

# Armed conflict, insecurity, and mining in eastern DRC

Reflections on the nexus between natural  
resources and armed conflict



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# EDITORIAL

## **Armed conflict, insecurity, and mining in eastern DRC: Reflections on the nexus between natural resources and armed conflict**

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**Front cover image:** Artisanal miners transporting minerals, Mambasa territory, Ituri, 2017.

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# 1. TABLE OF CONTENTS

<b>EDITORIAL .....</b>	<b>2</b>
<b>ABBREVIATIONS .....</b>	<b>4</b>
<b>EXECUTIVE SUMMARY .....</b>	<b>5</b>
<b>1. INTRODUCTION .....</b>	<b>11</b>
<b>2. CONCEPTS AROUND CONFLICT FINANCING .....</b>	<b>13</b>
<b>3. LINK BETWEEN 'INSECURITY', 'MINING', AND 'MINERAL TRADE' NOWADAYS .....</b>	<b>15</b>
3.1. Armed groups' mineral revenues .....	16
3.1.1. Ituri.....	17
3.1.2. North Kivu.....	18
3.1.3. South Kivu.....	19
3.2. FARDC .....	20
<b>4. RELATED ISSUES TO CONSIDER .....</b>	<b>23</b>
4.1. Access to land.....	23
4.2. Intercommunity tensions.....	25
4.3. DDR and stabilization.....	26
4.4. Governance and corruption.....	27
4.5. Mining reform and formalization .....	29
4.6. Supply chain actors local to regional.....	31
4.7. Companies and investors rush on gold and minerals.....	33
<b>5. CONCLUSIONS.....</b>	<b>36</b>
<b>6. BIBLIOGRAPHY .....</b>	<b>38</b>

## ABBREVIATIONS

ADF	Allied Democratic Forces
AGR	African Gold Refinery
ASM	Artisanal and Small-scale Mining
BGR	German Federal Institute of Geosciences and Natural Resources
CLS	<i>Comité Local de Suivi</i>
CNDP	<i>Congrès National pour la Défense du Peuple</i>
CNPSC	<i>Coalition Nationale du Peuple pour la Souveraineté du Congo</i>
CODECO	<i>Coopérative pour le Développement Économique du Congo</i>
COOPERAMMA	<i>Coopérative des Exploitants Artisanaux Miniers de Masisi</i>
CPS	<i>Comité Provincial de Suivi</i>
CTS	<i>Comité Territorial de Suivi</i>
DDR	Disarmament, Demobilization and Reintegration
DRC	Democratic Republic of Congo
EAC	East African Community
FARDC	<i>Forces Armées de la République Démocratique du Congo</i> (national army)
FDLR	<i>Forces Démocratiques de Libération du Rwanda</i>
FNI	<i>Front des Nationalistes Intégrationnistes</i>
FPIC	<i>Force Patriotique et Intégrationniste du Congo</i>
FRPI	<i>Force de Resistance Patriotique de l'Ituri</i>
ICGLR	International Conference on the Great Lakes Region
ILRG	Integrated Land and Resource Governance Program
IPIS	International Peace Information Service
KST	Kivu Security Tracker
NDC-R	<i>Nduma Défense du Congo – Rénové</i>
OECD	Organisation for Economic Cooperation and Development
P-DDRCS	<i>Programme de Désarmement, Démobilisation, Relèvement Communautaire et Stabilisation</i>
PMH	<i>Police des Mines et Hydrocarbures (Mining Police)</i>
RCD	<i>Rassemblement Congolais pour la Démocratie</i>
RINR	Regional Initiative against the Illegal Exploitation of Natural Resources
SAKIMA	<i>Société Aurifère du Kivu et du Maniema</i>
SMB	<i>Société Minière de Bisunzu</i>
UAE	United Arab Emirates
UPC	<i>Union des Patriotes Congolais</i>
UPDF	Ugandan People's Defense Forces
USAID	United States Agency for International Development

# EXECUTIVE SUMMARY

The concepts of '**mining**' and '**conflict financing**' have been closely linked in conflict analyses in eastern Democratic Republic of Congo (DRC) over the past 20 years. The conflict, as well as conflict financing, has however changed considerably in eastern DRC over the past twenty years. It is therefore necessary to reconsider the concept of 'conflict minerals', as new types of conflict linked to mining have occurred, and more different types of actors are involved than before.

## A. Link between mining and conflict financing

While the link between 'natural resources' and 'conflict' has been much discussed in literature, the two are undeniably linked in eastern DRC. The exact relationship is however up for discussion. Le Billion (2012) groups the analytical frameworks in three main categories: 'resource conflict' refers to conflicts resulting from competition over resources; 'conflict resources' provide the opportunity to finance belligerents' war efforts; and the 'resource curse' argument highlights the risks around poor resource governance. It is important to realize that none of these arguments provide a full explanation for this link, but rather complement each other.

- Large-scale **armed conflict over DRC's mineral wealth** (i.e. the 'resource conflicts' argument) has decreased significantly over the past twenty years. Nevertheless, at the local level conflicts over resources are still common. These conflicts regularly devolve into violence, and stakeholders often turn to armed actors (either armed groups or state security forces) to protect their claim to land or resources. Additionally, the exploitation of minerals by (foreign) companies in eastern DRC has led to social tensions and has spurred armed group activity on multiple occasions;
- Most armed groups in eastern DRC were created for ideological or security reasons (often 'self-defense' against other armed groups or ethnic communities that are perceived as a threat). Exploitation of natural resources (especially gold) provides economic **opportunities** for many armed groups to survive ('conflict resources' argument). Units from the national army (FARDC) are also eager to get involved in the mining business and consolidate the situation of insecurity in eastern DRC.
- The DRC is considered to be one of the most fragile states worldwide, maybe even exacerbated by the '**resource curse**'. State authority is absent in remote mining areas, which undermines the implementation of mining regulation. In other mining zones state agents perform poorly, engaging in corruption and showing predatory behavior. Scholars have however also warned against the use of the concept 'failed state.' Even though the state is malfunctioning in DRC, "its institutions continue to operate one way or another, and governance is being negotiated between a wide range of state and non-state actors on a daily basis."<sup>1</sup>

The full report provides a brief overview of some illustrative armed groups in the provinces of Ituri, North Kivu and South Kivu and how they extract revenue from the mining sector, as well as their financing modalities more in general.

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1 Wakenge C.I., M.-R. Bashwira Nyenyezi, S.I. Bergh, and J. Cuvelier, "From 'conflict minerals' to peace? Reviewing mining reforms, gender, and state performance in eastern Democratic Republic of Congo", *The Extractive Industries and Society*, 8, 2 (2021).

## B. Other factors contributing to conflict and insecurity

It is important to acknowledge not only the complexity of the nexus between natural resources and violent conflict, but also to identify potential other drivers of conflict, or factors contributing to the perpetuation of long-standing (local) conflicts. Although natural resources have played an important role in several armed struggles, analyzing armed conflict through a natural resources lens runs the risk of tunnel vision, oversimplification, and overlooking other factors fueling conflicts, and/or other sources of financing for armed groups.

**Drivers of conflict** tend to go from very local disputes - over land, (lack of) access to resources, (customary) power and identity - up to national problems (including political instability, political distrust and governance issues such as corruption, kleptocracy, and weak institutions), and the regional dimension - including refugees, interstate tensions, and cross border (trade) networks.<sup>2</sup> Several armed groups in eastern DRC prey on local discontent over these conflict drivers to legitimize their existence. All of these elements will be discussed below.

Additionally, there are a number of factors that help to explain why **conflict actors have persisted** for more than 2 decades in eastern DRC. The presence of 'foreign' armed groups - or perceived as foreign - and state fragility in the eastern provinces led to the **proliferation of self-defense groups**, including Mai Mai groups, Nyatura and Raïa Mutomboki. Combined with the absence of efficient demobilization programs for these groups, it resulted in a situation where an estimated 120 armed groups operate in eastern DRC.<sup>3</sup> The Kivu Security Tracker (KST) highlights the "**inertia of the conflict**" as most armed groups have existed for many years in eastern DRC, in their current or previous incarnations, and try to survive by generating income. Income generation includes the extraction of natural resources, but also alternative sources of income, including roadblocks, kidnapping for ransom and illegal taxation.

Several factors contribute to this inertia, including the FARDC's underperformance, failed DDR-processes, social dissatisfaction, a lack of political will and rent-seeking behavior by conflict parties. Concerning the latter element, while many of the armed groups in eastern DRC have been established as self-defense groups, over time, illegal predation has become an important reason of existence and at times seems to have supplanted the ideological factor.

### B.1 Forces Armées de la République Démocratique du Congo (FARDC)

A crucial issue to tackle both insecurity and conflict financing in eastern DRC, is to deal with the FARDC performance. For a decade, IPIS mines mapping work has revealed that FARDC units are the armed actor that can be observed most often interfering in the mining business, and increasingly so. The military has developed several illegal revenue-generating practices, including **roadblock taxation, racketeering and extortion** in natural resources sectors, and operating as **private security guards** to secure mining operations.

Resource revenues for military people can explain the **inertia** with regards to armed groups in eastern DRC. The continued presence of these armed groups 'legitimizes' the army unit's deployment, which enables them to develop their economic activities, including interference in mining. Multiple examples exist of FARDC and nearby armed groups that coexist and have arrangements with regards to the division of revenues from the local mining business.

The FARDC's role in the consolidation of the illegal exploitation of natural resources, and even financing insecurity, raises questions on the efficiency of the **state of siege** that had been declared by president Tshisekedi's government in May 2021 to cope with escalating violence in Ituri and North Kivu.

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2 Autesserre S., *The Trouble with the Congo: Local violence and the failure of international peacebuilding*. New York: Cambridge University Press, 2010, pp. 142-146.

3 Kivu Security Tracker, *The Landscape of Armed Groups in Eastern Congo: Missed opportunities, protracted insecurity and self-fulfilling prophecies*, February 2021. KST is a joint project of the Congo Research Group and Human Rights Watch.

