DRC.pdf

¹³¹ Weijs, Bart, Dorothea Hilhorst and Adriaan Ferf. “Livelihoods, basic services and social protection in the Democratic Republic of Congo.” 12.

industrial mining had been through continuous economic crises up until the 90s, artisanal mining surged as the dominant form of mineral exploitation.¹³² While the sector is still informal in many ways, it provides a source of livelihood to a large population, and is quite structured in some areas.¹³³

The DRC's mining economy contributes heavily towards both exports and government revenues. A report from the EITI published in 2014 stated that mining sector revenues increased from US\$954 million in 2011 to US\$1.09 billion in 2012,¹³⁴ which was over 11 percent of the GDP.¹³⁵ In 2012, the production of copper increased by roughly 25 percent, gold by 17 percent, niobium by ten percent, tin by 23 percent and tantalum by 17 percent; these minerals make up the artisanal mining economy. Total exports were around US\$9.47 billion in 2011. Much of this wealth is from artisanal mines, especially for output of diamonds, gold, niobium, tantalum, tin, tungsten, and cobalt. In fact, the World Bank found that in 2010, between 8 to 10 million people, or 14-16 percent of the population, relied directly or indirectly on artisanal mining for their livelihood.¹³⁶ More recently, reports have shown that gold mining is the most prevalent

¹³² "The formalisation of artisanal mining in the Democratic Republic of Congo and Rwanda." *International Peace Information Service*. December 2012. 9. <http://www.cifor.org/fileadmin/subsites/proformal/PDF/RIPIS1212.pdf>

¹³³ *Ibid.*, 11.

¹³⁴ "Executive Committee of the Extractive Industries Transparency Initiative: Reconciliation Report for the Year 2012." *Moore Stephens LLP*. December 2014. 21. <https://eiti.org/files/Reconciliation%20Report%20EITI%20DRC%202012%20%5BENG%20version%5D.pdf>

¹³⁵ "2012 Minerals Yearbook." *US Geological Survey*. 1. <http://minerals.usgs.gov/minerals/pubs/country/2012/myb3-2012-cg.pdf>

¹³⁶ Geenen, Sara, and Ben Radley. "In the face of reform: What future for ASM in the Eastern DRC?" *Futures*. October 2014. 1. http://ac.els-cdn.com/S001632871300164X/1-s2.0-S001632871300164X-main.pdf?_tid=5afdcfc8-ec7c-11e5-8d8d-00000aab0f02&acdnat=1458245635_2bfca7f89e2b5f487ab97c3c006db982

artisanal mining sub-sector in the Eastern DRC, employing over 130,000 people, which is roughly four times that of any other mineral in the region.¹³⁷ However, because the sector is still largely informal, it is hard to assess exact export and production levels.

One study estimated that “according to the Geological Service of the United States, gold miners operating in the Democratic Republic of Congo produce about 10,000 kilograms of gold per annum, while official figures for the period from January to October 2013, have only shown exports of 180.76 kg.”¹³⁸

The surge towards gold mining unfortunately comes with unintended consequences. Because gold is so prevalent in the Eastern DRC, armed groups have enormous opportunity to tax, trade, and mine gold. In addition, the gold mining sector is essentially unregulated, enabling armed groups to easily finance their actions.

In 2013 “98% of the gold mined in a traditional way has been exported illegally from the Democratic Republic of Congo. It is estimated that the value of smuggled gold is between USD 383 million and USD 409 million. Based on this, the loss in tax revenue to the State in 2013 is believed to stand between USD 7.7 million and USD 8.2 million.”¹³⁹

Thus, the importance of the formalization of artisanal mines is huge, as they have the potential to contribute to the economy and the livelihoods of miners living in poverty.

¹³⁷ Spittaels, Steven, and Filip Hilgert. “Analysis of the interactive map of artisanal mining areas in Eastern DR Congo.” *International Peace Information Service*. November 2013. 8. http://ipisresearch.be/wp-content/uploads/2013/11/20131113_Promines_analysis.pdf

¹³⁸ “Executive Committee of the Extractive Industries Transparency Initiative: Reconciliation Report for the Year 2012.” 33.

¹³⁹ “Executive Committee of the Extractive Industries Transparency Initiative: Reconciliation Report for the Year 2012.” 33.

A World Bank report judges the mining taxation system as reducing miners' profits. One miner states that

The miners are also impoverished, the *negociants* are the ones who are really in control, the miners work 24/7 but they don't get anything, they have to then pay for food, for rooms, materials, to patrons, then the miners don't get what they deserved in terms of work.¹⁴⁰

Miners also face a number of human rights abuses and work in unsafe conditions. Future policies in the DRC could reduce the hold the armed groups have on mining communities, thereby minimizing human rights violations.

The Conditions of Artisanal Mines

Working conditions are typically unsafe, due to the simple methods that are used for extraction and transport of minerals. Most miners do not have protective gear or technology that allows them to work safely. The use of bare hands and basic methods of mining put miners at risk to high levels of infection, and exposure to pollution.¹⁴¹

Because most miners work in deep shafts, falling debris and safety hazards are an everyday threat to their lives at work. In addition, miners are at huge risks during the rainy season, as many mining shafts flood and people remain stuck in the pits.

However, the conditions of the mines are not the only threat to security in mining communities, as marginalized populations like women and children are faced with dire

¹⁴⁰ "Resources and resourcefulness : gender, conflict, and artisanal mining communities in Eastern Democratic Republic of Congo." 43.

¹⁴¹ Hahn, Hannah Poole, Karen Hayes, and Azra Kacapor. "Breaking the Chain: Ending the supply of child-mined minerals." *Pact World Inc.* October 2013. 8.
<http://www.pactworld.org/sites/default/files/PACT%20Child%20Labor%20Report%20English%202013.pdf>

situations. Rape and child labor are amongst the worst conditions people face in mining communities.

One issue that is continually mentioned regarding artisanal mines in the DRC has been their relation to gender-based violence. Though the dominant narrative in the conflict mineral discourse, which often places emphasis on its connection to sexual violence, is criticized for oversimplification, a 2016 study has shown that women living near artisanal mining areas are more likely to be sexually victimized.¹⁴² The study analyzes the phenomenon of hyper-masculinity in mining communities, and finds that mining communities have tendencies of delinquent behavior; in addition, artisanal mining communities are heavily populated by women.¹⁴³ Due to this, men find themselves “humiliated and scorned by their household members ‘because of their inability to perform the role of reliable male breadwinner,’”¹⁴⁴ adding a layer of pressure to exert their manhood, leaving women more susceptible to sexual and economic predation. Men also abuse drugs and alcohol, using much of their income to buy beer, creating even more tensions in the community. Sometimes, drugs are used as a method of “getting away” from the harsh realities people face in mining communities, and increase the risk of women and children being violated, destroying traditional family structures.¹⁴⁵

Women’s roles in artisanal mining vary, although women are largely in support roles, usually dealing with food services or mineral transportation. However, many

¹⁴² Rustad, Siri Aas, Gudrun Ostby, and Ragnhild Nordas. “Artisanal mining, conflict, and sexual violence in Eastern DRC.” *The Extractive Industries Society*. 2016. 9. <https://claremont.illiad.oclc.org/illiad/pdf/345768.pdf>

¹⁴³ Ibid., 4.

¹⁴⁴ Ibid.

¹⁴⁵ “Resources and resourcefulness: gender, conflict, and artisanal mining communities in Eastern Democratic Republic of Congo.” 23.

women are directly involved with mining or trading.¹⁴⁶ Getting involved in the mineral sector is most often the first instance of gender-based violence, as transactional sex is often the only means of securing access to a mining team or opportunity.¹⁴⁷

Once women have received the opportunity to be part of the mining community, their jobs are often unrewarding. For example, many women, especially those widowed during the war, are forced to be transporters carrying over 50 kilograms at a time.¹⁴⁸ Women also suffer from sexual violence, as opportunities to stay in mines are usually dependent on a woman's engagement in sexual favors, as women in Nyabibwe share:

People also make women have sex with them by saying that if you don't sleep with me you won't get to keep carrying bags, he tells his friends not to work with her because she refused to have sex with them. People do the prostitution so that they can get other work. You are selling yourself, tiring yourself to get some money for your children.¹⁴⁹

Even male miners describe these hardships for women, as illustrated by a 2015 World Bank report's interviews with miners:

Women are also beaten out there [near the mines], especially those at restaurants.

Another issue is that men will only buy things at a someone's store if they are

¹⁴⁶ Hayes, Karen, and Rachel Perks. "Women in the artisanal and small-scale mining sector of the Democratic Republic of Congo." *Environmental Law Institute and United Nations Environment Programme*. June 2012. 534. http://elr.info/sites/default/files/529-544_hayes_and_perks.pdf

¹⁴⁷ "Resources and resourcefulness: gender, conflict, and artisanal mining communities in Eastern Democratic Republic of Congo." 16.

¹⁴⁸ *Ibid.*, 17.

¹⁴⁹ *Ibid.*, 19.

their women, so in order for a women to get clientele she needs to start sleeping with people, [then she] gets unwanted pregnancies.¹⁵⁰

By refusing such pressures, women are often faced with greater threats, sometimes even death, if they choose to return to the mines. Thus, the ability for women to earn even a small amount of profit from mining almost always involves sexual exploitation, and sometimes leads to a cycle of displacement and migration, where women are constantly looking for better opportunities, jumping from mine to mine.¹⁵¹

Because women are left with no other option, there is a sense of agency that women have in transactional sex, yet their “choice” is often paired with sexual violence, as most situations are highly coercive. Sexual violence is so prevalent it is essentially normalized, leading to victim-blaming attitudes that are now deeply ingrained into mining communities. This situation denigrates women, leaving them out of decision-making processes, political participation, and extremely susceptible to both infectious diseases and sexually transmitted infections including HIV/AIDS.¹⁵²

It is important to keep in mind, however, that some successes have been made in the realm of violence against women, like Mama Angelique’s program in Nyabibwe, which formed an informal association of sex workers, including fees which were later used to support members’ healthcare and livelihoods.¹⁵³ In addition, women often come together in the form of associations, discussing community development and ways to

¹⁵⁰ “Resources and resourcefulness: gender, conflict, and artisanal mining communities in Eastern Democratic Republic of Congo.” 20.

¹⁵¹ Ibid.

¹⁵² “Resources and resourcefulness: gender, conflict, and artisanal mining communities in Eastern Democratic Republic of Congo.” 20.

¹⁵³ Ibid., 26.

“limit their exploitation by those in power.”¹⁵⁴ Also, sexual violence is not only related to mining, but rather a way in which violence is perpetuated by armed groups in the region; however, violence exists in other ways, too, such as beatings or killings.

For some women, artisanal mining communities actually provide vast amounts of opportunities. A 2015 World Bank Report states that while mining may be a form of exploitation, and its benefits remain unequal, women traders from the town of Mushinga still find artisanal mining a beneficial source of livelihood to their community.

Oh yes everyone here enjoys (profits), in one way or another, from the activities in the mines of Mukungwe. This site is really profitable to everyone – it takes care of us, it nourishes us. For example we sellers of merchandise wouldn’t make it if the mine didn’t produce. There is no life here without the Mukungwe mine. It’s truly this mine that takes care of us here – it’s what takes care of us!

This exception reflects the differentiation of roles in the mining communities, as well as the various roles women may play in an artisanal mine.

Women are not the only group of people suffering from harmful conditions; in fact, child labor is a common phenomenon in mines of the Eastern DRC. According to a UNICEF report, around 42 percent of children between the ages of five to fourteen work in the mines.¹⁵⁵ Children are sometimes even favored as miners, due to their small size and ability to fit in narrow mineral deposits. Their exposure to toxins is extremely detrimental to their well-being, and puts them at risk of developing infections at a young

¹⁵⁴ “Resources and resourcefulness: gender, conflict, and artisanal mining communities in Eastern Democratic Republic of Congo.” 27.

¹⁵⁵ Hahn, Hannah Poole, Karen Hayes, and Azra Kacapor. “Breaking the Chain: Ending the supply of child-mined minerals.” 10.

age. In addition, their work in the mines takes away from their education- many children have to make trade-offs between work and school.

Though child mining is illegal according to the Congolese Labor Code, most children are left with no other option than to help their parents earn a livelihood. In fact, while conflict in and around artisanal mines persists, so does the reliance on artisanal mining as an economic opportunity.

This multifaceted dynamic makes it even harder to come up with strategies that allow artisanal miners to reap the benefits of their extraction. On the one hand, artisanal mining is an essential component in creating livelihoods for the Eastern DRC's population. On the other hand, the consequences of such livelihood options are life threatening. The importance of artisanal mines to the DRC's economy is thus extremely high, yet, instability and insecurity will plague the Eastern region as long as armed groups are in control and the artisanal mining sector stays informal. Many local, national, regional, and international initiatives have been made in order to combat the issues the DRC's artisanal mining communities face.

Mining Initiatives in the Democratic Republic of Congo

National Efforts

The most recent and notable change in mining laws on behalf of the DRC's government is the 2002 DRC Mining Code and the succeeding 2003 Mining Regulations. The 2003 Regulation included a section titled "Artisanal Miners Code of Conduct," outlining detailed environmental regulations that are rarely followed. Prior to 2002, artisanal mining had been loosely legalized when President Mobutu liberalized the mining economy, urging that citizens take part in mining as a source of revenue. The

2002 DRC Mining Code was developed in conjunction with the World Bank, and still stands today-- though most conditions in the code have been ignored. The code describes artisanal mining as

any activity by means of which a person of Congolese nationality carries out extraction and concentration of mineral substances using artisanal tools, methods and processes, within an artisanal exploitation area limited in terms of surface area and depth up to a maximum of thirty metres.¹⁵⁶

Three types of mines exist under this code: underground mines, open-pit mines, and alluvial mines. Most underground mines are under abandoned industrial mines, whereas open pit mining usually takes place at tailing sites, and alluvial mining occurring in or alongside rivers.¹⁵⁷ The Code states that both men and women are allowed to work in artisanal mines, though pregnant women are not allowed to do any hard labor. Though the basic recognition of artisanal mining was a feat in itself for the DRC, the amount of restrictions and regulations placed on the mines and licensing diminishes the benefits.

First, artisanal miners must create partnerships with Congolese-owned mining companies, whereby local investors own at least 25 percent of the share capital. These are known as cooperatives, whereby miners come together and subsequently apply for exploration and extraction permits.¹⁵⁸ The cooperative application process is extensive, as miners have to pay multiple fees to the Provincial Authority of Mines, then receive

¹⁵⁶ “Law No. 007/2002 of July 11, 2002 Relating to the Mining Code.” *Official Document of the Democratic Republic of Congo*. 2002. 2.

¹⁵⁷ “The formalisation of artisanal mining in the Democratic Republic of Congo and Rwanda.” 3.

¹⁵⁸ Geenen, Sara, and Ben Radley. “In the face of reform: What future for ASM in the Eastern DRC?” 61.

favorable opinion from the Provincial Minister, and after bring the files to Kinshasa- and obviously, depending on the area miners are from, Kinshasa can be a rigorous commute.¹⁵⁹ In addition, all miners must be adults, hold valid artisanal exploitation mining cards, and be issued valid rights from the central Mining Registry.¹⁶⁰ Any individual who is a government official, part of the armed forces, police, and employees of public entities are not allowed to receive artisanal mining rights. Those who are eligible must sell their output only to licensed traders, and respect all government regulations regarding environmental concerns and safety and health codes. In addition, a certain number of zones are allocated for artisanal miners to use, known as Artisanal Mining Zones or ZEAs.¹⁶¹

The volume of restrictions, paired with the number of miners in the region, makes for a huge gap in surveillance of the Eastern DRC's mining sector. Some estimates are that over 500,000 miners may be working in the Eastern DRC. The creation of ZEAs was not well thought out, leaving hundreds of thousands of artisanal miners in areas that are technically illegal for mining. In fact, by 2012, only 60 zones were created, in an area covering 1,575 square kilometers. ZEAs are also often allocated in locations that are hard to access or bereft of viable resources. These zones are often quickly closed when the government deems them viable for industrial mining. The code calls for massive fines for unauthorized mining, most of which are between US\$10,000-250,000.¹⁶² Because there are so few zones, applications for mining rights are often denied. For example, in 2012,

¹⁵⁹ Geenen, Sara, and Ben Radley. "In the face of reform: What future for ASM in the Eastern DRC?" 61.

¹⁶⁰ "Law No. 007/2002 of July 11, 2002 Relating to the Mining Code." 17.

¹⁶¹ Ibid.

¹⁶² Ibid., 18.

62 cooperatives submitted their files, but only seven attained official recognition.¹⁶³

Almost all of these regulations are promulgated by a body known as The Service d'Assistance et d'Encadrement du Small Scale Mining (SAESSCAM), which is the primary government body that oversees the artisanal mining sector, created in 1999.¹⁶⁴

SAESSCAM's mission is to clean up the mineral sector for artisanal mining by monitoring the process to the point of sale, to assist and guide small-scale miners, and to fight against corruption in the sector.¹⁶⁵ SAESSCAM also aims to provide artisanal miners supervision, direction, and capacity-building. Some of these programs help miners by instructing them how to construct safe mines, creating police units, and mediating conflicts between groups of miners.¹⁶⁶ Yet SAESSCAM has failed to provide miners with productive help, and is often described as a corrupt, predatory body.

PriceWaterhouseCoopers audited the agency in 2013 for the DRC government and found “the agency lacked ‘a strategic plan,’ that it suffered from a lack of human resources and logistical support, and that its staff prioritized the collection of taxes from artisanal miners above all of their other tasks.”¹⁶⁷ In greater detail, mining registration cards officially cost US\$5, but miners from the Eastern region pay SAESSCAM agents up to an additional US\$75 per year just for the registration card, in addition to other under-the-table fees.¹⁶⁸ What is even more striking is that “a Ministry of Mines official in the

¹⁶³ Geenen, Sara, and Ben Radley. “In the face of reform: What future for ASM in the Eastern DRC?” 61.

¹⁶⁴ “SAESSCAM.” <http://www.saesscam.cd/SAESSCAM/>

¹⁶⁵ Ibid.

¹⁶⁶ “Law No. 007/2002 of July 11, 2002 Relating to the Mining Code.” 37.

¹⁶⁷ Ibid.

¹⁶⁸ Bafilemba, Fidel, and Sasha Lezhnev. “Congo’s Conflict Gold Rush.” *The Enough Project*. April 2015. 6.

former province of Katanga, confirmed to researchers that...SAESSCAM [is not] authorized to collect payments (referred to in the mining areas as “taxes”) from artisanal miners,”¹⁶⁹ other than the after-sales tax. Because SAESSCAM officials are extremely underpaid, they have huge incentives to continue to tax miners. In addition, SAESSCAM’s duties only extend to official ZEAs, as other areas are prohibited.

Today, the DRC still operates under the 2002 Mining Code and 2003 Mining Regulations. Most mining populations in the Eastern DRC have low literacy rates; thereby making these French documents inaccessible to the very people they are aimed to “help.” A statement in 2012 claimed the Minister of Mines, Martin Kabwelulu, announced a revision of the Code, though no official documents have been put out.¹⁷⁰ Though official mining laws have not been changed, many local, national, and international efforts regarding due diligence¹⁷¹, certification, and traceability¹⁷² have been made in order to combat the issue of conflict minerals in the Eastern DRC-- many of which have failed. Both the UN and the Organisation for Economic Cooperation and

<http://www.enoughproject.org/files/April%2029%202015%20Congo%20Conflict%20Gold%20Rush%20reduced.pdf>

¹⁶⁹ “This is What We Die For: Human Rights Abuses in the Democratic Republic of Congo Power the Global Trade in Cobalt.” *Amnesty International*. January 19, 2016. 34. <https://www.amnesty.org/en/documents/afr62/3183/2016/en/>

¹⁷⁰ “Reforming the Mining Code of the Democratic Republic of Congo.” *Shearman and Sterling*. October 15, 2012.

http://www.shearman.com/~media/Files/NewsInsights/Publications/2012/10/Reforming-the-Mining-Code-of-the-Democratic-Republic-of-Congo/Files/View-full-memo-Reforming-the-Mining-Code-of-the-___/FileAttachment/ReformingtheMiningCodeoftheDemocraticRepublicofC___pdf

¹⁷¹ Due diligence involves guidelines that have been developed in order for companies to identify, prevent, mitigate, and account for the human rights impacts of their mineral supply chains.

¹⁷² Geenen, Sara, and Ben Radley. “In the face of reform: What future for ASM in the Eastern DRC?” 59.