## B.2 Access to land

Landownership, customary land rights, and access to land in general, are key drivers of conflict in eastern DRC, especially at the local level. Disputes over land can pitch entire communities against each other. Access to land often also plays an important role in mining disputes. Demarcation of mining concessions and mining sites, or compensation to the landowner of a mining site, are for example important sources of local conflict (e.g. between mining cooperatives, between cooperatives or artisanal miners and industrial concession holders, and between miners and farmers). **Mining is intrinsically linked to land.**

## B.3 Intercommunity tensions

Access to natural resources in eastern Congo is regularly linked to inter-community tensions. However, one should be careful not to consider ethnicity as a primordial conflict driver. Ethnicity has been socially constructed during the colonial period. Local entrepreneurs can **manipulate ethnic identities** to compete for access to resources; ethnic cleavages are invoked through a political struggle against marginalization and socio-economic inequality.<sup>4</sup> It is always a delicate exercise to analyze the ethnic dimension in conflicts and access to resources. It is important to avoid **narrow ethnic analysis of violence.**

Armed militia are often **instrumentalized** by local elites, applying ethnic and autochthony discourses, to achieve political and economic goals.<sup>5</sup> On the other hand, armed groups regularly also exploit local communities' feelings of discontent to legitimize their activities. This does not mean however that they therefore represent the community.

## B.4 DDR and stabilization

Although the presence of natural resources, and in particular of minerals, plays an important role in survival strategies of non-state armed groups in eastern DRC, it does not fully explain why armed groups remain mobilized or re-mobilize after a period of ostensible peace.

In the past decades, the Congolese government has made several unsuccessful attempts to set up so-called **DDR programs** to dismantle non-state armed groups and to facilitate the return of former rebels to civilian life. A range of issues helps to explain the failure of DDR up to date, including continuous security concerns, manipulation by political elites, lack of incentives for armed group members, lack of social integration strategies and fear of relocation.<sup>6</sup> Vlassenroot et al. (2020) also developed the concept of circular return to explain persistent local armed group activity.<sup>7</sup> Militia members navigate continuously between civilian and combatant life: their motives exceed political and economic interests, and often include individual interests. Finally, there is a general lack of financial means for the DDR programs and there are substantial program delays.

In July 2021, President Félix Tshisekedi announced the creation of another demobilization program, **Programme de Désarmement, Démobilisation, Relèvement Communautaire et Stabilisation (P-DDRCS)**, which results from a merger of existing programs. Several observers have however raised their doubts on the potential of this revamped DDR process.

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4 Vermeersch P., *Theories of ethnic mobilization: Overview and recent trends*, Leuven: CRPS Working paper No. 3, 2011, pp. 6-7.

5 Verweijen J. and J. Brabant, "Cows and guns. cattle-related conflict and armed violence in Fizi and Itombwe, eastern DR Congo", *The Journal of Modern African Studies*, 55, 1 (2017), 1-27, p. 23.

6 Vogel C. and J. Musamba, *Recycling rebels? Demobilization in the Congo*. Rift Valley Institute, PSRP Briefing Paper 11, March 2016, pp. 3-4.

7 Vlassenroot K., E. Mudinga and J. Musamba, "Navigating social spaces: Armed mobilization and circular return in eastern Congo", *Journal of Refugee Studies*, 33, 4 (2020), 832-852.

## B.5 Governance and corruption

A full understanding of armed actors' interference in mining should be considered in the wider context of mining governance, and in particular corruption, in eastern DRC. The functioning of Congolese state institutions is seriously challenged by clientelism and kleptocracy, leading to issues such as corruption. State officials often play a crucial role in the persistence of illegal trade, and their illegal interference in ASM is omnipresent. These practices sustain a climate of predation,<sup>8</sup> undermine the state, and enable smuggling and "conflict financing" to persist.

Mining actors do not feel they enjoy any support from the state, such as technical support, or peaceful resolution of mining conflicts.<sup>9</sup> Consequently, they look for **alternative (non-official) ways to resolve disputes and to protect their claims**. People turn to the military or police to settle their argument with conflicting parties, or even to shelter them from state oversight. In some instances, people even turn to armed groups to protect them against taxation - or predation - by state agents.

Finally, the very same state institutions that are struggling with clientelism and corruption, are key **partners for the implementation of** international donor-funded programs, including DDR, stabilization, and **responsible sourcing**.<sup>10</sup> Their malfunctioning weakens and undermines these initiatives.

## B.6 Mining reform and formalization

The DRC mining sector has undergone several structural reforms. An increasing number of governmental, international and private initiatives have been launched to formalize the country's artisanal mining sector, and to promote more responsible sourcing practices.

While responsible sourcing initiatives have made considerable progress to discourage armed interference in the (3T) artisanal mining sector, a wide range of challenges persist, and further progress seems to be very limited over the past few years:

- Mining reform in eastern DRC has created additional barriers to access resources for most stakeholders, and as such nurtures socio-economic inequality;
- Long-term peaceful solutions require inclusive approaches, while responsible sourcing initiatives have often used strategies of exclusion, risking to increase tensions and conflict;
- The narrow focus on conflict minerals resulted in a neglect of the development potential of ASM. As miners claim it has not brought them any additional revenues, it raises the question on the sustainability of the current situation.

Listing all of the above issues, one could even question to what extent the principle of 'Do No Harm' has been considered while implementing responsible sourcing in eastern DRC. DRC civil society actors claim that since 2010, no proper and transparent evaluation of responsible sourcing efforts have been organized. A profound evaluation of the work and results of these systems, co-managed by different DRC stakeholders, is therefore direly needed.

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8 Wakenge C.I. (October 2020), op. cit.

9 Many state agents are hardly trained and have little knowledge of the sector. As they often do not receive a salary, they need to turn to miners to make a living.

10 Sungura A. et al. (May 2021), op. cit., p. 57.



## B.7 Supply chain actors local to regional

Interference by foreign armed groups, or armed groups supported by DRC's neighboring countries decreased steadily over the past fifteen years. While 'conflict minerals' were originally a Central African regional issue, nowadays, an internal DRC strategy to tackle 'minerals financing insecurity' has become more important.

Nevertheless, the regional mineral supply chain - from the mines, through border towns and regional trading hubs, to the international market - is an important factor when analyzing the role of mining in the persistence of insecurity. For decades, it has been an enormous challenge to channel these minerals in legal supply chains. Both within DRC, as across the border, a wide range of stakeholders, including formal institutions, are involved in cross-border smuggling to Burundi, Rwanda and Uganda. Especially for gold, smuggling occurs everywhere. The organization IMPACT concluded that legal production and trade of gold were not commercially viable under the current market conditions in eastern DRC, as their responsible gold project could not compete with gold prices from the informal market.<sup>11</sup>

## B.8 Companies and investors rush on gold and minerals

An increasing number of (foreign) enterprises have ventured into the risky investment environment of eastern DRC looking for mineral resources. Such exploitations have often been a source of tension that can result in additional insecurity and violence. These tensions revolve around access to resources, non-respect of (in)formal modalities to acquire access to land and resources, local communities' perception of non-respect of local development priorities, etc.

In 2021, a range of Chinese semi-industrial mining companies were heavily criticized for their practices and behavior in the provinces of South Kivu and Ituri. They used small Congolese mining cooperatives as front companies to get access to the ASM permits. There have been complaints on the environmental impact, and lack of state oversight of these semi-industrial mining companies. On top of that, they used Congolese security forces as private security guards. Most worrying is how it culminated in **violence and targeted attacks**.

Many more mining companies have faced violent and armed resistance over the past years. In several cases, such as Leda Mining and Banro, armed groups even interfered to stand up against these companies.

Companies often tend to consistently refer to artisanal miners that are working on their concessions as 'illegal miners'. Such language use has a polarizing effect and contributes to local conflict over minerals. Verweijen (2017) explains how "*Armed groups and local strongmen capitalise on widespread anger*" towards mining companies.<sup>12</sup> Consequently, the attacks against these companies are not just banditism, but are rooted in the deeper socio-economic situation, and at times are even politically inspired.

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11 UN Group of Experts, *Final report of the UN Group of Experts on the DRC*, 2 June 2020, S/2020/482, § 66.

12 Verweijen J., *Shedding light on why mining companies in eastern Congo are under attack*, The Conversation, 30 august 2017.

## C. Conclusions

Large-scale armed conflict over DRC's mineral wealth has decreased significantly over the past twenty years. Nevertheless, mining and mineral trade still play an important role in ongoing armed and unarmed conflicts in eastern DRC. We have identified largely three direct ways that link mining and conflict, and insecurity more generally. First, at the local level, conflicts over access to resources are still common. Second, over the past two decades, self-defense groups (including Mai Mai, Nyatura and Raïa Mutomboki groups) have mushroomed 'to protect local communities' against external threats (including FDLR and foreign business interests). These armed groups now use mineral resources, among other sources of income, to survive. Many of them grew out of their ideological strife, and rent-seeking incentives have become more prominent. Third, FARDC (national army) units are the most prominent armed actors interfering in the mining business.

Despite progress in the 3T sector, there is **dissatisfaction** among most stakeholders on mining reform, and on the implementation of responsible sourcing efforts in particular (traceability, CLS, etc.). This dissatisfaction however hardly seems to be heard. Mining reform and formalization are tools which can contribute to make mineral supply chains clean(er), but they **do not tackle the root causes** of most of the ongoing armed and non-armed conflicts in eastern DRC.

This report discusses the wide range of interrelated issues that drive conflict and interact with mineral conflict financing, including: land issues, inter-community tensions, social inequality, DDR, poor natural resource governance, regional supply chains and a regional rush on resources.

There is an urgent need for a **profound, participative evaluation process** that scrutinizes the ASM sector as a whole, and the performance and effectiveness of responsible sourcing initiatives in particular. In order to yield sustainable results, responsible sourcing initiatives must take into account the different dimensions and factors discussed in this paper, and must incorporate the broader range of issues that interface with conflict and mining: focusing only on one dimension (e.g. trying to guarantee clean supply chains), and ignoring historical, cultural, social, economic and political contexts in which ASM takes place in eastern Congo, is a recipe for failure.

# 1. INTRODUCTION

The concepts of **'mining'**<sup>13</sup> and **'conflict financing'**<sup>14</sup> have been closely linked in conflict analyses in eastern Democratic Republic of Congo (DRC) over the past 20 years. The relationship between mining and conflict financing continues to be debated tackling questions like, whether there is a causal relationship or not, whether mining merely fuels existing conflict dynamics, and whether responsible mining efforts can help to decrease conflict.

The International Peace Information Service (IPIS) has mapped mining areas in eastern DRC since 2009, to better understand the link between mining and minerals trade on the one hand, and armed groups and insecurity on the other.