Development (OECD) have been active in due diligence and traceability schemes; in addition, in 2003, the UN imposed an arms embargo on all armed forces in the Eastern DRC, and has been present in the DRC through the UN Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO).¹⁷³

Major larger-scale efforts started in 2003 with the KPCS, which aims to stop the trade of conflict diamonds and trace the mobility of diamonds from the site of extraction to the point of sale.¹⁷⁴ However, much of the diamond mining in the DRC is not in the Eastern region, and after over a decade of implementation, the KPCS has not formalized diamond mining in the DRC. Communities are unaware of the KPCS requirements, and have no incentive to register with KPCS, as it is affiliated with the government. In addition, deeming minerals as conflict free does not help local mining communities in their development, but rather acts as a symbolic gesture for state and foreign owned companies.¹⁷⁵

One extreme national policy that attempted to ease tensions in the Eastern DRC was the mining ban in 2010. On September 10, President Kabila stopped all mining practices and exports from North Kivu, South Kivu, and Maniema “until further notice.”¹⁷⁶ The ban was intended to stop all illegal mining activities, though it was

¹⁷³ Jameson, Jordan N., Xin Song, and Michael Pelt. “Conflict Minerals in Electronic Systems: An Overview and Critique of Legal Initiatives.” *Science and Engineering Ethics*. September 10, 2015. 7. <http://link.springer.com/article/10.1007/s11948-015-9704-7>

¹⁷⁴ “About.” *Kimberley Process Certification Scheme*. <http://www.kimberleyprocess.com/en/about>

¹⁷⁵ Verbruggen, Didier, Evie Francq and Jeroen Cuvelier. “Guide to Current Mining Reform Initiatives in Eastern DRC.” April 2011. 16. <https://biblio.ugent.be/publication/1863693/file/1864032>

¹⁷⁶ *Ibid.*, 18.

ineffective. Instead, police officers and FARDC members used this period to heavily exploit the populations of these regions, putting them under intense labor, hijacking mineral-filled trucks, and illegally exporting minerals for their own profits.¹⁷⁷ Police also ignored the presence of armed groups during this time, causing security and livelihood issues for artisanal miners, as well as farmers in the region, since the demand for agricultural food products went down. The ban was finally lifted on March 10, 2011, and almost all of the literature analyzing it is negative. Scholars conclude that the ban had extremely negative consequences, and that valuable time for improvement had been lost. For example, in 2012, “between five and 12 million Congolese had been ‘inadvertently and directly negatively affected’ by the loss of employment created by the ban and its aftershocks.”¹⁷⁸ The national effort on behalf of Kabila caused any headway in the region to dwindle.¹⁷⁹

Regional Efforts

In 2004, the International Conference of the Great Lakes Region (ICGLR) was established and in 2008 a “Protocol on the fight against the Illegal Exploitation of Natural Resources” was put into force. The protocol was “a regional certification mechanism for the exploitation, monitoring and verification of natural resources within the Great Lakes Region,”¹⁸⁰ which later became the Regional Initiative On Natural Resources (RINR). On

¹⁷⁷ Ibid., 19.

¹⁷⁸ Wolfe, Lauren. “How Dood-Frank Is Failing Congo.” *Foreign Policy*. February 2, 2015. <http://foreignpolicy.com/2015/02/02/how-dodd-frank-is-failing-congo-mining-conflict-minerals/>

¹⁷⁹ Verbruggen, Didier, Evie Francq and Jeroen Cuvelier. “Guide to Current Mining Reform Initiatives in Eastern DRC.” 20.

¹⁸⁰ Ibid., 20.

December 15, 2010, the Lusaka Declaration was signed, specifying six tools for the regional control mechanism which aimed to end sources of rebel funding. The tools are

1. The creation of a regional certification mechanism for natural resource supply chains,
2. The harmonization of national legislation in member states,
3. The construction of a regional database on mineral flows,
4. The formalization of the artisanal mining sector,
5. The promotion of the Extractive Industries Transparency Initiative (EITI) peer learning mechanism, and
6. The establishment of a whistle-blowing mechanism.¹⁸¹

Many of the RINR tools were created in response to shortcomings of the Kimberley Process. The most recent meeting regarding the RINR started on September 8, 2015, in Lusaka, Zambia; the published report of the meeting outlines the agenda and recommendations on behalf of the group. In sum, the recommendations push for greater transparency in all processes, the continual participation of member states, and the formation of documents like a Memorandum of Understanding for Chain of Custody service providers.¹⁸² No official reports have outlined the successes of the RINR.

Local Efforts

There have been various attempts at mediating local-level tensions led by NGOs; however a prominent, successful example of local-level community reconciliation that has taken place in the DRC is that of the Life and Peace Institute. LPI uses a three-

¹⁸¹ “The ICGLR Regional Initiative against the Illegal Exploitation of Natural Resources (RINR) and other Certification Mechanisms in the Great Lakes Region: Lessons Learned and Best practices.” *U.N Economic Commission for Africa*.

http://www.uneca.org/sites/default/files/PublicationFiles/special_report_-icglr.pdf

¹⁸² “Report of the 12th Meeting of the ICGLR Regional Committee on the Regional Initiative on the Fight Against Illegal Exploitation of Natural Resources.” *International Conference on the Great Lakes Region*. September 2015. 4.

http://www.icglr.org/images/Report_12th%20RC%20meeting.pdf

pronged approach to “support non-violent conflict transformation.”¹⁸³ The first approach is through “civil society support and engagement.” In this way, LPI supports Congolese civil society organizations, building capacity and providing training to their partners. The second approach is through “policy work and awareness-raising.” Through its local partners, LPI aims to influence local and regional politicians, raises awareness on Congolese conflicts, and sends out reports on the status of situations in the DRC. The third approach is through “cross-fertilization between theory and practice of conflict transformation.” By this, LPI collaborates with research institutions and NGOs, shares its knowledge on issues and experiences, and presents its findings at conferences. One of the main reasons LPI has seen success is because of the way it addresses local issues, rather than neglecting them. While national and international efforts have sometimes produced beneficial outcomes, local-level tensions have been largely ignored, yet LPI has attempted to fill the void. One man involved in a community roundtable sponsored by LPI’s in Bukavu expressed his views: “We didn’t even dream that it could be possible for all of us to meet and come to an understanding like this. The commitment of LPI and its partners is actually without comparison in the history of this region.”¹⁸⁴

International Efforts

A more international approach to understanding and improving artisanal mining in the DRC was that of PROMINES. PROMINES was (and still is) a joint project between the UK Department for International Development (DFID), Pact Inc., and the World Bank. The project poured over US\$90 million to improving governance and

¹⁸³ “Our work in the Democratic Republic of Congo.” *Life and Peace Institute*. <http://life-peace.org/programmes/democratic-republic-of-congo/>

¹⁸⁴ Ibid.

investment conditions in the Eastern DRC¹⁸⁵ in order to “increase the volume and value of mineral production, strengthen the management capacity of the state, and increase the benefits of mineral exploitation into growth and development.”¹⁸⁶ The project had been stalled for some time, but is seemingly used today as a way for the World Bank and Pact Inc. to implement their individual projects. For example, an August 13, 2015 World Bank article described a PROMINES project that supplied motorbikes and monitoring equipment (GPS, computers) as a way to implement traceability.¹⁸⁷ In addition, a Pact Inc. publication stated that during 2014-2015, the organization accomplished key goals such as

40,000 miners make a living working in mines free from human rights abuses or armed group presence; 401 conflict-free tin, tantalum, and tungsten mine sites; 23 radio programs to raise awareness on children’s rights; 750 government agents trained on all aspects of due diligence and mineral traceability; 88 local businesses conform with OECD standards; [and] 20 local multi-stakeholders committees trained and empowered to monitor conflict-free mining¹⁸⁸

Pact Inc. continues to do work in other facets in the DRC, developing programs for corporate social responsibility and traceability, though these will be analyzed later.

¹⁸⁵ “Our work in the Democratic Republic of Congo.”

¹⁸⁶ Bawa, Yves. “PROMINES Artisanal Mining in the DRC.” *Pact Inc.* <http://www.kilogoldmines.com/wp-content/uploads/2012/10/2010-Pact-Inc-DRC-Promines-Artisanal-Mining-in-the-DRC-.pdf>

¹⁸⁷ “Mobility and Transparent Artisanal Mining in the Democratic Republic of Congo.” *The World Bank*. August 13, 2015.

<http://www.worldbank.org/en/news/feature/2015/08/13/mobility-and-transparent-artisanal-mining-in-the-democratic-republic-of-congo>

¹⁸⁸ “Mines to Markets.” *Pact Inc.* <http://www.pactworld.org/DRCmining>

Another international approach that has been thoroughly examined, both positively and negatively, was the United States' 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act. In 2007, an organization called the Enough Project was launched aiming to rally Americans to advocate for ending and preventing various conflicts in Africa. By 2009, the Enough Project's focus revolved around the conflict mineral issue, when it linked Western electronic consumers to the conflict in the DRC-- this ended up sparking a trend of grassroots organizations revolving their efforts around the Congo. As more and more groups came together, the Enough Project pushed for a legislative strategy to pass a law regarding companies' transparency for mineral sourcing practices. This reinforced the movement to enact the Dodd-Frank Act.

The Act included a Conflict Minerals Statutory Provision, section 1502, outlining the law that publicly traded companies (both domestic and foreign) in the United States must provide information regarding the minerals used in their products, and whether or not the minerals were a part of supply chains that traced back to conflict-ridden areas. Minerals included in the law are tantalum, tin, gold, or tungsten.¹⁸⁹ In order to comply, companies must first determine whether or not they use the aforementioned minerals. Second, if companies do use the minerals, they must conduct an inquiry into the country of origin concerning the minerals. If the minerals do not originate from the DRC or any "adjoining" country, or they are not recycled or scrap, they must submit a specialized disclosure form. However, if the minerals do fall under the previous categories, companies must trace the supply chain back to the source of origin, using due diligence.

¹⁸⁹ Jameson, Jordan N., Xin Song, and Michael Pelt. "Conflict Minerals in Electronic Systems: An Overview and Critique of Legal Initiatives." 6.

Based on the results of the due diligence report, some companies may have to file a conflict minerals report.¹⁹⁰ The idea behind Dodd-Frank was that companies would no longer source their minerals from conflict-ridden areas; cutting off revenue sources for armed groups, however, it actually played out differently.

While there was controversy regarding the Act in the United States, the unintended consequences of Dodd-Frank in the Congo proves to be the nature of current humanitarian efforts in the DRC: well-intentioned, but potentially harmful for the Congolese. While Congolese miners do work in extremely harsh conditions, few other opportunities in the Eastern DRC exist to earn a livelihood. Thus, regardless of circumstances, participation in the mining industry is better than the alternative. Scholars believe that Dodd-Frank was the catalyst to Kabila's ban of the mining economy in 2010 - leaving people jobless and under intense armed control.

Nearly four years after the passing of the Dodd-Frank Act, only a small fraction of the hundreds of mining sites in the Eastern DRC have been reached by traceability or certification efforts. The rest remain beyond the pale, forced into either illegality or collapse as certain international buyers have responded to the legislation by going 'Congo-free'.¹⁹¹

Not only have mines which have not been reached had negative consequences, but also those that were originally reached by Joint Assessment Teams. Joint Assessment Teams were put in place to certify minerals. These teams were unable to periodically visit the

¹⁹⁰ Seitzinger, Michael V., and Kathleen Ann Ruane. "Conflict Minerals and Resource Extraction: Dodd-Frank, SEC Regulations, and Legal Challenges." *Congressional Research Service*. April 2, 2015. 2. <https://www.fas.org/sgp/crs/misc/R43639.pdf>

¹⁹¹ "An Open Letter." 2. <https://ethuin.files.wordpress.com/2014/09/09092014-open-letter-final-and-list.pdf>

mines and grant validation as they were supposed to every three months, and had even more lags due to the time it takes for the Congolese Ministry of Mines to review and approve the mines themselves. In such unpredictable environments, lack of regular visitation diminishes credibility of such schemes, especially in miners' eyes.¹⁹² Because of these socio-economic consequences, mining families started to question whether or not they could send their kids to school, buy medicine, save money, or invest in livestock.¹⁹³

It is important to note, however, that all of these consequences were not wholly due to the Dodd-Frank Act; in fact, many other international efforts regarding the responsible development of minerals, by bodies like the European Union and the UN, had similar negative results.¹⁹⁴ Beyond international efforts regarding mining, other factors at play in the Eastern region, such as disputes over land and power, corruption, and issues with domestic and regional leaders, also play a role in perpetuating the conflict- making it difficult when making policy towards artisanal mining.¹⁹⁵

One policy that has been created by industry is the ITRI Tin Supply Chain Initiative (iTSCi), a system launched by Pact Inc. and the International Tin Industry Association (ITRI). iTSCi was designed to deliver due diligence and traceability, and was launched in South Kivu in 2013, and in North Kivu in 2015. Pact's reporting has shown that the iTSCi system paired with Dodd-Frank has witnessed positive results in the

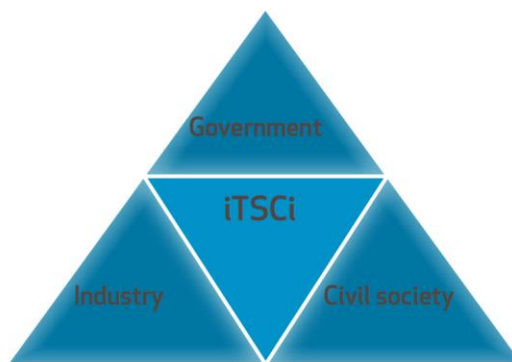
¹⁹² "An Open Letter."

¹⁹³ Matthysen, Ken, and Andres Zaragoza Montejano. "'Conflict Minerals' initiatives in DR Congo: Perceptions of local mining communities." November 2013. 35. http://ipisresearch.be/wp-content/uploads/2013/11/20131112_HU.pdf

¹⁹⁴ Matthysen, Ken, and Andres Zaragoza Montejano. "'Conflict Minerals' initiatives in DR Congo: Perceptions of local mining communities." 9.

¹⁹⁵ Autesserre, Séverine. "Dangerous Tales: Dominant Narratives On the Congo and Their Unintended Consequences." 2.

region. For example, local stakeholders for mediating system disputes have been established, mines are now regulated with supervision, and accurate data is available-- though there are inevitably negatives, similar to those of the Dodd-Frank system on its own. iTSCi operates through “stringent membership standards, audits, baseline studies of mines, mineral tracking, data analysis and incident monitoring.”¹⁹⁶



In 2015, there were 1,326 mine sites operating under the iTSCi system, spread out between the DRC, Rwanda, and Burundi. In addition, international mineral trade estimates that 87 percent of cassiterite in the DRC came from iTSCi mines.¹⁹⁷ While iTSCi has had its successes, and is a feasible option for the DRC to continue to follow, the situation has not changed enough for the current solutions to be completely viable, as artisanal miners are still being robbed of their benefits.

¹⁹⁶ “Unconflicted: Making conflict-free mining a reality in the DRC, Rwanda, and Burundi.” *Pact Inc.* July 2015. 6/8.

<http://www.pactworld.org/sites/default/files/unconflicted.pdf>

¹⁹⁷ “Unconflicted: Making conflict-free mining a reality in the DRC, Rwanda, and Burundi.” 10.

Chapter 4: Appreciating the Context and Projecting Potential Solutions

The first Congolese war in 1996 was sparked by ethnic identity in Rwanda, though it was exacerbated by ethnic conflict that is today deeply entrenched in Congolese society, especially in the Eastern region- exemplified by the second war and the ongoing conflict. International, regional, national, and local tensions have all played a role in the present landscape of the Congo and its identity as the home of the largest ongoing humanitarian crisis in the world. From the loosely tied Mai Mai militias, to the Rwandophones, the FDLR, the M23, and the FARDC, loyalties and group dynamics are extremely important when analyzing conflict in the DRC. Land and power disputes are a result of the ever-changing organization of the DRC's ethnic and clan groups, and local fighting constantly escalates into generalized conflicts that spread across boundaries. In addition, though minerals have not been a major cause of the DRC's conflict, they have played a role in fuelling armed groups' presence, their destruction of communities, as well as their abuse of human rights in mining communities. Much of the Eastern DRC depends on artisanal mining as a source of livelihood, thus, focusing on artisanal mines as a space to improve is a viable way of improving tensions in the Eastern DRC.

Having assessed the situation in the DRC, and looked at relatively successful cases, the DRC should attempt to construct an environment that allows artisanal miners to thrive in the Eastern DRC, regardless of gender, ethnic identity, or group affiliation. Artisanal miners of the Eastern region must be the ones to gain the benefits of their

extraction because the total per capita value of minerals in the DRC is only US\$77, which is not enough to be a sustainable source of income for all 77.4 million people.¹⁹⁸

Current intervention agendas have largely ignored the aforementioned local-level tensions, focusing rather on top-down issues, especially the relationship between President Kabila and his various national opponents, as well as the conflict between Rwanda and the Congo.¹⁹⁹ In addition, the view that the Congolese people are inherently prone to violence distracts from analyzing why different groups fight for power in the Eastern region, namely their necessity to access and use land.²⁰⁰

Until the Eastern DRC stabilizes, and foreign rebel groups leave the country, it will be extremely difficult to create a system that is acceptable to all. However, even after foreign rebel groups exit, local-level conflicts will persist. When creating a system in which artisanal miners reap the benefits of the minerals they extract, it will be important to understand the complex dynamics of identities and micro-level clashes in the Eastern DRC, thereby allowing policies to recognize the importance of differences in identities. The laws must allocate concessions so as to avoid rekindling ethnic and clan conflict; instead, they must empower each group identity in a way that enables each group to share power and land.

¹⁹⁸ “Democratic Republic of Congo.” *Population Services International*.

<http://www.psi.org/country/democratic-republic-of-congo/#about>

¹⁹⁹ Autesserre, Séverine. “To solve mass violence, look to locals.” *TED*. January 2015. https://www.ted.com/talks/S  verine_autesserre_to_solve_mass_violence_look_to_locals/transcript?language=en

²⁰⁰ Vlassenroot, Koen. “Land Issues and Conflict in Eastern DRC.” *Conflict Prevention and Peace Forum*. January 2013. 2. https://s3.amazonaws.com/ssrc-cdn1/crmuploads/new_publication_3/%7B563A5594-2560-E211-8EAC-001CC477EC84%7D.pdf

Because artisanal mining has been used as a method of post-conflict reconstruction in addition to poverty alleviation in Tanzania and Sierra Leone, the policies in both places help to point out what can be applied to the DRC, what cannot be, and what can be adapted. Tanzania is a useful comparison due to its emphasis on the mining sector as part of the government's poverty reduction strategy, as well as the fact that people working in mining regions are less likely to be in poverty than people with other populations. Sierra Leone is a useful comparison insofar mining has been an integral part of its post-conflict reconstruction, and the narrative of "blood diamonds" coincides with that of conflict minerals in the DRC.

Applications

Tanzania

First, Tanzania's acknowledgment of artisanal mining as a legal option has been written in law since 1979, and by the 1990s, the government was improving legal frameworks to incorporate artisanal mining in the national development strategy. The DRC, on the other hand, virtually did not address artisanal mining in policy until the 2000s. Because of this, artisanal mining has had a longer time to develop as a national strategy in Tanzania than it has in the DRC, which could be part of the reason why it is viewed today as a coherent and sound benefit to many Tanzanians. Since 1979, the most notable aspect of policy the DRC must take from Tanzania is the 2010 mining review, formed by the President Jaya Kikwete. This is especially pertinent because the DRC has not thoroughly reviewed its 2002/3 Mining Code since its creation.

The 2010 mining review included four aforementioned reforms, two of which are extremely important to improving the state of the DRC. The vagueness of the DRC's

legal mining code must be abolished, and the following should be implemented: the allocation of multiple land areas for the purpose of small-scale mining, the decentralization of the mining formalization process, the development of microfinance services, and the delivery of capacity building projects like training activities and technology upgrade workshops.

The first of these policies is one that can be adapted in the DRC, as the government has allocated several ZEAs already. However, the idea behind the ZEAs, to grant opportunities for artisanal miners, was essentially eliminated when the zones were implemented. Not only were not enough zones created, but also the zones that were made usually ended up in areas that had already been ruined or bought by large-scale companies, or on land that could not be mined on. According to Tanzania's strategy, allocating more zones was done so for the purpose of alleviating tensions between small and large-scale miners, as well as a foundation for environmental and livelihood planning. The creation of ZEAs did not address both of these two issues, leaving the zones inadequate and to no one's benefit. The understanding that conflict exists between small and large-scale mining, as well as the direct acknowledgement of livelihood planning, should be part of the DRC's ZEA policy. One young man in the town of Mushinga describes this tension:

This mine has become our farmland, our mother, and our greatest resource. It is the lifeblood of our economy. Today, mines are feeding all of the Kivus in particular and Congo in general. Now, we lament that white people (Banro) bought this mine [their own mining concession]. If this is the case, how we are

going to live, how are we going to eat, how will we send our children to study?

This is the great difficulty that we have.²⁰¹

The second policy in Tanzania's 2010 mining review should also be implemented in the DRC. Artisanal mining formalization processes are overcomplicated and involve too many restrictions and steps to be properly followed by mining communities. The DRC's cooperative, zone, and mining rights application processes involve a number of steps, enabling officials to take advantage of people along the way, thereby creating an inherently corrupt system. Due to this flawed (and failed) system, the DRC should adopt Tanzania's decentralization policy. Tanzania has both zonal and district offices spread across the country, in addition to the REMAs. By implementing zonal and district offices, with an added layer of surveillance in the capital (this does not exist in Tanzania), the DRC will be able to give artisanal miners an easier process for applying for licenses, as they do not have to travel to the capital or have as long of a wait for licenses, and ensure that applications do not get lost. However, a national office will allow the central government to be knowledgeable of what is going on in different regions. In addition, relationships between miners and the district offices can be formed, allowing for positive engagement. Also, the implementation of REMAs will be extremely important in the DRC, as it will give local miners a stake in their success, and assistance when necessary.

However, aspects of the policy, especially the heavy policing in certain mines, will not be very feasible in the DRC. One of the reasons for this is the huge number of mines in the Eastern region. Also, in Tanzania, the Geita Gold Mine was extremely

²⁰¹ "Resources and resourcefulness: gender, conflict, and artisanal mining communities in Eastern Democratic Republic of Congo." 15.

successful in its development, partially due to the large amount of security and fences that were adopted in the area, but also because of the coexistence between the AngloGold Ashanti mining company. It would be extremely difficult and infeasible to increase security and to place fences throughout the Eastern DRC at the same time as creating zonal and district offices. In addition, though land agreements between small and large-scale miners should be pursued, these currently do not exist.