In July 2021, IPIS started a new project *'Investigating conflict financing, due diligence and socio-economic dynamics along artisanal mining supply chains in the DRC,'* financed by the United States Agency for International Development (USAID) Integrated Land and Resource Governance (ILRG) program. IPIS aims to map and collect data from 550 Artisanal and Small-scale Mining (ASM) sites and supply chains in eastern DRC.<sup>15</sup> This provided an opportunity to qualitatively examine **the basic link between 'mining' and 'conflict' – and 'insecurity' more generally<sup>16</sup> - in eastern DRC.** Over the past twenty years, the situation has evolved. First, new insights have emerged on the relationship between 'mining' and 'conflict,' revealing that the link is quite complex and often indirect, that economic dimensions are often interlinked with political and social dimensions, and that armed groups rely on a diverse set of financing modalities. Second, the conflict, as well as conflict financing, has changed considerably in eastern DRC. Wakenge (2020) stressed the need to “deconstruct” the notion of 'conflict minerals',<sup>17</sup> and to redefine the concept as new types of conflict linked to mining have occurred, and more actors are involved than before.<sup>18</sup>

Based on existing literature, and interviews with some key stakeholders, **this report** analyses how the link between 'mining' on the one hand, and 'conflict' and 'insecurity' on the other, has **changed over the past twenty years** in eastern DRC. Additionally, we provide a **more holistic analysis** of the interplay between 'mining', 'insecurity' and 'conflict financing' by incorporating a range of other issues that intersect with conflict financing and mining, including access to land, intercommunity tensions, governance, and the regional dimension. In 2023, IPIS will publish a set of qualitative case studies that will dig into this complex relationship.

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13 In eastern DRC, **'mining'** mostly concerns the artisanal exploitation, and trade, of minerals.

14 **'Conflict financing'** includes the activities, modalities and relationships that generate revenues for conflict actors to pay for the costs of their armed struggle. Analysis into this phenomenon, however, often goes beyond the direct financing of these costs, and it looks at the wider economic agenda behind violence, such as competition over access to resources, and 'personal enrichment' of commanders or other supporters. Wennmann provides an interesting summary of 'conflict financing' and the economic dimension of armed groups (Wennmann A., “Economic dimensions of armed groups: profiling the financing, costs, and agendas and their implications for mediated engagements,” *International Review of the Red Cross*, 93, 882 (2011), 333-352).

15 IPIS, Understanding Artisanal Mining Supply Chains and Conflict Financing in DRC, June 2021, <https://ipisresearch.be/project/understanding-artisanal-mining-supply-chains-and-conflict-financing-in-drc/>

16 A lot of ASM stakeholders are for example subjected to extortion or human rights violations by (armed) state actors, self-defense groups, or bandits, that are not always directly linked to conflicts.

17 The OECD defines **'Conflict minerals'** as 'minerals from conflict-affected and high-risk areas' and identifies these areas by 'the presence of armed conflict, widespread violence or other risks of harm to people.' It further explains that 'high-risk areas may include areas of political instability or repression, institutional weakness, insecurity, collapse of civil infrastructure and widespread violence. Such areas are often characterized by widespread human rights abuses and violations of national or international law' (Source: OECD, *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Second Edition*, 2013, p. 13.).

18 Wakenge C.I., *Prédation et violence à huis-clos: Artisanat minier et dynamiques des conflits à Fizi, Kalehe et Shabunda (Sud-Kivu, RD Congo)*, October 2020, p. 6.

In response to concerns that armed groups were financing themselves through mineral resources, a wide range of initiatives have been developed and implemented in eastern DRC since 2008. These include traceability initiatives to define the origin of bags of minerals,<sup>19</sup> due diligence initiatives that oblige companies to assess the risks along their mineral supply chains,<sup>20</sup> and certification mechanisms that certify that the exploitation of mineral exports have respected a set of minimum standards.<sup>21</sup> We refer to them as 'Responsible sourcing efforts' in this report.

We believe that a more integrated analysis of 'mining', 'insecurity' and 'conflict financing' is **crucial for responsible sourcing efforts** to become more efficient. While investments have been made over the past fifteen years to break the link between mineral supply chains and conflict financing, levels of insecurity have not diminished in eastern DRC. Trying to address this complex web of related factors when designing responsible sourcing efforts, will surely improve their conflict sensitivity. A more conflict-sensitive approach will lead to less tension around the implementation of these initiatives, and contribute to a more sustainable impact.

The second **section** will briefly discuss some of the theoretical concepts of natural resources and conflict financing. Furthermore, we will provide a very concise description of the history of 'conflict minerals' in eastern DRC since the Congo Wars (1996-2003). **Section three** will describe the present-day interplay between 'mining' and 'mineral trade' on the one hand, and 'insecurity' and 'conflict financing' on the other hand. We will provide a brief overview of some of the main armed actors that are currently involved in mineral resource extraction in the Kivu provinces and Ituri province. **Section four** discusses a list of issues important for a good understanding of conflict financing and mining in eastern DRC of today. Finally, **section five** provides concluding observations and remarks.

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19 The iTSCi Programme for Responsible Mineral Supply Chains is the most important one in eastern DRC. The International Tin Association (ITA)'s programme iTSCi monitors mineral supply chains in eastern DRC. It implements traceability by providing labels to Congolese state agents, so that they can tag 3T mineral production at the mine site and along the trade route to verify the origin of the minerals further down the chain. Furthermore, it also implements related activities to monitor the supply chains, including incident reporting, risk management, etc. Besides iTSCi, there are other smaller traceability initiatives such as Better Sourcing Program (BSP), and the state-led gold traceability system '*Initiative pour la traçabilité de l'or artisanal*' (ITOA).

20 The best known is the due diligence guidance from the Organisation for Economic Cooperation and Development (OECD): OECD (2013), op. cit.

21 For example, the Regional Certification Mechanism (RCM) of the International Conference on the Great Lakes Region (ICGLR), or the Certified Trading Chains (CTC) programme of the German Federal Institute for Geosciences and Natural Resources (BGR).

## 2. CONCEPTS AROUND CONFLICT FINANCING

While the link between ‘natural resources’ and ‘conflict’ has been much discussed in literature, the two are undeniably linked in eastern DRC. The exact relationship, however, is up for discussion. This section briefly discusses some of the key concepts and the history of ‘conflict minerals’ in eastern DRC, while the next section (3) zooms in on the present-day relationship between ‘natural resources’ and ‘conflict’.

The main source of revenue in eastern DRC’s conflict financing discussions are **natural resources**. They are raw materials that occur in nature and can be used for economic production or consumption.<sup>22</sup> DRC holds a wide range of natural resources that are important for its local economy, as well as the regional and international market, including minerals (e.g. gold, tin, cobalt, and copper), hydropower potential, arable land (and agricultural produce such as cocoa), immense biodiversity, rainforest, and wood (and charcoal). Within this report, we focus on the role of minerals in eastern DRC. More in particular, we will build on IPIS’ existing expertise on the so-called 3TG minerals - notably Tin, Tantalum, Tungsten and Gold in Ituri, Tanganyika, Maniema, North Kivu, and South Kivu.

An extensive list of academic literature exists on natural resources and conflict-financing. It is not the objective of this briefing to provide an extensive overview of this. Some frameworks, however, are useful to help to grasp the complex reality of conflict financing in eastern DRC.

First and foremost, for the full picture of dynamics of armed conflict in the DRC, it is important to acknowledge not only the complexity of the **link between natural resources and violent conflict**, but also to identify potential other drivers of conflict, or factors contributing to the perpetuation of long-standing (local) conflicts. Although natural resources have played an important role in several armed struggles, analyzing armed conflict through a natural resources lens runs the risk of tunnel vision, oversimplification, and overlooking other factors fueling conflicts, and/or other sources of financing for armed groups. Although the attention is often mainly focused on the illicit extraction and trade of natural resources (particularly minerals), the **political economy of armed conflicts** is more diverse: Wennmann (2007) argues that “Conflict is financed by a multitude of methods and their combination in various times and places makes conflict financing inherently dynamic. Organized armed groups adapt their behavior and shift to other methods of conflict financing in response to external policies levied against them.”<sup>23</sup> In section 3, we will discuss some of the alternative sources of financing, and in section 4 we will discuss other drivers and factors that interfere in the natural resources-security link.

A variety of arguments have been developed to explain the **link between (armed) conflict and natural resources**, and **minerals** in particular. Le Billion (2012) groups them in three main categories: ‘conflict resources’ that provide the opportunity to finance belligerents’ war efforts, ‘resource conflict’ refers to conflicts resulting from competition over resources, and the ‘resource curse’ argument highlights the risks around poor resource governance. It is important to realize that none of these arguments provide a full explanation for this link, but rather complement each other.<sup>24</sup> The most fundamental question is probably about **causality**: are natural resources the source of conflict, or is the abundant availability of natural resources rather an opportunity for armed actors to finance their ongoing armed struggle?

Rwanda and Uganda started the first **Congo War (1996-1997)** for **political and security reasons**, in order to safeguard their interests in replacing the Congolese dictator Mobutu and restoring security in border zones between Zaïre and Rwanda and Uganda. At the same time this war provided the opportunity to Rwandan and Ugandan army officers to get a taste of the commercial potential of the mineral wealth in (then) eastern Zaïre. The **second Congo War (1998-2003)** was much more **economically motivated**, including access to and control over natural resources, and specifically about securing control over promising mining zones. According to Turner (2007), Uganda’s decision to take part in this second war was mainly inspired by economic ambitions: officers of the Ugandan army (Ugandan People’s Defense Forces or UPDF) were eager to occupy Congolese territories with many gold and diamond mines; even

22 <https://stats.oecd.org/glossary/detail.asp?ID=1740>

23 Wennmann A., “The political economy of conflict financing: A comprehensive approach beyond natural resources”, *Global Governance*, 13 (2007), 427-444, pp. 438-439.

24 Le Billion P., *Wars of Plunder: Conflicts, profits and the politics of resources* 2012, p. 27.

Ugandan president Museveni was reportedly involved in talks about setting up a business to export natural resources.<sup>25</sup>

Large-scale armed **conflict over DRC's mineral wealth** (i.e. the 'resource conflicts' argument) has decreased significantly over the past twenty years.<sup>26</sup> Nevertheless, at the local level conflicts over resources are still common. These conflicts regularly devolve into violence, and stakeholders often turn to armed actors (either armed groups or state security forces) to protect their claim to land or resources. Additionally, the exploitation of minerals by (foreign) companies in eastern DRC has led to social tensions and has spurred armed group activity on multiple occasions.