The third policy and fourth policy initiatives would not benefit miners in the Eastern DRC in the same way it would benefit Tanzanian miners, though they are still viable options after the DRC settles down a little more. The third policy aims to provide microfinance services to communities as well as grant opportunities to invest in better and safer equipment for miners. The fourth policy coincides with microfinance, and also stands on its own. It attempts to incorporate new technology into artisanal mines and pairs this new technology with education and training. Because of the large volume of miners in the Eastern DRC, creating a microfinance system will be extremely difficult, and granting miners new technology should not be a priority as the DRC has higher priority issues to deal with, like armed groups.

It is important to recognize that the Tanzanian government has not fulfilled all of the goals of the aforementioned policy initiatives, and has room to improve. However, the fact that a 2010 review exists, alongside sound policy recommendations, is indicative of something the DRC should strive to do. In addition, the DRC should attempt to implement the four policy initiatives that were birthed from the mining code review. Based on Tanzania's failures, the DRC can improve upon the pre-existing policy suggestions. Improvement can be made in expanding the intervention agenda between

small and large-scale miners, transparency in environmental regulations, and uniformity in all district-licensing offices, as the Eastern region is composed of different ethnic groups, none of which should be treated differently than the other.

The expansion of intervention techniques between small and large-scale miners must be addressed by the DRC government, especially because the government controls and favors most large-scale mining companies. In fact, “the arrival of a multinational compan[ies], with explicit backing from the national government, has caused dispossession and displacement and altered local power relations, while few alternative livelihood options are open to former miners.”²⁰² Therefore, policies of coexistence must be initiated. It is reasonable to assume that mutual coexistence is possible, especially in gold mining regions, because of the conditions under which small and large scale miners conduct their mining. Large-scale miners exploit minerals in deep underground deposits, using heavily mechanized techniques and heavy-duty equipment. This requires a great deal of specialty and knowledge of how mechanized mining works. On the other hand, artisanal or small-scale miners often use hand tools, working on shallow deposits and alluvial materials. Evidence of this is present in many communities, and has been notable in Sierra Leone, where artisanal gold mining encounters little resistance from large-scale mechanized companies because of the lack of deep reserves in some areas.²⁰³ According

²⁰² Geenen, Sara. “Dispossession, displacement, and resistance: Artisanal miners in a gold concession in South-Kivu, Democratic Republic of Congo.” *Resources Policy*. June 2014. 19.

file:///C:/Users/mkale16/Downloads/Geenen%202014_Dispossession%20displacement%20and%20resistance.pdf

²⁰³ Maconachie, Roy, and Gavin Hilson. “Safeguarding livelihoods or exacerbating poverty? Artisanal mining and formalization in West Africa.” 598.

to Gavin Hilson and Natalia Yakovleva, there is a common misunderstanding concerning the mining disputes between small and large-scale miners:

The misconception...is that both mining parties congregate around different types of deposits: with few exceptions, conflicts are not a result of competition for the same mineral resources...but rather over unused lands that large-scale miners refuse to relinquish.²⁰⁴

Coexistence is thus possible, but must be done in a way that enables small-scale miners to trust larger companies. This is also possible as long as the government grants artisanal miners formal land rights in areas that large-scale companies are no longer using, and on the condition that the land still holds minerals. In other words, the granting body should ensure that any land-sharing arrangements are still profitable for artisanal miners, but that larger companies no longer have a presence in the area, as the presence of large-scale miners will induce artisanal miners from feeling as though the company or government can take away their rights at any time. Because the current Mining Code in the DRC lacks such agreements, and efforts by local and international organizations have remained unsuccessful, a review of the mining code should address land-sharing and coexistence agreements between large and small-scale miners.²⁰⁵

Overall, the most important aspect of Tanzania's mining policies- other than the fact the government initiated the review- is that they are bottom-up approaches rather

²⁰⁴ Hilson, Gavin and Natalia Yakovleva. "Strained relations: A critical analysis of the mining conflict in Prestea, Ghana." *Political Geography*. January 2007. 116. http://ac.els-cdn.com/S0962629806000990/1-s2.0-S0962629806000990-main.pdf?_tid=7a238736-f52c-11e5-b9f6-00000aab0f6c&acdnat=1459200888_2d7af6e92cc87d35064b889c6dfa53e7

²⁰⁵ Geenen, Sara. "Dispossession, displacement, and resistance: Artisanal miners in a gold concession in South-Kivu, Democratic Republic of Congo." 19-20.

than top-down. In other words, many artisanal mining policies in Tanzania engage local populations in the creation, implementation, and review process, providing a significant amount of agency to the very population these policies affect. By imitating this aspect of Tanzania's mining efforts, it is plausible that the DRC government will be able to better understand and mitigate the local-level conflicts that are so deeply entrenched into the Eastern region's communities. In addition, because ethnic distinctions have been such an integral part of the continuing conflict in the DRC, especially in comparison to Tanzania, placing emphasis on government sponsored bottom-up approaches will not only hold the potential to alleviate these ethnic tensions, but also create a level of government legitimacy. Though many of these policies require a great amount of effort by the government, it is safe to assume that in return of such successful initiatives, subsequent efforts taken by the government have the potential to be respected and followed.

Sierra Leone

While aspects of Tanzania's policies will help develop the artisanal mining sector in the DRC in a way that artisanal miners reap the benefits of the minerals they extract, as well as give the government a sense of legitimacy, Sierra Leone's policies will allow a platform for a post-conflict mining reconstruction policy. Like in Tanzania, artisanal mining has been legal in Sierra Leone for longer than the DRC, and was fully legalized in Sierra Leone in 1996. However, similarly to the Eastern DRC, Sierra Leone's mining sector—in particular the diamond sector—has been exploited by rebel groups in what has been known as the fight over “blood diamonds.” Since the official end to the civil war in 2002, however, the revival of the mining economy through legal channels has been a huge part of Sierra Leone's reconstruction process. The DRC should incorporate and

adapt many of the policies the Sierra Leonean government has pursued into its own agenda, as soon as foreign rebel groups leave the country and the Eastern region begins to settle.

One policy that has been implemented by both the DRC and Sierra Leone has been the KPCS. Though the KPCS has been fundamental in forcing large amounts of illicitly traded diamonds in Sierra Leone to official network channels, as well as in placing high stakes on its diamond market, it has not done as positive things in the Eastern DRC. There are many reasons for this. One reason that the KPCS has not worked as well in the DRC is the lack of diamonds to be found in the Eastern DRC, as most of the diamond wealth is found in south-central DRC.²⁰⁶ Rather, the Eastern region is mainly home to the “3 Ts” (tin, tantalum, tungsten) and gold;²⁰⁷ thus, the certification schemes’ emphasis on the trade of rough diamonds does not affect the illegal trade of the minerals most armed groups get their funding from. However, this does not mean that there is nothing that can be taken from the KPCS to benefit the DRC. To this point, the KPCS can be used as a scheme to adapt in the DRC, as a similar certification scheme for the 3Ts and gold does not exist. In fact, today, 54 participants that represent 81 countries are part of the KPCS, an effort that is unparalleled for other minerals.

Just as Southern African diamond-producing countries met to discuss the ways in which the trade of blood diamonds could be stopped, the DRC’s government, along with the United Nations MONUSCO, should work together to form a coalition similar to

²⁰⁶ “Map: Natural resources in DR Congo.” *Al Jazeera*. November 23, 2011.
<http://www.aljazeera.com/indepth/spotlight/congoelections/2011/11/20111123145031662172.html>

²⁰⁷ “Conflict Minerals.” *The Enough Project*.
http://www.enoughproject.org/conflicts/eastern_congo/conflict-minerals

KPCS. Meetings should be held to discuss solutions to the illicit trade of conflict minerals. Mineral producing countries, multi-national corporations involved in efforts like Dodd-Frank, mining technology companies, and regional bodies should be invited. Especially present should be bodies like the International Conference on the Great Lakes Region, because of the regional trade networks involved with conflict minerals.²⁰⁸ Similar to the KPCS, a set of requirements that participants must follow will allow the Eastern region's trade of minerals to be better tracked and pushed into formal channels.

Though this will require effort from the government, the Eastern region's mining networks carry more weight in terms of conflict than that of the southern-central, so emphasis should be placed on the creation of a new scheme rather than the proper enforcement of the KPCS. For example, there have been a number of incidents in which fake KPCS documents have been presented to traders from the DRC; though finding the source of the documents are important, tradeoffs must be made in order to ensure the Eastern region's stability and artisanal miners' livelihood. Henceforth, taking away emphasis on KPCS and placing it on the formation of a new scheme that tackles the bulk of the illegal trade in the DRC is essential.

Another policy that has seen success in Sierra Leone, created in response to the KPCS, is the Diamond Area Community Development Fund (DACDF). The DACDF is

²⁰⁸ Taka, Miho. "Coltan Mining and the Conflict in the Eastern Democratic Republic of Congo." *Center for Documentation of Refugees and Migrants*. September 2010. 33. <http://cdr.c.u-tokyo.ac.jp/Quarterly/Vol1.pdf#page=33>

aimed to give local chiefs an opportunity to engage the community in decision-making surrounding natural resource management.²⁰⁹

The model of the DACDF goes along with Sierra Leone's decentralization model, in which chiefs are in charge of rural security, justice, and land issues, and work with elected councilors and local councils.²¹⁰ Using local stakeholders, the DACDF engages with the very communities that were affected by the inclusion of diamonds in the civil war. The DRC should aim to implement a similar program in order to engage those that are affected by the trade of conflict minerals today.

There is presently no government-sponsored program in the DRC that combines aspects of decentralization with the engagement of local communities in order to combat tensions in artisanal mines. Ideally, the central government should initiate a program similar to DACDF that grants money to community leaders, allowing the leaders to engage their own local population to create a supply chain that gives back to the artisanal miners and their community, rather than any armed group or foreign nation. In order for the DRC to truly benefit from this policy, it must build upon the criticisms of DACDF and adapt the policy enough to fit its own decentralization policy.

DACDF's main criticism is that there is a lack of accountability in terms of how funds are used by chiefs. The reason this issue exists is because the way DACDF grants money—rather than analyzing the chief's intentions on how the funds will be used, DACDF bases its allocation of money on the value of diamonds in the area. If and when

²⁰⁹ Maconachie, Roy. "The Diamond Area Community Development Fund: micropolitics and community-led development in post-war Sierra Leone." 261.

²¹⁰ Maconachie, Roy. "The Diamond Area Community Development Fund: micropolitics and community-led development in post-war Sierra Leone." 262.

the DRC adopts the DACDF, the program should have a two-pronged approach. First, it should consider the value of mineral resources in the region. Second, it should hold a meeting with the chief of the community in which the chief presents a well-formed plan on how the money granted should be allocated. After both these approaches, the governing body of the DACDF should grant the community the funds necessary to achieve their goals. This should follow a similar approach to DACDF's 2008 Operational Procedures and Guidelines, which outlines the criteria for different projects.

Another criticism of the DACDF is the lack of involvement from a number of different stakeholders in the decision-making process. In Sierra Leone, an attempt to solve this was to enforce a policy that demands at least five people in each community to sign and complete a report in addition to the chief- though this policy has not been perfect, it is a solid effort in bringing together different groups in a community to solve issues. The DRC must implement such a project, though build upon its current efforts to include women and youth in the decision-making process of the mining sector.

Much like Sierra Leone, mining communities in the DRC have had issues with the inclusion of women and children in the decision-making process as well as issues with their security. Implementing a program like DACDF must include women as stakeholders—at least two of the signatories of reports should be women, as they are an integral part of a mining community. By giving women a small amount of leadership in the community, attitudes that form gender-based violence will hopefully diminish as women could be seen as legitimate parts of the community that belong, rather than transitory beings that have no ties to anyone. A similar program to DACDF in the DRC should make use of mining associations in a way that develops standards for child labor,

as it is unrealistic to think children will not be working in the mines. Rather, a best practices guide made by the community itself should determine working conditions (and be screened by the regional office for approval). Because of ethnic tensions in the Eastern DRC, community-made standards will allow space for ethnic differences and practices, ensuring that the community believes in the created standards rather than look at the standards as top-down manipulative strategies.

Further Reforms Specific to the Democratic Republic of Congo

It is important to note that while Tanzania and Sierra Leone provide important insight on policies the DRC should look towards, most aforementioned policies from Tanzania and Sierra Leone will not be as effective in the DRC until the Congolese government addresses its distinct issues. In other words, the DRC should develop some of its own policies that do not exist in Tanzania and Sierra Leone to create an artisanal mining sector in the Eastern DRC that benefits all parts of a mining community. In order to foster bottom-up approaches to community reconciliation and inclusion, a government analysis of the current decentralization policy, the integration of foreign ethnic groups into the DRC, and the formation of local and governmental collaborative development.

Bottom Up Approaches: Community Reconciliation and Inclusion

Because peace-building initiatives have so far ignored local-level tensions in the DRC, it is important for bottom-up approaches to be the core component to addressing issues in artisanal mines. Similar to Tanzania's and Sierra Leone's zone-creating and DACDF programs, the DRC should engage all members of the community when addressing issues, solving problems, creating policies, and implementing solutions, but need to address more explicitly the participation issues. In addition, because the role of

minerals in the conflict has revolved around funding, it will be beneficial to understand the local realities of the Eastern DRC in order to avoid over-simplification of the conflict. This will, in turn, pave the way to methods that will allow minerals to be used in a way that funds development, rather than a way for minerals to fuel conflict.

Focusing on community reconciliation, such as the Life and Peace Institute program reviewed earlier, will also allow for greater inclusion in mining communities. As mentioned in previous chapters, massive human rights abuses against miners, women, and children continue and are exacerbated by the lack of involvement in the decision-making process. By hosting communal events and discussions, there is a greater likelihood that attitudes will shift and human rights issues will be brought to light. In addition, the fact that discussions would be mediated by someone outside of the community (though they should not be intrusive) will allow for the community to have opportunities to learn about best practices and safe and proper mining regulations.

Bottom-up approaches will lay the foundation for change in the Eastern DRC. Without buy-in from the local communities, top-down approaches will be abused and thought of as exploitative. Though these participatory approaches will challenge traditional power structures, and may result in a plethora of other unknown issues, they are the only option that truly gives mining communities agency. However, it is still important that local-level changes be accompanied by government change, especially the development of a new mining code as well as a transparent land-right policy.

Analyzing and Reforming Decentralization Policies

The DRC government must re-focus their attention to the decentralization of provincial power in order for the decentralization of mining offices to have any impact on

artisanal mining communities. Currently, “the installation of the 26 new provinces, mostly based on the pre-existing districts, should have happened by 2010, but the whole process has been stalled.”²¹¹ Processes regarding decentralization must begin again, and provincial leaders must be allocated to mining areas. These leaders should be elected by the community, and should have plans to allocate resources equally throughout the community, regardless of their political/ethnic/gendered affiliations; in addition, the government must keep in mind that policies in one province are not always replicable in other provinces. Though this is idealistic, the central government should attempt to increase participation when electing provincial leaders.

However, one must be cautious about decentralization, as some scholars have noted that “There may be an inherent trade-off between the potentially destabilising effects of rushing decentralisation through too soon versus the risk of aggravating tensions between the centre and the provinces by not doing it soon enough.”²¹² Also, decentralization poses the risk of changing the site of conflict, from the national level to the local level. Thus, the inclusion of local stakeholders is extremely important in the decentralization process, especially because areas have diverse populations. The aim of decentralization is to ensure that members of a community gain access to their provincial government, enabling greater transparency and surveillance in both government acts and mining communities. In addition, having leaders in close proximity will make it easier to

²¹¹ “Congo: Is Democratic Change Possible?” *International Crisis Group*. May 5, 2015. 17. [http://www.crisisgroup.org/~media/Files/africa/central-africa/dr-congo/225-congo-is-democratic-change-possible.pdf](http://www.crisisgroup.org/~/media/Files/africa/central-africa/dr-congo/225-congo-is-democratic-change-possible.pdf)

²¹² Cited in Haider, Huma. “Political Economy and Governance in the Democratic Republic of Congo.” *Applied Knowledge Services*. March 8, 2015. 13. <http://www.gsdr.org/wp-content/uploads/2015/08/HDQ1252.pdf>

form programs like the DACDF, could alleviate tensions between large and small-scale miners, and create mining zones.

Integrating Foreign Groups

Because around 32 rebel groups²¹³ with diverse ethnicities, political affiliations, and group agendas exist in the Eastern DRC, it is important that the provincial states or community hearings integrate even those members who are not ‘indigenous’ to the DRC. While this thesis addresses Congo’s future after foreign rebel groups are gone, even some local militias are looked at as foreign to Congolese. In addition, high levels of displacement have caused mobility and left thousands of people away from their homes. Sending groups of people back to their original “homes” is infeasible, and will only further exacerbate conflict. Thus, all policies should be inclusive of a plethora of identities.

Most conflicts in artisanal mining regions are due to conflicts over land and power. These land disputes can be somewhat alleviated by the aforementioned policies, though it is important that these policies also address conversations of inclusion in order for different groups to work together to earn a livelihood. Often, armed groups that take over mines are of a different group affiliation to those people working in the mines, thus exacerbating distrust. Integrating groups will allow for a shared responsibility to take care of one another but also an understanding that mining is central to each and every community members’ livelihoods.

²¹³ “Land, Power and Identity in the DRC Seminar.” *Life and Peace Institute*. April 29, 2015. <http://life-peace.org/resource/land-power-and-identity-in-the-drc-seminar-video/>

Collaborative Development

Collaboration is the most important aspect of achieving safe and beneficial practices in artisanal mines. Not only collaboration on the local level, but also on the regional, national, and international level is necessary. Conferences should continue to be held, but the dominant narrative of peacebuilding should be abolished, and international efforts like MONUSCO should focus on the micro-level. International organizations like the World Bank should continue hosting national conferences in order to tackle issues. For example, subsequent womens' conferences should be held. The last three-day conference held in the DRC by the World Bank regarding women-specific issues brought light to violence against women and also resulted in a National Action Plan that established a "Women in Mining" network in the DRC. "The Action Plan focuses on grassroots organization and mobilization to establish a vibrant and broad-based network of women and organizations concerned with the impacts encountered by women in the mining sector."²¹⁴ Managing these conferences will create more opportunities for women within the DRC to collaborate as well.

Regional efforts like ICGLR must continue working to support the DRC, though only time will tell if its current RINR system will make any impact. National efforts should focus on the relationship between state and non-state actors and their subsequent integration. NGOs must be able to work alongside the government in a country as large as the DRC. The central government should prioritize mining as a development initiative

²¹⁴ Perks, Rachel. "Women in mining share pain and unite for change." October, 9, 2015. *World Bank Blog*. <http://blogs.worldbank.org/energy/women-mining-share-pain-and-unite-change>

and branch out in order to alleviate hardships for miners, rather than consolidating all mining solutions in Kinshasa.

Finally, local efforts will provide a framework for the international community. Bottom-up issues have been the cause of conflicts in artisanal mines, as well as the ways in which artisanal mines have been used to fuel conflicts, and bottom-up approaches are the foundation of how the peace-process will be triggered in the Eastern DRC.

Concluding Thoughts

There is still hope for the Congo. It is evident that past international and national efforts have failed, from Section 1502 of the Dodd-Frank Act, known as “Obama’s Law” in the Congo, to Kabila’s ban on artisanal mining- violence has in fact increased in some areas of the Eastern DRC.²¹⁵ Due to these failures, the international community needs to take steps to understand what the reality of the situation in the DRC is, no matter how nuanced and complex it may be. While artisanal mining continues to be viewed as an informal and unproductive method of mining, the international community and national community of the DRC should recognize artisanal mining as a viable form of economic opportunity, as well as its imperative role in rebuilding livelihoods in the Eastern DRC. Without recognizing that artisanal mining is actually beneficial to people in the Eastern DRC, policies will not be effective- just as the people living in the Eastern DRC have already witnessed. Shortcuts and quick fixes are no longer an option; in other words, boycotting companies that sell iPhones and computers will not “save” the people of the Congo. As Seth Chase mentions in his documentary “We Will Win Peace,” the United States’ Congress “cannot mobilize around complexity,” though it should.

²¹⁵ Chase, Seth. “We Will Win Peace.” Documentary. *Trans Africa Media*. 2015.

International efforts must modify the ways in which they approach the Congo, by giving aid to local actors that work on post-conflict reconstruction, as well as local actors that hope to provide equity in mines. In this sense, aid budgets should allocate a sum of money to local peacebuilding efforts, rather than only to top-down policies. In addition, as Séverine Autesserre suggests, “whenever civil society actors are ill-equipped to address the local tensions, international political and military actors should step in.”²¹⁶ For this reason, UN peacekeepers should not leave the country, but rather play an interventionist role in times when local actors cannot help in situations. Armed groups will in turn see that peacekeepers are there to help in the peace process only when local actors are unable to, easing tensions from all sides.

A future DRC government must adapt regional policies from Tanzania and Sierra Leone in order to fit the mold of the DRC, through integration of local, national, regional, and international stakeholders. Once the DRC stabilizes and the presence of foreign armed rebel groups diminishes, addressing all aspects of the Eastern DRC’s tensions—local and national—will allow for the creation of a system in which artisanal miners can reap the benefits of the minerals they work so tirelessly to extract. Rather than a single cause, symptom, and solution to the issue, hope in the Congo will only result from a multifaceted system consisting of post-conflict reconstruction and poverty alleviation policies, along with the recognition that artisanal mining serves a purpose in Congolese lives.

²¹⁶ Autesserre. Séverine. “D.R Congo: Explaining Peace Building Failures, 2003-2006.” 438.