The DRC is considered to be one of the most fragile states worldwide<sup>27</sup> – unable to effectively control its territory and to provide basic security and development to its citizens in the east - maybe even exacerbated by the "**resource curse**," as weak institutions seem to promote kleptocracy and undermine good governance. It helps to understand how access to resources in eastern DRC is not governed in a consistent way. State authority is absent in remote mining areas, which undermines the implementation of mining regulation, whereas in other mining zones state agents perform poorly, engaging in corruption and showing predatory behavior. However, scholars have also warned against the use of the concept 'failed state.' Even though the state is malfunctioning in DRC, "its institutions continue to operate one way or another, and governance is being negotiated between a wide range of state and non-state actors on a daily basis."<sup>28</sup>

In the next chapter (section 3), we illustrate that **resources provide the opportunity** for many armed groups to survive ('conflict resources' argument), yet another factor explaining how minerals help to drive insecurity in eastern DRC. In this section we will also discuss how units from the national army (FARDC) are eager to get involved in the mining business, and as such consolidate the situation of insecurity in eastern DRC.

Finally, we want to nuance once more the role that minerals play in survival strategies of non-state armed groups in eastern DRC. It does not fully explain why local conflicts seem to persist forever, and armed groups remain mobilized or re-mobilize after a period of ostensible peace.

In the past decades the Congolese government has made several unsuccessful attempts to set up so-called **Disarmament, Demobilization and Reintegration Programs (DDR)** to dismantle non-state armed groups and to facilitate the return of former militiamen to civilian life (See section 4.3). Vlassenroot *et al.* (2020) developed the **concept of circular return** to explain persistent local armed group activity.<sup>29</sup> Militia members navigate continuously between **social spaces**, between civilian and combatant life: their motives exceed political and economic interests, and often include **individual interests**. (Re-)joining an armed group is about searching for new forms of belonging and identity, about being disappointed regarding reintegration incentives, and about difficulties in finding one's place in society.

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25 Turner, T., *Congo Wars: Conflict, myth and reality*. London/New York: Zed Books, 2007, p. 40.

26 The UN Panel of Experts has reported on this in detail, e.g. UN Security Council, *Report of the Panel of Experts on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of Congo*, 12 April 2001, UN Doc. S/2001/357.

27 Fund For Peace, *Fragile states index annual report 2022*, 2022

28 Wakenge C.I., M.-R. Bashwira Nyenyezi, S.I. Bergh, and J. Cuvelier, "From 'conflict minerals' to peace? Reviewing mining reforms, gender, and state performance in eastern Democratic Republic of Congo," *The Extractive Industries and Society*, 8, 2 (2021).

29 Vlassenroot K., E. Mudinga and J. Musamba, "Navigating social spaces: Armed mobilization and circular return in eastern Congo," *Journal of Refugee Studies*, 33, 4 (2020), 832-852.

### 3. LINK BETWEEN 'INSECURITY', 'MINING', AND 'MINERAL TRADE' NOWADAYS

It is very hard to put one's finger on conflict and insecurity in eastern DRC. **Drivers of conflict** tend to go from very local disputes - over land, (lack of) access to resources, (customary) power and identity - up to national problems (including political instability, political distrust and governance issues such as corruption, kleptocracy, and weak institutions), and the regional dimension – including refugees, interstate tensions, and cross border (trade) networks.<sup>30</sup> Several armed groups in eastern DRC exploit local discontent over these conflict drivers to legitimize their existence.

The presence of “foreign” armed groups since the beginning of the century - including *Rassemblement Congolais pour la Démocratie* (RCD), *Forces Démocratiques de Libération du Rwanda* (FDLR) and *Congrès National pour la Défense du Peuple* (CNDP) -<sup>31</sup> and state fragility in the eastern provinces led to the **proliferation of self-defense groups**, including Mai Mai groups, Nyatura and Raia Mutomboki. Combined with the absence of efficient demobilization programs for these groups, it resulted in a situation where an estimated 120 armed groups operate in eastern DRC.<sup>32</sup>

Analyzing the current conflict situation, the Kivu Security Tracker (KST) said: “it is perhaps more important to highlight the **inertia of the conflict** rather than to speak of new causes or triggers. Much of the violence in the eastern Congo is driven by the need of armed groups, most of whom have existed in their current or previous incarnations for many years, to survive by extracting resources and fighting for their turf.”<sup>33</sup>

Several factors contribute to this inertia, including the FARDC's underperformance, failed DDR-processes, social dissatisfaction, a lack of political will, and rent-seeking behavior by conflict parties. Concerning the latter element, while many of the armed groups in eastern DRC have been established as self-defense groups, over time, illegal predation has become an important reason of existence and at times seems to have supplanted the ideological factor.

Before continuing to discuss the role of minerals in armed group financing, it is important to underline that armed groups have multiple sources of income, and that insecurity in eastern DRC is not always linked to minerals.<sup>34</sup>

The KST reported that taxation is the main **source of alternative income** for most armed groups in eastern DRC, referring to roadblocks, token systems, and poll taxes.<sup>35</sup> Schouten *et al.* (2017) point out the economic importance of **roadblocks** in eastern DRC. A plethora of state and non-state armed actors erect barriers – or a simple rope – along the roads to collect taxes on valuable goods (minerals, timber, charcoal, agricultural products), but also on pedestrians and drivers passing by.<sup>36</sup> Human Rights Watch (HRW) documented several cases of **kidnapping for ransom** by armed actors in the territory of Rutshuru, North Kivu.<sup>37</sup> The UN Group of Experts described Mai Mai Yakutumba's revenues from **illegal**

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30 Autesserre S., *The Trouble with the Congo: Local violence and the failure of international peacebuilding*. New York: Cambridge University Press, 2010, pp. 142-146.

31 These armed groups were considered as “foreign” by the Congolese, because they were/are composed out of Rwandophone combatants. RCD, one of the main armed actors during the second Congo War, fought against the government of President Laurent-Désiré Kabila with the support of Rwanda and Uganda. FDLR, a Hutu-dominated group opposing the Rwandan Kagame regime, was used by President Kabila as a proxy force against the Rwandan army and RCD. CNDP was created by Laurent Nkunda, a former RCD officer who rejected integration in the Congolese army, and was considered as a Rwandan proxy armed group in eastern Congo.

32 Kivu Security Tracker, *The Landscape of Armed Groups in Eastern Congo: Missed opportunities, protracted insecurity and self-fulfilling prophecies*, February 2021. KST is a joint project of the Congo Research Group and Human Rights Watch.

33 *Ibid.*, p. 8.

34 IPIS, *Conflict analysis and stakeholder mapping in South Kivu and Ituri*, commissioned by Madini project, April 2021, p. 15.

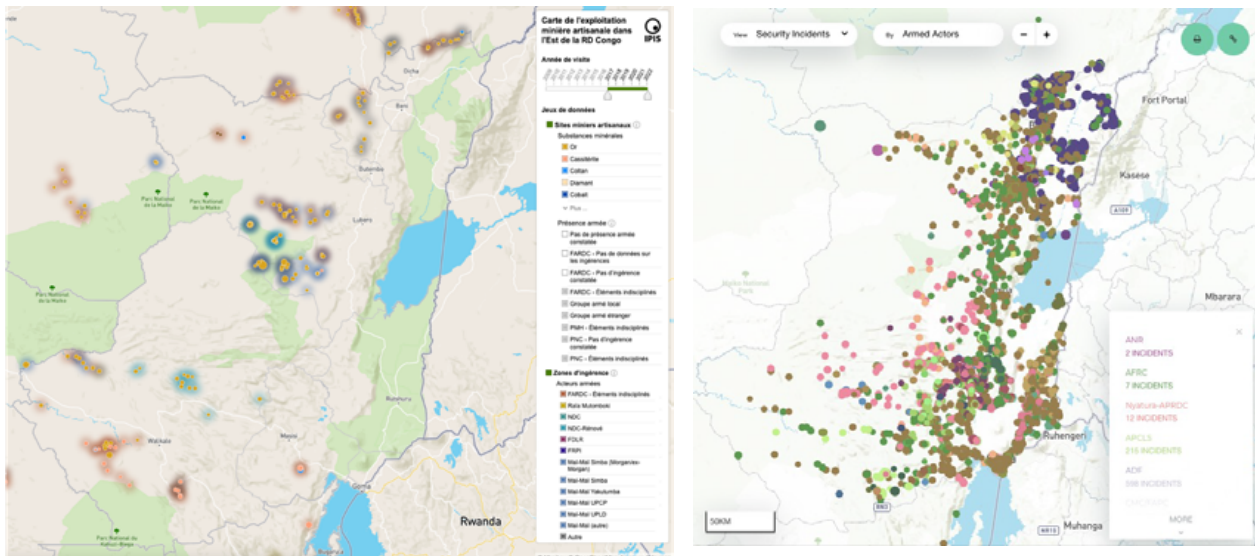
35 Kivu Security Tracker, *The landscape of armed groups in eastern Congo: Missed opportunities, protracted insecurity and self-fulfilling prophecies*, February 2021, p. 11.

36 Schouten P., J. Murairi, and S. Kubuya, “Everything that moves will be taxed”: *The political economy of roadblocks in North and South Kivu*. IPIS/DIIS/ASSODIP, November 2017.

37 HRW, *DR Congo: Kidnappings skyrocket in east*, Human Rights Watch, 16 December 2015, <https://www.hrw.org/news/2015/12/16/dr-congo-kidnappings-skyrocket-east>.

**logging** and the trade of redwood.<sup>38</sup> According to the Pole Institute, some non-state armed groups such as FDLR shifted their economic focus from the artisanal mining sector to other economic activities such as **agriculture and leasing of land**. In this respect it is noteworthy that the same types of human rights abuses that are often linked to artisanal mining are also reported in the agricultural sector, where armed groups for example impose forced labor on peasants.<sup>39</sup> Finally, armed actors can profit from direct financial or material support by local strongmen, such as politicians, or even external supporters. The UN Group of Experts for example denounced the provision of material support to Mai Mai groups in South Kivu by the Government of Burundi.<sup>40</sup>

Another remark is the observation that insecurity is not always linked with minerals. IPIS' 2019 report<sup>41</sup> illustrated how many of the security incidents in North Kivu (mapped by KST) did not overlap with important artisanal mining areas.