Bibliography

- “2012 Minerals Yearbook.” *US Geological Survey*.
<http://minerals.usgs.gov/minerals/pubs/country/2012/myb3-2012-cg.pdf>
- “2013 Minerals Yearbook: Sierra Leone.” *US Geological Survey*. 2013.
<http://minerals.usgs.gov/minerals/pubs/country/2013/myb3-2013-sl.pdf>
- “2015 UNHCR country operations profile - Democratic Republic of Congo.” *The UN Refugee Agency*. 2016. <http://www.unhcr.org/pages/49e45c366.html>
- 2016 Index of Economic Freedom: Sierra Leone.” *The Heritage Foundation*. 2016. <http://www.heritage.org/index/country/sierraleone>
- “A Mineral Renaissance.” *Komatsu Pan African Mining Journal*. June 2013.
<http://www.africanminerals.com/sites/default/files/attachments/pdf/Sierra%20Leone%20Supplement%202013%20copy.pdf>
- “A Simplified Handbook on the Government of Sierra Leone’s New Operational Procedures and Guidelines For the Diamond Area Community Development Fund.” *World Bank Justice for the Poor*. 2009.
http://www.wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2009/12/24/00033495_20091224030102/Rendered/PDF/523990BRI0P1131oor0Simplified0DACDF.pdf
- “About.” *Kimberley Process Certification Scheme*.
<http://www.kimberleyprocess.com/en/about>
- “An Open Letter.” <https://ethuin.files.wordpress.com/2014/09/09092014-open-letter-final-andlist.pdf>
- “Armed groups in Eastern DRC.” *IRIN*. October 31, 2013.
<http://www.irinnews.org/report/99037/briefing-armed-groups-in-eastern-drc>
- Autesserre, Séverine. “Dangerous Tales: Dominant Narratives On the Congo and Their Unintended Consequences.” *African Affairs*. February 9, 2012.
<http://afraf.oxfordjournals.org/content/early/2012/02/09/afraf.adr080.full.pdf+html>
- Autesserre, Séverine. “To solve mass violence, look to locals.” *TED*. January 2015.
https://www.ted.com/talks/S%C3%A9verine_autesserre_to_solve_mass_violence_look_to_locals/transcript?language=en
- Autesserre, Séverine. “D.R Congo: Explaining Peace Building Failures, 2003-2006.” *Review of African Political Economy*. October 22, 2007.
<http://www.tandfonline.com/doi/pdf/10.1080/03056240701672510>

- Autesserre, Séverine. "Trouble with Congo: How Local Disputes Fuel Regional Conflict." *Foreign Affairs*. May/June 2008.
<https://www.foreignaffairs.com/articles/democratic-republic-congo/2008-05-03/trouble-congo>
- Bafilemba, Fidel, and Sasha Lezhnev. "Congo's Conflict Gold Rush." *The Enough Project*. April 2015.
<http://www.enoughproject.org/files/April%2029%202015%20Congo%20Conflict%20Gold%20Rush%20reduced.pdf>
- Bawa, Yves. "PROMINES Artisanal Mining in the DRC." *Pact Inc*.
<http://www.kilogoldmines.com/wp-content/uploads/2012/10/2010-Pact-Inc-DRC-Promines-Artisinal-Mining-in-the-DRC-.pdf>
- Chase, Seth. "We Will Win Peace." Documentary. *Trans Africa Media*. 2015.
- "Conflict Minerals and the Democratic Republic of Congo." *Business for Social Responsibility*. May 2010. 5.
http://www.bsr.org/reports/BSR_Conflict_Minerals_and_the_DRC.pdf
- "Conflict Minerals in Eastern Congo." *Global Witness*. March 2, 2015.
<https://www.globalwitness.org/en/campaigns/conflict-minerals/conflict-minerals-eastern-congo/>
- "Conflict Minerals." *The Enough Project*.
http://www.enoughproject.org/conflicts/eastern_congo/conflict-minerals
- "Congo, Democratic Republic of the, Statistics." *UNICEF*. December 23, 2013.
http://www.unicef.org/infobycountry/drcongo_statistics.html
- "Congo: Is Democratic Change Possible?" *International Crisis Group*. May 5, 2015.
<http://www.crisisgroup.org/~media/Files/africa/central-africa/dr-congo/225-congo-is-democratic-change-possible.pdf>
- Cubitt, Christine. "Sierra Leone's post-conflict reconstruction: a study of the challenges for building long term peace." 2010.
https://bradscholars.brad.ac.uk/bitstream/handle/10454/4859/Cubitt_PhD_Thesis_FS.pdf?sequence=1
- "Data. Congo, Dem. Rep." *The World Bank*. 2015.
<http://data.worldbank.org/country/congo-dem-rep>
- "Democratic Republic of Congo." *Population Services International*.
<http://www.psi.org/country/democratic-republic-of-congo/#about>

- “Diamond exports in Ebola-hit Sierra Leone plummet in 2015.” *Agence France-Presse*. February 25, 2016. <http://www.rappler.com/business/industries/123676-sierra-leone-diamond-exports-2015>
- Englebert, Pierre. “The Democratic Republic of Congo: Fault Lines and Local Fissures.” *On the fault line: managing tensions and divisions within societies*. 2012. <https://pierreenglebert.files.wordpress.com/2013/12/fault-lines-englebert.pdf>
- Epstein, Marc J., and Kristi Yuthas. “Conflict minerals: Managing an emerging supply chain problem.” *Environmental Quality Management*. 2011. http://onlinelibrary.wiley.com/doi/10.1002/tqem.20314/epdf?r3_referer=wol&tracking_action=preview_click&show_checkout=1&purchase_referrer=onlinelibrary.wiley.com&purchase_site_license=LICENSE_DENIED_NO_CUSTOMER
- “Executive Committee of the Extractive Industries Transparency Initiative: Reconciliation Report for the Year 2012.” *Moore Stephens LLP*. December 2014. <https://eiti.org/files/Reconciliation%20Report%20EITI%20DRC%202012%20BEN%20version%5D.pdf>
- Fisher, Eleanor, Rosemarie Mwaipopo, Wilson Mutagwaba, David Nyange, and Gil Yaron. ““The ladder that sends us to wealth”: Artisanal mining and poverty reduction in Tanzania.” *Resources Policy*. 2009. <http://www.sciencedirect.com/science/article/pii/S0301420708000718>
- Fisher, Eleanor. “Occupying the Margins: Labour Integration and Social Exclusion in Artisanal Mining in Tanzania.” July 25, 2007. <http://onlinelibrary.wiley.com/doi/10.1111/j.14677660.2007.00431.x/full>
- “Freedom in The World: Congo, Democratic Republic of (Kinshasa).” *Freedom House*. 2013. <https://freedomhouse.org/report/freedom-world/2013/congo-democratic-republic-kinshasa?gclid=CPL964rCxMsCFYeUfgodBKkL7A>
- Geenen, Sara, and Ben Radley. “In the face of reform: What future for ASM in the eastern DRC?” *Futures*. October 2014. http://ac.elscdn.com/S001632871300164X/1-s2.0S001632871300164X-main.pdf?_tid=5afdcfc8-ec7c-11e5-8d8d00000aab0f02&acdnat=1458245635_2bfca7f89e2b5f487ab97c3c006db982
- Geenen, Sara. “Dispossession, displacement, and resistance: Artisanal miners in a gold concession in South-Kivu, Democratic Republic of Congo.” *Resources Policy*. June 2014. file:///C:/Users/mkale16/Downloads/Geenen%202014_Dispossession%20displacement%20and%20resistance.pdf

- Hahn, Hannah Poole, Karen Hayes, and Azra Kacapor. "Breaking the Chain: Ending the supply of child-mined minerals." *Pact World Inc.* October 2013.
<http://www.pactworld.org/sites/default/files/PACT%20Child%20Labor%20Report%20English%202013.pdf>
- Hayes, Karen, and Rachel Perks. "Women in the artisanal and small-scale mining sector of the Democratic Republic of Congo." *Environmental Law Institute and United Nations Environment Programme.* June 2012.
http://elr.info/sites/default/files/529544_hayes_and_perks.pdf
- Hilson, Gavin and Natalia Yakovleva. "Strained relations: A critical analysis of the mining conflict in Prestea, Ghana." *Political Geography.* January 2007.
http://ac.elscdn.com/S0962629806000990/1-s2.0-S0962629806000990-main.pdf?_tid=7a238736f52c-11e5-b9f600000aab0f6c&acdnat=1459200888_2d7af6e92cc87d35064b889c6dfa53e7
- Hilson, Gavin, and Abigail Ackah-Baidoo. "Can microcredit services alleviate hardship in African small-scale mining communities?." *World development.* July 2011.
<http://www.sciencedirect.com/science/article/pii/S0305750X10002238>
- "History of the Conflict." *Eastern Congo Initiative.* <http://www.easterncongo.org/about/drc/history-of-the-conflict>.
- "Human Development Reports: Congo (Democratic Republic of the)." *United Nations Development Programme.* 2015. <http://hdr.undp.org/en/countries/profiles/COD>
- Jameson, Jordan N., Xin Song, and Michael Pelt. "Conflict Minerals in Electronic Systems: An Overview and Critique of Legal Initiatives." *Science and Engineering Ethics.* September 10, 2015.
<http://link.springer.com/article/10.1007/s11948-015-9704-7>
- Jang, Se Young. "The Causes of the Sierra Leone Civil War." *E-International Relations Students.* October 25, 2012. <http://www.e-ir.info/2012/10/25/the-causes-of-the-sierraleone-civil-war-underlying-grievances-and-the-role-of-the-revolutionary-united-front/>
- Kabwe, Zitto. "Tanzania's Mining Sector: Challenges and Prospects for the Future." *National Defence College.* 2008. http://www.fes.tanzania.org/files/fes/pdf/YLTP%20RegConf%20Presentations/Tanzania%20Mining%20Sector%20%20Challenges%20and%20prospects_Zitto%20Kabwe_edit.pdf
- Kawamoto, Kazumi. "Insights from Diamond Extractive Industries in Sierra Leone Community Development Fund, Kimberley Process and Kimberlite Mining."

Center for Documentation of Refugees and Migrants. September 2010.
<http://cdr.c.utokyo.ac.jp/Quarterly/Vol1.pdf#page=7>

Kikwete: There is More Transparency in Mineral Sector.” *Tanzania Minerals Audit Agency*. March 18, 2016. <http://www.tmaa.go.tz/news/view/kikwete-there-is-more-transparency-in-minerals-sector>

Kimberley Process Certification Scheme.” <http://www.kimberleyprocess.com/en/about>

Land, Power and Identity in the DRC Seminar.” *Life and Peace Institute*. April 29, 2015.
<http://life-peace.org/resource/land-power-and-identity-in-the-drc-seminar-video/>

Lange, Siri. “Benefit streams from mining in Tanzania: Case studies from Geita and Mererani.” *Chr. Michelsen Institute*. 2006.
<http://bora.cmi.no/dspace/bitstream/10202/80/1/Report%20R%202006-11.pdf>

Law No. 007/2002 of July 11, 2002 Relating to the Mining Code.” *Official Document of the Democratic Republic of Congo*. 2002.