*Mining sites with armed interference in North Kivu, between 2013 and 2022, from IPIS' map (left) and reported security incidents, since April 2017, from Kivu Security tracker (right).*

### 3.1. Armed groups' mineral revenues

Due to **fragmentation of armed groups**, it is impossible to provide a full overview of the different armed groups<sup>42</sup> and their financing modalities. Nevertheless, we will discuss a few of the illustrative armed groups here, and how they extract revenue from the mining sector.

Currently, most armed groups in eastern DRC were created for ideological or security reasons, often in support of specific ethnic communities, claiming to defend their rights/claims (in the context of perceived social injustice, land claims, etc.) and to protect them against "aggressors" ("self-defense" against other armed groups or ethnic communities that are perceived as a threat to the own community). Exploitation of natural resources is not (anymore) a direct reason for conflict, but the abundance of mines (especially gold) provides economic opportunities to non-state and state armed actors: by controlling part of the gold production and trade they can accumulate wealth and finance their armed presence (allowing them to consolidate their control over economically important zones).

38 Final report of the UN Group of Experts on the DRC, 10 June 2021, S/2021/560.  
 39 Interview with a representative of Pole Institute, Goma, February 2022.  
 40 Final report of the UN Group of Experts on the DRC, 7 June 2019, S/2019/469.  
 41 IPIS, *Mapping artisanal mining areas and mineral supply chains in eastern DR Congo: Impact of armed interference & responsible sourcing*, in collaboration with DIIS, April 2019, pp. 24-25.  
 42 The KST provides an excellent overview of armed groups in the Kivu provinces. More recently it also started mapping incidents in Ituri province: <https://kivusecurity.org/about/armedGroups>.



### 3.1.1. Ituri

Conflict dynamics in the gold-rich province of Ituri are extremely complex, involving multiple non-state armed groups (some of them originating from North Kivu), FARDC, and local political elites (see also sections 3.2, 4.1).

Violence started flaring up again in Ituri in December 2017. Since then, local communities have been devastated by brutal killings, sexual violence, large-scale and systematic destruction of houses, schools and medical facilities, and massive displacements. The main armed actor in the current conflict is the Lendu militia **Coopérative pour le Développement Economique du Congo (CODECO)**. This group refers to inter-ethnic tensions and socio-economic inequalities to legitimize its armed struggle against the Hema community (See section 4.2). CODECO and its factions are considered responsible for most of the atrocities committed in the past three years in several territories of Ituri province.

CODECO was initially active in the agricultural eastern part of Djugu (a region with few mines), where they erected roadblocks to tax passers-by. They gradually moved to the western part of the territory, where many gold mines are located. The artisanal gold mining sector has become an important source of revenue for CODECO. In Djugu CODECO controls several mines, where the rebels impose taxes on the production, or confiscate mining pits. They also violently pillage mines and mining villages.<sup>43</sup> Early 2021 CODECO invaded the important concession of the company **Mongwalu Gold Mining (MGM)**, Djugu territory, where they forced miners to exploit gold on the behalf of CODECO.<sup>44</sup> Most of the gold produced in this region is fraudulently exported to Uganda, where it is refined before exportation to Dubai.<sup>45</sup>

Hema created **armed self-defense groups, named 'Zaire'**, to protect Hema communities and gold mining sites against attacks from CODECO.<sup>46</sup> The Congolese army uses sometimes 'Zaire' members to fight CODECO. Initially founded due to security considerations, 'Zaire' is getting more and more involved in economic activities: they control some gold mines in Djugu where they levy taxes on the production, or force miners to work for them. They also developed a system of 'war taxes' for shopkeepers in urban centers (e.g. in Iga Barrière).<sup>47</sup>

The *Force de Resistance Patriotique de l'Ituri (FRPI)* resumed its activities as an armed group, after peace talks failed at the end of 2020. The Lendu militia controls the Lendu chiefdom of Walendu Bindi in Irumu, and claims to protect the local population against invasions of the **Allied Democratic Forces (ADF)**, an armed group of Ugandan origin that used to operate in the province of North Kivu but moved into the province of Ituri, due to FARDC and Ugandan Army operations in North Kivu.<sup>48</sup> FRPI controls mines in Walendu Bindi and has reportedly expanded its radius of action into neighboring Andisoma, the chiefdom of the Bira, where FRPI militiamen visit mines to levy taxes.<sup>49</sup> The Bira have their own self-defense militia, *Force patriotique et intégrationniste du Congo (FPIC)*, which claims to protect the interests of the Bira people, opposing Hema with whom the Bira have disputes over landownership. Reportedly FPIC uses revenue from **mine exploitation** to buy arms. FPIC occasionally forms **tactical alliances** with FRPI and CODECO against the Hema.<sup>50</sup>

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43 IPIS, *Persistent violence in gold-rich Ituri province, DR Congo: Root causes and impact on local populations*, IPIS Briefing, August 2020.

44 Radio Okapi, "Ituri: les miliciens de la CODECO assiègent le carré minier de Mongwalu Gold Mining", 29 January 2021.

45 Agenonga Chober A. and G. Berghezan, *La CODECO, au coeur de l'insécurité en Ituri*, Brussels: GRIP, 2021, p. 24

46 Ibid., pp. 11-12.

47 Interview a CSO representative, Bunia, February 2022; interview with a representative of *Fédération des Coopératives*, Bunia, February 2022; IPIS, *Analyse quantitative du secteur minier artisanal dans la région Bamuguba-Nord (Shabunda, Sud Kivu)*, Internal report, October 2020.

48 Huguet A., "RDC: En Ituri sous état de siege une milice fait la loi sur son territoire," *La Libre*, 21 January 2022, <https://www.lalibre.be/dernieres-depeches/afp/2022/01/21/rdc-en-ituri-sous-etat-de-siege-une-milice-fait-la-loi-sur-son-territoire-JTD4N2GD65D6PNEJIGUIM3VA3M/>.

49 Interview with a CSO representative, Bunia, February 2022.

50 Interviews with several CSO representatives, Bunia, February 2022; see also Radio Okapi, "Ituri: Une coalition de 3 milices envisage d'attaquer Irumu, alerte le député provincial Wilson Mugara", 19 January 2021, <https://www.radiookapi.net/2021/01/19/actualite/securete/ituri-une-coalition-de-3-milices-envisage-dattaquer-irumu-alerte-le>; and Radio Okapi, "Ituri: 10 personnes tuées à Mumu-Kokonyagi par la coalition FPIC-CODECO", 16 January 2022, <https://www.radiookapi.net/2022/01/18/actualite/securete/ituri-10-personnes-tuees-mumu-kokonyagi-par-la-coalition-fpic-codeco>.

Many members of local armed groups (including CODECO) are at the same time artisanal miners, which makes it difficult to distinguish the fighter from the miner (see also section 4.3). This means that there might be a link between **artisanal mining cooperatives**, which are ethnically organized, and armed groups: some members of cooperatives would have leading positions in FPIC.<sup>51</sup>

Apart from local armed groups, several armed groups originating from neighboring North Kivu operate now in Ituri, particularly in Irumu and Mambasa. The most notorious group from North Kivu is **ADF**. ADF is considered responsible for several mass killings of civilians in Irumu in 2022.<sup>52</sup> According to a local CSO, the presence of ADF rebels has been recently reported in mines in the border zone with North Kivu. In the past months, ADF incursions and pillages in several mine sites in the territory of Mambasa, have been reported through IPIS' **Kufatilia incident reporting** system.<sup>53</sup> **Mai Mai Mazembe**, another armed group from North Kivu, is now also active in the territory of Mambasa, where it seems to occasionally pillage mine sites (several incidents with Mai Mai Mazembe in mines in Mambasa have been recently reported by the Kufatilia incident reporting system). Mai Mai Mazembe was founded in 2016 in North Kivu to fight **FDLR**, which had launched a massacre against the Nande community in the territory of Lubero. Mai Mai Mazembe is also involved in artisanal mining in Lubero territory, North Kivu.<sup>54</sup>

### 3.1.2. North Kivu

*Nduma Défense du Congo – Rénové (NDC-R)* still controls a large territory in eastern DRC, including the gold mining sites in it. It is one of the few examples that still respond to the traditional perception of 'conflict minerals', notably armed groups fighting directly for control over mineral resources. While it was originally only based in Walikale territory, it expanded and clashed over gold mining sites in southern Lubero in 2018.<sup>55</sup> The UN Group of Experts reported last year about the clashes between several NDC-R factions over the Matungu gold mine, in Walikale, in late 2020-early 2021.<sup>56</sup> Furthermore, violent clashes occurred regularly around the gold mines in Bamate chiefdom (Lubero) between NDC-R/Guidon (named after the leader Guidon Shimiray Mwissa) and FPP/AP (Mai Mai Kabidon) throughout 2021.

NDC-R was recently split into the **factions NDC-R/Guidon** and **NDC-R/Bwira**. **FARDC** supported NDC-R/Bwira (named after the leader Gilbert Bwira Shuo) in their fight against NDC-R/Guidon (actually, the Congolese army used the Bwira faction as a proxy to fight other armed groups).<sup>57</sup> The history is repeating itself: NDC-R/Guidon was a faction that split off from the historical **NDC led by Ntabo Ntaberi Sheka**, and NDC-R was used by **FARDC** as a **proxy to fight other groups**. NDC-R/Guidon and NDC-R/Bwira are trying to control part of the gold exploitation in North Kivu.<sup>58</sup>

A different type of conflict about mineral exploitation has been simmering for years in Rubaya, in the territory of Masisi. Rubaya and its coltan-rich area, are the scene of a long-lasting conflict between **Société Minière de Bisunzu (SMB)** and **Coopérative des Exploitants Artisanaux**



Billboard of the mining cooperative COOPERAMMA

51 Interview with a CSO representative, Bunia, February 2022.

52 Radio Okapi, "Ituri: 85 personnes tuées en 10 jours lors des incursions des rebelles", 18 April 2022, <https://www.radiookapi.net/2022/04/18/actualite/secureite/ituri-85-personnes-tuees-en-10-jours-lors-des-incursions-des-rebelles>.

53 See IPIS - Dashboard of Incidents in Eastern DRC – Kufatilia, <https://ipisresearch.be/publication/dashboard-incidents-eastern-drc/>.

54 Save Act Mine, *Le commerce illicite de l'or dans la region des Grands Lacs finance les groupes armés à l'est de la RDC*, Goma, April 2021.

55 IPIS (April 2019), op. cit., p. 25.

56 UN Group of Experts (June 2021), op. cit., § 54-56.

57 UN Group of Experts (June 2021), op. cit.

58 Interview with a representative of Pole Institute, Goma, February 2022; interview with a CSO representative, Goma, February 2022.

**Miniers de Masisi (COOPERAMMA).** This conflict has multiple dimensions: 1) a dispute between a large artisanal mining cooperative and a mining company; 2) a conflict over **landownership** (see also section 4.1); 3) an **economic conflict** due to the power struggle between local politicians (the conflict is **politicized** as the main characters in the dispute are well-known politicians); 4) a dispute between Hutu and Tutsi (**ethnic factor**, instrumentalized by political ethnic leaders, see section 4.2); 5) and finally, this is also about a disagreement between a mining company and a **responsible sourcing initiative**.

**Edouard Mwangachuchu**, a member of RCD-Goma during the second Congo War, founded the mining company Mwangachuchu Hizi International (now SMB) that received a concession around Rubaya from RCD-Goma. Around the same time, **Robert Seninga**, also an RCD-Goma member, founded the mining cooperative COOPERAMMA (see section 4.2) Artisanal miners of COOPERAMMA work on the SMB concession but SMB does not pay the miners properly, which causes serious tensions between SMB and the cooperative. Clashes between police units and miners have been reported (in at least one incident several miners were killed).<sup>59</sup> Many COOPERAMMA miners are (ex-) members of **Nyatara** (a Hutu self-defense militia, active in Masisi). There are indications that COOPERAMMA has provided arms to some miners. As it is assumed that COOPERAMMA represents about 5000 young miners, the cooperative has the potential to mobilize (see section 4.2).<sup>60</sup>

Mining sites on the SMB concession were covered by the **traceability program iTSCi** before 2019. While SMB stated it left iTSCi due to rising costs of the certification scheme, other sources suggested that the primary reason was due to tensions as SMB did not want iTSCi to report on violent incidents involving police and FARDC, which happened on its mining sites.<sup>61</sup>

### 3.1.3. South Kivu

In the southern part of South Kivu, **Mai Mai Yakutumba** has developed several income streams. The UN Group of Experts reported on evidence of income from illegal logging, the trade of redwood, fishing taxes, support from members of the Bembe community and gold mining.<sup>62</sup> In 2020, IPIS reported the presence of Yakutumba at 36 mining sites around Mukera and Misisi in Fizi territory.<sup>63</sup> They operate protection rackets, holding off taxation by state services and fighting against the establishment of Leda Mining. On the other hand, there are also reports of collusion with the FARDC in the gold trade.

For the last five years, Yakutumba is also leading a local alliance of Mai Mai groups in the south of South Kivu, notably the *Coalition Nationale du Peuple pour la Souveraineté du Congo* (CNPSC). Another interesting actor within the context of natural resource exploitation is the **Mai Mai Malaika**, founded by the deceased She (or Sheikh) Assani, mostly active in Maniema's Kabambare territory. The group strongly opposed the



Roadblock at Kinigi, Masisi territory, 2018

59 UN Group of Experts (June 2021), op. cit., §61; Interviews with several CSO representatives, Goma, February 2022); interview with a representative of Pole Institute, Goma, February 2022; interview with a state agent, Goma, February 2022.

60 Interviews with several CSO representatives, Goma, February 2022; interview with a representative of Pole Institute, Goma, February 2022.

61 Interview with a CSO representative, Goma, February 2022; interview with a representative of an international NGO, Goma, February 2022.

62 UN Group of Experts (June 2021), op. cit., §130.

63 IPIS (April 2021), op. cit., p. 28.

operations of the mining company Banro in Namoya and Salamabila. In December 2022, IPIS field teams observed the interference of Malaika at several gold mines in the area of Salamabila. While there have been reports of fighting between the Mai Mai and the FARDC in the area, the two actors also have some arrangements on the distribution of income from mining – i.e. dividing the number of days each can control certain roadblocks leading up to the mine.

A plethora of **Raia Mutomboki** groups operate across several territories of South Kivu (mainly in Shabunda, but also in Walungu). They were created as self-defense groups to drive out the FDLR. Once this goal was achieved, they did not want to disarm and continued to protect their communities against potential attacks from “foreigners.”<sup>64</sup> Raia Mutomboki groups rely on different sources of revenue for their livelihood: in certain areas they have established systems of tax collection in mining sites (taxation of production) or at roadblocks (taxation on transport of minerals and commercial goods).<sup>65</sup> Isolated cases of Raia Mutomboki attacking and pillaging mining sites, and abusing miners, have also been reported in Shabunda.<sup>66</sup> The UN Group of Experts 2021 report covered some of their illegal taxation practices on charcoal in Kalehe territory.<sup>67</sup>

### 3.2. FARDC

A crucial issue to tackle both insecurity and conflict financing in eastern DRC, is to deal with the **FARDC performance**. Society, and in particular the economy, has seen increasing levels of interference by the military and its elites. The military has developed several illegal revenue-generating practices, including **roadblock taxation**,<sup>68</sup> **racketeering and extortion** in natural resources sectors, and operating as **private security guards** to secure mining operations.

For a decade, IPIS mines mapping work has revealed that FARDC units are the armed actor that can be observed most often interfering in the mining business, and increasingly so.<sup>69</sup> At a sample of 711 mines visited by IPIS between 2016 and 2018, the main culprit of armed interference were the FARDC. They were responsible for 66% of the ‘affected’ mining sites (198 out of 265).<sup>70</sup>

‘Armed interference’ in mining has many shapes: Rank-and-file soldiers can try to make a living by levying (small or higher) taxes on various mining stakeholder; **Army officers** involved directly or indirectly in mining and mineral trade; Mine owners that have to pay for so-called military protection; FARDC systematically organizing ‘Salongo’, i.e. one day of labor per week; or **Semi-industrial gold mining companies** hiring FARDC soldiers as private security guards.<sup>71</sup>

Resource revenues for military people can explain the **inertia** with regards to armed groups in eastern DRC. The continued presence of these **armed groups “legitimizes” the army unit’s deployment**, which enables them to develop their economic activities, including interference in mining. Multiple examples exist of FARDC and nearby armed groups that coexist and have arrangements with regards to the division of revenues from the local mining business. IPIS research, for example, observed an arrangement between Mai Mai Malaika and the FARDC around Salamabila (Kabambare territory, Maniema Province). The UN Group of Experts reported last year about a collaboration between the FARDC and the NDC-R/Bwira-faction to exploit gold at the Matungu mine.<sup>72</sup> In Fizi territory, South Kivu, IPIS found that the FARDC and

64 IPIS (April 2021), op. cit., p. 15.

65 IPIS (April 2019), op. cit., p. 16; IPIS (April 2021), op. cit., pp. 16-17.

66 IPIS, *Transparency and formalization of gold supply chains in Eastern Congo*, Antwerp: IPIS, April 2020, pp. 37-38; PRG, IPIS, SFR and Ulula, *Evaluating due diligence programs for conflict minerals: A matched analysis of 3T mines in Eastern Congo*, Los Angeles/Antwerp, November 2020, p. 19.

67 UN Group of Experts (June 2021), op. cit., §179.

68 IPIS, *Roadblock rebels: IPIS maps important mechanism of conflict funding in Central Africa*, December 2017: <https://ipisresearch.be/roadblock-rebels-ipis-maps-important-mechanism-conflict-funding-central-africa/>; Schouten P., J. Murairi, and S. Kubuya (November 2017), op. cit.

69 See IPIS mapping reports since 2013. E.g. IPIS, *Analysis of the interactive map of artisanal mining areas in Eastern DR Congo*, November 2013.

70 IPIS (April 2019), op. cit., pp. 15-19.

71 Interviews with several CSO representatives, Bunia, February 2022; see also IPIS, *Grievance, governance and gold in the eastern Congo*, IPIS Briefing, December 2021 – January 2022.

72 UN Group of Experts (June 2021), op. cit.

Yakutumba divided the taxation days between them at three productive sites, to avoid coming face to face and having to engage in combat.<sup>73</sup> In the territory of Djugu, Ituri, IPIS observed CODECO occupying the gold mining site of Morgue, while at the same time elements of FARDC were manning a permanent roadblock at the entrance of this mine.<sup>74</sup>

The FARDC's role in the consolidation of the illegal exploitation of natural resources, and even financing insecurity, raises questions on the efficiency of the **state of siege** that had been declared by president Tshisekedi's government in May 2021 to cope with escalating violence in Ituri and North Kivu. Civil society organizations in Bunia, the capital of Ituri, complain that the state of siege seems to make the security situation in Ituri worse: the killings and pillages continue, and CODECO and other armed groups are controlling (economically) important zones (see section 3.1.1.). The state of siege was initially proclaimed for 30 days but was extended at regular occasions by the national parliament until now; the provincial government and parliament are suspended, and a **military governor and police vice-governor** have been installed in both Ituri and North Kivu.<sup>75</sup> The FARDC seems unable (or unwilling) to neutralize the armed groups, or to negotiate a truce to pacify the provinces. Despite a number of CODECO factions signing a truce with the government (under the auspices of The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo [MONUSCO]) in early June 2022 attacks continue to be reported in Djugu.

The state of siege **"normalizes" the presence of FARDC in gold mines**, as they are supposed to protect mines and artisanal miners against attacks and pillages by armed groups: this situation offers economic opportunities to Congolese army officers. The security situation did not improve during the state of siege. The civil society of North Kivu recently pointed out that during that period about 2,000 civilians have been killed, and that the **armed group M23** has re-emerged.<sup>76</sup>



*Presence of Mining Police in Kampene area, Maniema province*

73 IPIS (April 2021), op. cit., p. 16.

74 IPIS (October 2020), op. cit.

75 Ordinances N°21/015 and N°21/016 of May 3, 2021.

76 La Prunelle RDC, "Etat de siège au Nord Kivu: près de 2 000 civils tués en 11 mois (Société Civile)", 14 April 2022, <https://laprunellerdc.info/etat-de-siege-au-nord-kivu-pres-de-2-000-civils-tues-en-11-mois-societe-civile/>. Rwanda-backed M23 was founded in 2012 by former militiamen of CNDP who were not satisfied with the government's implementation of the peace agreement of 23 March 2009.