Maconachie, Roy and Gavin Hilson. “Artisanal Gold Mining: A New Frontier in Post Conflict Sierra Leone?” *Development Studies*. April 20, 2011.
<http://www.tandfonline.com/doi/pdf/10.1080/00220381003599402>

Maconachie, Roy and Gavin Hilson. “Re-Thinking the Child Labor ‘Problem’ in Rural Sub Saharan Africa: The Case of Sierra Leone’s Half Shovels.” *World Development*. February 2016. http://ac.els-cdn.com/S0305750X1500234X/1-s2.0-S0305750X1500234X-main.pdf?_tid=5fec3156-e0d2-11e5-adaa00000aacb361&acdnat=1456963166_d6c4c4f009d4e01184e73c4025e4b3d5

Maconachie, Roy, and Gavin Hilson. “Safeguarding livelihoods or exacerbating poverty? Artisanal mining and formalization in West Africa.” *Natural Resources Forum*. 2011. <http://onlinelibrary.wiley.com/doi/10.1111/j.14778947.2011.01407.x/epdf>

Maconachie, Roy, and Tony Binns. “Beyond the resource curse? Diamond mining, development and post-conflict reconstruction in Sierra Leone.” *Resources Policy*. 2007. http://ac.els-cdn.com/S0301420707000347/1-s2.0S0301420707000347main.pdf?_tid=7584cbd09f74-11e5-b16900000aacb35f&acdnat=1449776004_9de34ec716a2113d07c1a588143d5309

Maconachie, Roy. “Diamonds, governance and ‘local’ development in post-conflict Sierra Leone: Lessons for artisanal and small-scale mining in sub-Saharan Africa?” *Resources Policy*. June 2009. http://ac.els-cdn.com/S0301420708000706/1-s2.0S0301420708000706main.pdf?_tid=950c75f0-d36f-11e5825d00000aacb35f&acdnat=1455491370_111a494615b0462872959e8e047b12bc

- Maconachie, Roy. "The Diamond Area Community Development Fund: micropolitics and community-led development in post-war Sierra Leone." *High-value natural resources and post-conflict peacebuilding*. June 2012.
http://environmentalpeacebuilding.org/assets/Documents/LibraryItem_000_Doc102.pdf
- "Making a Killing: The Diamond Trade in Government Controlled DRC." *Amnesty International*. 22 October 2002.
<https://www.amnesty.org/en/documents/afr62/017/2002/en/>
- "Map: Natural resources in DR Congo." *Al Jazeera*. November 23, 2011.
http://www.aljazeera.com/indepth/spotlight/congoelections/2011/11/201111231403166_172.html
- Matthysen, Ken, and Andres Zaragoza Montejano. "'Conflict Minerals' initiatives in DR Congo: Perceptions of local mining communities." November 2013.
http://ipisresearch.be/wpcontent/uploads/2013/11/20131112_HU.pdf
- "Measuring Mortality in the Democratic Republic of Congo." *International Rescue Committee*. 2007. http://www.rescue.org/sites/default/files/resourcefile/IRC_DRCMortalityFacts.pdf
- "Mines to Markets." *Pact Inc*. <http://www.pactworld.org/DRCmining>
- "Mobility and Transparent Artisanal Mining in the Democratic Republic of Congo." *The World Bank*. August 13, 2015.
<http://www.worldbank.org/en/news/feature/2015/08/13/mobility-and-transparent-artisanal-mining-in-the-democratic-republic-of-congo>
- Mungatana, Eric. "Accounting for Mineral Resources in Tanzania: Data Challenges and Implication for Resource Management Policy." *Center for Environment and Economic Policy in Africa*. March 2009.
<http://www.ceepa.co.za/uploads/files/Discussion%20paper%20no%2043.pdf>
- Mwaipopo, Rosemary, Wilson Mutagwaba and David Nyange. "Increasing the Contribution of Artisanal and Small-Scale Mining to Poverty Reduction in Tanzania." *Department of International Development*. October 2004.
<http://eisourcebook.org/cms/Jan%202013/Tanzania,%20Increasing%20the%20Contribution%20of%20Artisanal%20and%20SmallScale%20Mining%20to%20Poverty%20Reduction%20in%20Tanzania.pdf>

“Our work in the Democratic Republic of Congo.” *Life and Peace Institute*. <http://lifepeace.org/programmes/democratic-republic-of-congo/>

“Overview of mining sector.” *Tanzania Chamber of Minerals and Energy*. 2015. <http://www.tcme.or.tz/mining-in-tanzania/industry-overview/>

Perks, Rachel. “Women in mining share pain and unite for change.” October, 9, 2015. *World Bank Blog*. <http://blogs.worldbank.org/energy/women-mining-share-pain-and-unite-change>

Phillips, Lucie C. and Dr. Haji Semboja, G.P Shukla, Rogers Sezinga, Wilson Mutagwaba, and Ben Mchwampaka. “Tanzania’s Precious Mineral Boom: Issues in Mining and Marketing.” *Equity and Growth Through Economic Research*. ” March 2001. http://pdf.usaid.gov/pdf_docs/PNACL372.pdf

“Reforming the Mining Code of the Democratic Republic of Congo.” *Shearman and Sterling*. October 15, 2012. http://www.shearman.com/~media/Files/NewsInsights/Publications/2012/10/Reforming-the-Mining-Code-of-the-Democratic-Repu___/Files/View-full-memo-Reforming-the-Mining-Code-of-the___/FileAttachment/ReformingtheMiningCodeoftheDemocraticRepublicofC___pdf

“Report of the 12th Meeting of the ICGLR Regional Committee on the Regional Initiative on the Fight Against Illegal Exploitation of Natural Resources.” *International Conference on the Great Lakes Region*. September 2015. http://www.icglr.org/images/Report_12th%20RC%20meeting.pdf

Resources and resourcefulness: gender, conflict, and artisanal mining communities in Eastern Democratic Republic of Congo.” *The World Bank*. 2015. http://www.wds.worldbank.org/external/default/WDSP/IB/2015/04/24/00224b82e03858/1_0/Rendered/PDF/Resources0and00epublic0of0the0Congo.pdf

Rustad, Siri Aas, Gudrun Ostby, and Ragnhild Nordas. “Artisanal mining, conflict, and sexual violence in Eastern DRC.” *The Extractive Industries Society*. 2016. <https://claremont.illiad.oclc.org/illiad/pdf/345768.pdf>

“SAESSCAM.” <http://www.saesscam.cd/SAESSCAM/>

Seitzinger, Michael V., and Kathleen Ann Ruane. “Conflict Minerals and Resource Extraction: Dodd-Frank, SEC Regulations, and Legal Challenges.” *Congressional Research Service*. April 2, 2015. <https://www.fas.org/sgp/crs/misc/R43639.pdf>

“Sierra Leone Extractive Industries Transparency Initiative.” *Moore Stephens LLP*. December 2013.

<https://eiti.org/files/SLEITI%20Reconciliation%20Report%202011%20%20Final.pdf>

Spittaels, Steven, and Filip Hilgert. "Analysis of the interactive map of artisanal mining areas in Eastern DR Congo." *International Peace Information Service*. November 2013. 8. http://ipisresearch.be/wp-content/uploads/2013/11/20131113_Promines_analysis.pdf

Stearns, Jason K. "Helping Congo Help Itself." *Foreign Affairs*. 2013. <file:///C:/Users/mkale16/Downloads/92ForeignAff99.pdf>

Taka, Miho. "Coltan Mining and the Conflict in the Eastern Democratic Republic of Congo." *Center for Documentation of Refugees and Migrants*. September 2010. <http://cdr.c.utokyo.ac.jp/Quarterly/Vol1.pdf>

"Tanzania." *African Economic Outlook*. 2013. <http://www.africaneconomicoutlook.org/fileadmin/uploads/aeo/2013/PDF/Tanzania.pdf>

"The Extractive Resource Industry in Tanzania: Status and Challenges of the Mining Sector." *Society for International Development*. 2009. http://www.sidint.net/sites/www.sidint.net/files/docs/extractive_resource_industry.pdf

"The formalisation of artisanal mining in the Democratic Republic of Congo and Rwanda." *International Peace Information Service*. December 2012. <http://www.cifor.org/fileadmin/subsites/proformal/PDF/RIPIS1212.pdf>

"The ICGLR Regional Initiative against the Illegal Exploitation of Natural Resources (RINR) and other Certification Mechanisms in the Great Lakes Region: Lessons Learned and Best practices." *U.N Economic Commission for Africa*. http://www.uneca.org/sites/default/files/PublicationFiles/special_report_-icglr.pdf

"The Mines and Minerals Act, 2009." *Sierra Leone Government*. 2009. <http://www.sierraleone.org/Laws/2009-12.pdf>

"This is What We Die For: Human Rights Abuses in the Democratic Republic of the Congo Power the Global Trade in Cobalt." *Amnesty International*. January 19, 2016. <https://www.amnesty.org/en/documents/afr62/3183/2016/en/>

"Toxic Toil: Child Labor and Mercury Exposure in Tanzania's Small Scale Gold Mines." *Human Rights Watch*. August 2013. https://www.hrw.org/sites/default/files/reports/tanzania0813_ForUpload_0.pdf

- “Unconflicted: Making conflict-free mining a reality in the DRC, Rwanda, and Burundi.” *Pact Inc.* July 2015. <http://www.pactworld.org/sites/default/files/unconflicted.pdf>
- Verbruggen, Didier, Evie Francq and Jeroen Cuvelier. “Guide to Current Mining Reform Initiatives in Eastern DRC.” April 2011. <https://biblio.ugent.be/publication/1863693/file/1864032>
- Vlassenroot, Koen. “Land Issues and Conflict in Eastern DRC.” *Conflict Prevention and Peace Forum*. January 2013. https://s3.amazonaws.com/ssrc-cdn1/crmuploads/new_publication_3/%7B563A5594-2560-E211-8EAC-001CC477EC84%7D.pdf
- Weijjs, Bart, Dorothea Hilhorst and Adriaan Ferf. “Livelihoods, basic services and social protection in the Democratic Republic of Congo.” *Secure Livelihoods Research Consortium*. July 2012. <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications/opinion-files/7717.pdf>
- Williams, Christopher. “Explaining the Great War in Africa: How Conflict in the Congo Became an Continental Crisis.” *The Fletcher Forum of World Affairs*. Summer 2013. <http://www.fletcherforum.org/wp-content/uploads/2013/05/Williams-372.pdf>
- Williams, Glyn. “Evaluating participatory development: tyranny, power and (re)politicisation.” January 24, 2007. <http://www.tandfonline.com/doi/pdf/10.1080/0143659042000191438>
- Wolfe, Lauren. “How Dodd-Frank Is Failing Congo.” *Foreign Policy*. February 2, 2015. <http://foreignpolicy.com/2015/02/02/how-dodd-frank-is-failing-congo-mining-conflict-minerals/>
- “World Development Indicators.” *The World Bank*. 2016. <http://databank.worldbank.org/data/reports.aspx?source=2&country=COD&series=&period=>
- “World Report on Child Labor.” *International Labor Organization*. 2013.
- Zapata, Mollie. “Congo: The First and Second Wars, 1996-2003.” *Enough Project*. November 29, 2011. <http://www.enoughproject.org/blogs/congo-first-and-second-wars-1996-2003>