For a more effective army in general, analysts have demanded more accountability, and a reform process, including a “clean-up of the command structures and a replacement of the close-knit networks of the former regime.”<sup>77</sup> Prospects for such genuine reform processes are still rather poor, especially when considering that some high ranking FARDC officials, known for their implication in human rights violations and illegal natural resource-profiting continue to hold prominent positions in the army.<sup>78</sup>

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77 Nyenyezi Bisoka A., K. Vlassenroot, and H. Hoebeker, *The limits of President Tshisekedi's security strategy in the Democratic Republic of Congo*, LSE, 28 April 2020, <https://blogs.lse.ac.uk/crp/2020/04/28/the-limits-of-president-tshisekedis-security-strategy-in-the-democratic-republic-of-congo/>.

78 Gabriel Amisi, nicknamed 'Tango Four', for example has been appointed Inspector General in 2020. General Amisi is known for his involvement in human rights violations, selling arms to poachers and militias and extracting profit from the gold mining sector: <https://www.globalwitness.org/en/campaigns/democratic-republic-congo/omate/>, <https://www.theafricareport.com/34129/drc-under-pressure-from-the-us-tshisekedi-reshuffles-army/>, <https://www.hrw.org/news/2019/05/15/prosecute-dr-congos-general-amisi>.

## 4. RELATED ISSUES TO CONSIDER

Conflict dynamics and conflict financing in eastern DRC are extremely complex and multidimensional. Although natural resources, and particularly minerals, play an important role, analyzing Congo's conflicts only through a natural resource lens entails the risk of reaching simplistic conclusions. Issues about landownership and access to land contribute substantially to conflict persistence. Artisanal mining is linked to land issues, and land issues have often deep historical roots, going back to the colonial period when ethnic identities were constructed and bureaucratically institutionalized. Moreover, long-lasting governance failure perpetuates or re-dynamizes existing conflicts, or causes new disputes. Failing disarmament and demobilization programs, elite capture, underperforming corrupt state services, and faltering mining sector formalization processes, all increase the complexity of eastern Congo's conflict landscapes.

### 4.1. Access to land

Landownership, customary land rights, and access to land in general, are important drivers of conflict in eastern DRC. According to Vlassenroot (2004) "local-level disputes over land, rather than armed struggle for control over mining sites, have tended to dominate local socio-economic competition, pitching entire communities against each other".<sup>79</sup> Access to land often plays an important role in mining disputes. Demarcation of mining concessions and mining sites, or compensation to the landowner of a mining site, are for example important sources of local conflict (e.g. between mining cooperatives, between cooperatives or artisanal miners and industrial concession holders, between miners and farmers). **Mining is intrinsically linked to land.**



*Mulunguyi gold mine, Nyunzu territory, Tanganyika*

<sup>79</sup> Vlassenroot K. "Land and conflict: The case of Masisi". In K. Vlassenroot and T. Raeymaekers (Eds.), *Conflict and Social Transformation in Eastern DR Congo*, Ghent: Academia Press Scientific Publishers, 2004, p. 81.

Several of the conflicts that we have mentioned before, in which minerals play an important role for conflict financing, have their **historic roots** in competition over land. The history of the Lendu-Hema antagonism in the province of Ituri, for example, goes back to pre-colonial times. CODECO and Zaïre groups that currently fight each other, and increasingly rely on mining revenues, find their roots in these tensions. Hema, originally pastoralists, established some political and economic dominance over the farming community of Lendu. Belgian colonial authorities institutionalized inter-community differences by creating separate tribal administrative entities (chiefdoms) for Lendu and Hema, allowing them to rule more efficiently over local communities. Under colonial rule, Hema achieved favorable access to education and employment in the local administration, and mining and farming business. President Mobutu's nationalization policy aggravated tensions: he promulgated a new land law that declared all land and mineral resources state property, annulling customary land rights and concessions granted before independence. Due to their political ties with the Mobutu administration, Hema elites acquired land that was previously owned by Lendu.<sup>80</sup> Many Lendu felt discriminated against because of this shift in landholding (see section 3.1.1).

Besides the historic roots, mining disputes also occur around **land demarcation** conflicts, or **compensation** for land-use. In 2020 IPIS identified a conflict over boundaries in the territory of Kalehe, in the province of South Kivu, between the cooperatives COMEAHLU and COMEALU about the management of the coltan mine of Ruziba. Tensions ran so high that there was a potential risk that the cooperatives might turn into "militia mobilization structures". A solution was found due to the mediation of the sub-Local Monitoring Committee (*sous-Comité Local de Suivi*) and the Provincial Monitoring Committee (*Comité Provincial de Suivi*), two multi-stakeholder structures created to monitor problems in the mining sector: COMEAHLU received rights to Ruziba, whereas COMEALU received the site of Cyangugu.<sup>81</sup> (More discussion on the function of these monitoring committees under section 4.5.) Recurrent disputes have been observed in Kalehe between owners of agropastoral land and mining operators: landowners refuse to allow mining activities in their concessions unless they receive compensation.<sup>82</sup>

The long-lasting conflict between the cooperative COOPERAMMA and the mining company SMB concerning the coltan-rich mining concession around Rubaya (Masisi territory, North Kivu) is an illustrative example of how complex a mining conflict can be. As it is interwoven with various other conflict drivers, including land, it becomes very difficult to untangle. During the second Congo War, Mwangachuchu Hizi International (now SMB) received a mining concession on land that local Hutu **communities** consider as **their ancestral land** (see also section 4.2). SMB would establish industrial mining activities, but they never came to fruition. In the meantime, artisanal miners of COOPERAMMA (mainly Hutu) worked on the SMB concession, causing tensions between SMB and the cooperative. An agreement was signed, stipulating that COOPERAMMA miners could dig coltan in the SMB concession on the condition that their production is entirely sold to SMB. However, SMB seems unable to pay the miners on a regular basis, which has intensified the tensions. SMB has used Mining Police (PMH, *Police des Mines et Hydrocarbures*) and FARDC units to chase COOPERAMMA miners. The perception exists that SMB has its own PMH force (the "SMB police") to protect its concession.<sup>83</sup> Armed clashes between PMH and armed miners (several COOPERAMMA miners are ex-members of Nyatura) have been reported; in at least one incident several miners were killed.<sup>84</sup> Until today this conflict remains unsettled (see section 3.1.2).

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80 Fahey D., *Ituri. Gold, land, and ethnicity in North-Eastern Congo*. Rift Valley Institute/Usalama Project, 2013, pp. 27-28.

81 IPIS (April 2021), op. cit., p. 27.

82 IPIS (April 2021), op. cit., p. 27.

83 Interviews with several CSO representatives, Goma, February 2022; interview with a representative of Pole Institute, Goma, February 2022; interview with a state agent, Goma, February 2022.

84 UN Group of Experts (June 2021), op. cit., §61; interview with a CSO representative, Goma, February 2022; interview with a representative of Pole Institute, Goma, February 2022; interview with a state agent, Goma, February 2022.



## 4.2. Intercommunity tensions

Access to natural resources in eastern Congo is regularly linked to inter-community tensions, with ethnicity being considered as an important conflict driver. However, ethnicity has been socially constructed during the colonial period: ethnic identities were institutionalized by colonial rulers who classified communities by imposing on them tribal categories, linking them to a specific geographic location.<sup>85</sup> Local entrepreneurs can **manipulate ethnic identities** to compete for access to resources; ethnic cleavages are invoked through a political struggle against marginalization and socio-economic inequality.<sup>86</sup> In this context, rival elites employ autochthony discourses, promising political and economic security for those “born of the soil” against interference of the “others” (the “migrants” or “foreigners”).

Violence in gold-rich **Ituri** is closely linked to ethnic tensions, which have been instrumentalized by such local entrepreneurs. During the second Congo War, the Ugandan army occupied parts of Ituri: its interference in the region aggravated tensions between Lendu and Hema communities which eventually deteriorated into violent conflict. The Ugandan general James Kazini had created the province of Kibali-Ituri with a Hema governor, controlling vast mineral-rich areas (gold, but also diamonds) and trans-border economic networks. As the new power structure in Ituri was dominated by Hema-elites, non-Hema communities felt excluded from political and economic decision-making.<sup>87</sup> **Hema and Lendu elites created their own militia:** the Hema-movement *Union des Patriotes Congolais* (UPC), and two Lendu-dominated groups, *Front des Nationalistes Intégrationnistes* (FNI) and FRPI, fought each other in the territories of Djugu and Irumu.

Violence started flaring up again in Ituri, in December 2017. Since then, local communities have been devastated by brutal killings, sexual violence, large-scale and systematic destruction of houses, schools and medical facilities, and massive displacements. Long-lasting **antagonisms between Lendu and Hema communities** lie at the root of this resurging violence. The conflict however also entails **social and economic dimensions**, with social inequality and competition over access to natural resources (land and minerals), as the main conflict drivers. The main armed actor in the current conflict is the Lendu militia CODECO, which claims to protect the Lendu community against Hema and the Congolese army (according to CODECO an accomplice of the Hema). CODECO and its factions are considered responsible for most of the atrocities committed in the past three years in several territories of Ituri province. Remarkably, CODECO experienced continuous changes since its re-emergence: from coalition formation (with *Union des Révolutionnaires pour la Défense du Peuple Congolais* or URDPC) to fragmentation with the split-off of dissident factions.<sup>88</sup>

It is always a delicate exercise to analyze the ethnic dimension in conflicts and access to resources. Verweijen (2020), for example, **warns against the narrow ethnic analysis of violence** in the highlands of Fizi-Uvira- Mwenga in South Kivu. Banyamulenge have clearly been involved in violent conflicts with other communities in the area. These conflicts, however, turn around **local authority and control over land and resources**, including markets, mines, and cattle movements. Moreover, she underlines that “violence is committed first and foremost by armed groups and ‘local defense’ militias”, who claim to protect these communities’ interests.<sup>89</sup>

Verweijen and Brabant (2017) also point to the role of local political elites: “Although armed groups are commonly formed on a mono-ethnic basis and claim to represent the interests of the communities they issue out of, they clearly also have divergent interests and agendas, related to the ambitions of their leadership and political supporters”. Armed action is often framed as necessary to protect the community, but according to Verweijen and Brabant (2017), these framings are manipulated by **politico-military entrepreneurs**, and therefore do not always reflect the views of communities. In other words, armed militia are often **instrumentalized** by local elites, applying ethnic and autochthony discourses, to

85 Berman B., “Ethnicity, patronage and the African state: The politics of uncivil nationalism”, *African Affairs*, 97, 388 (1998), 305-341, p. 321.

86 Vermeersch P., *Theories of ethnic mobilization: Overview and recent trends*, Leuven: CRPS Working paper No. 3, 2011, pp. 6-7.

87 Vlassenroot K., S. Perrot, and J. Cuvelier, “Doing business out of war: An analysis of the UPDF’s presence in the Democratic Republic of Congo”, *Journal of Eastern African Studies*, 6, 1 (2012), 2-21.

88 Agenonga Chober A. and G. Berghezan (2021), op. cit., pp. 10-11.

89 Verweijen J., *Why violence in the South Kivu Highlands is not ‘ethnic’ (And other misconceptions about the crisis)*, KST, 31 August 2020: <https://blog.kivusecurity.org/why-violence-in-the-south-kivu-highlands-is-not-ethnic-and-other-misconceptions-about-the-crisis/>.

achieve political and economic goals.<sup>90</sup> Even though armed groups regularly prey on local communities' feelings of discontent to legitimize their activities, and they sometimes even enjoy support from members of the community, they do not represent the community. A CSO representative in North Kivu warned against superficial analysis of community problems by international observers. Too often the perception of communities towards armed groups is not sufficiently analyzed.<sup>91</sup>

The SMB/COOPERAMMA dispute in Rubaya, North Kivu (see sections 3.1.2 and 4.1), offers an example of ethnicity being manipulated by political elites. The story of this conflict can also be read as a power struggle between the Tutsi politician and member of national parliament Edouard Mwangachuchu, who is the owner of SMB, and the Hutu politician and chairman of the provincial parliament Robert Seninga, who is the leader of the cooperative COOPERAMMA. Seninga's power base is the local Hutu community, and the miners who are members of his cooperative are part of this community. It is easily imaginable that Seninga mobilizes hundreds of young miners to defend the interests of their community, against the arbitrariness of "foreign" company directors.

### 4.3. DDR and stabilization

Although the presence of natural resources, and in particular of minerals, plays an important role in survival strategies of non-state armed groups in eastern DRC, it does not fully explain why armed groups remain mobilized or re-mobilize after a period of ostensible peace. Many mining zones in eastern DRC have a long history of armed mobilization. Some local armed groups might still be present in the area, either interfering in mining or not. Furthermore, a lot of **miners are former combatants**. The risk of a re-mobilization of these former combatants, or increasing armed group activity, is latently present faced with numerous conflicts over land or access to minerals.<sup>92</sup>

In February 2022, for example, IPIS mapped mines in Moba territory (Tanganyika). The situation was relatively calm at the time of the visit. Nevertheless, many of the miners are former members of the *Mai Mai Éléments*. In 2019, there have been some symbolic activities to lay down arms, but a wider disarmament has never happened. At the site of Kakuma, a SAEMAPE agent explained how risky such a situation can be. He had been threatened to death by some former militia members over taxation efforts and accusations of witchcraft that allegedly caused gold production to decrease.

In the past decades, the Congolese government has made several unsuccessful attempts to set up so-called **DDR programs** to dismantle non-state armed groups and to facilitate the return of former rebels to civilian life. Vogel and Musamba (2015) discern several reasons why these DDR programs have failed: 1) due to **security dilemmas** (opponents do not disarm; persistent local insecurity due to absence of army or police), militia refuse to disarm or re-mobilize, claiming to protect their communities against threats; 2) **political elites** may invest capital to mobilize ex-combatants to achieve political goals; 3) militia commanders refuse to join DDR programs that lack an **incentives system** (integration in the regular army, receipt of military ranks); 4) DDR programs do not support the efforts of combatants to redefine their **social roles** in civilian life; 5) ex-combatants fear **relocation**.<sup>93</sup> More in general, lack of financial means, substantial program delays, and exorbitant demands made by some commanders, have contributed to the failure of DDR. The fate of FRPI, an armed group in the province of Ituri, is a striking example of the failing DDR approach. In 2020 FRPI signed a peace agreement with the Congolese government. According to Bouvy *et al.* (2021) the process of disarmament and demobilization stalled because of "a lack of will by both parties to advance on key steps of the process".<sup>94</sup> Finally, FRPI members returned to the bush and continue controlling zones in the territory of Irumu, where they access mines, erect roadblocks, and

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90 Verweijen J. and J. Brabant, "Cows and guns. cattle-related conflict and armed violence in Fizi and Itombwe, eastern DR Congo", *The Journal of Modern African Studies*, 55, 1 (2017), 1-27, p. 23.

91 Interview with a CSO representative, Goma, February 2022.

92 Wakenge C.I. (October 2020), *op. cit.*, p. 71.

93 Vogel C. and J. Musamba, *Recycling rebels? Demobilization in the Congo*. Rift Valley Institute, PSRP Briefing Paper 11, March 2016, pp. 3-4.

94 Bouvy A., I. Finnbbakk, J.-M. Mazio, E. Mongo, and F. Van Lierde, *The FRPI peace process at an Impasse. Lessons from a community-based and political approach to DDR in the Congo*, Governance in Conflict Network: Insecurity Livelihoods Series, May 2021, p. 28.

confiscate harvests.<sup>95</sup> Governmental initiatives to disarm, demobilize and reintegrate CODECO militiamen also largely failed up to now.<sup>96</sup>

In July 2021, President Félix Tshisekedi announced the creation of another demobilization program, **Programme de Désarmement, Démobilisation, Relèvement Communautaire et Stabilisation (P-DDRCS)**, which results from a merger of existing programs. Officially this program aims not only to resolve conflicts and stabilize eastern DRC, but also to support local development, economic recovery, and social cohesion. However, according to the late Eric Mongo, a prominent CSO representative, this new program lacks a solid strategy.<sup>97</sup> Moreover, the coordinator of the P-DDRCS, Tommy Tambwe Ushindi (who is an ex-member of RCD-Goma), is heavily contested in the provinces of South and North Kivu. According to Kivu Security Tracker, the chances of success of P-DDRCS are low, due to disagreements with the funders and the fact that the program has not much to offer to demobilizing militiamen.<sup>98</sup>

P-DDRCS is yet another attempt of president Tshisekedi to solve the “eastern Congo problem”, after several DDR failures and rather unsuccessful peace talks, undertaken by so-called peace task forces led by former warlords (such as Germain Katanga and Thomas Lubanga).<sup>99</sup> Additionally, the Congolese government started peace talks (the Nairobi Process) with several armed groups on April 22, 2022, in Nairobi, Kenya, under the auspices of the East African Community (EAC).<sup>100</sup>

#### 4.4. Governance and corruption

A full understanding of armed actors’ interference in mining should be considered in the wider context of mining governance, and in particular corruption, in eastern DRC. The functioning of Congolese state institutions is seriously challenged by clientelism and kleptocracy, leading to issues such as corruption and embezzlement, and a lack of neutrality in managing conflict.<sup>101</sup>

**State officials** often play a crucial role in the persistence of illegal trade, and their illegal interference in ASM is omnipresent. Non-armed interference is part of power dynamics in which the artisanal miners are often the weakest side.<sup>102</sup> These practices sustain a climate of predation,<sup>103</sup> undermine the state, and enable smuggling and “conflict financing” to persist.

Mining actors often perceive state agents solely as tax collectors. They do not feel they get anything in return, such as technical support, or peaceful resolution of mining conflicts.<sup>104</sup> As mining stakeholders alienate from the state, they look for **alternative (non-official) ways to resolve disputes and to protect their claims**. People turn to the military or police to settle their argument with conflicting parties in a non-official way, or even to shelter them from state oversight. At the gold mine Mission Moto2 in Watsa territory (Haut-Uélé province), for example, police officers guarded the entrance of the site preventing other state services to monitor the exploitation of a Chinese company. In some instances, people even turn to armed groups to protect them against taxation - or predation - by state agents. State officials, on the other hand, can also turn to the military to enforce taxation of miners. In early 2022, IPIS researchers reported complaints by mineral traders in the Penekusu area (Shabunda territory, South Kivu). They claim the local head of the mining division is collaborating with military from the neighboring province of Maniema (based in Bikenge), to extort traders.

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95 Interview with the late Eric Mongo, Bunia, February 2022. Eric Mongo was coordinator of the civil society organization *Appui à la Communication Interculturelle et à l'Auto-Promotion Rurale* (ACIAR); he was involved in the peace negotiations with FRPI.

96 Vircoulon T., *Ituri: Résurgence du conflit et échec de la politique de consolidation de la paix*, IFRI, June 2021, pp. 18-19.

97 Interview with Eric Mongo, Bunia, February 2022.

98 Kivu Security Tracker, *In Ituri Province the FARDC are unable to distinguish CODECO militias from civilians*, 15 November 2021.

99 Radio Okapi, *8 membres de la task Force pris en otage par les miliciens de CODECO*, 17 February 2022.

100 Radio Okapi, *Début du dialogue direct entre le gouvernement et les groupes armés locaux à Nairobi*, 22 April 2022.

101 Sungura A., N. Ndeze, M. Mbamba, H. Rugambwa, and L. Kitonga, *Politics of the past and the present: The changes and continuities of conflict in eastern Congo's Petit Nord-Kivu*, Insecure Livelihoods Series, CRG, GEC-SH, GIC, May 2021, p. 57.

102 IPIS (April 2019), op. cit., pp. 24-25.

103 Wakenge C.I. (October 2020), op. cit.

104 Many state agents are hardly trained and have little knowledge of the sector. As they often do not receive a salary, they need to turn to miners to make a living.

(Foreign) **businesses** interested in access to mineral deposits in eastern DRC, and in particular gold, face neo-patrimonial systems in the country. **Seeking “protection”** through the support from strongmen, from the local up to the provincial level, seems crucial to be able to operate. There is however a serious risk that this ‘protection’ results in practices and exploitations which are not monitored by legal state institutes. The most recent turmoil over the Chinese semi-industrial exploitations in South Kivu offers a good example. The local customary chief of the *chefferie* Wamuzimu signed a partnership agreement with some of these Chinese companies. The South Kivu Governor Théo Kasi and the Commander of the 3<sup>rd</sup> military region, General Bob Kilubia, have been accused of ‘protecting’ these exploitations. As such, mining state agents were no longer able to monitor the situation.<sup>105</sup> (A more detailed presentation on the issues around these illegal semi-industrial exploitations under section 4.7)

Since 2010, artisanal miners in DRC are obliged to group themselves in **mining cooperatives**.<sup>106</sup> Ever since, such cooperatives have mushroomed all over the eastern part of the country. Unfortunately, instead of promoting collective action among artisanal miners to further their interests, in practice, cooperatives have become vehicles to exploit the miners. Cooperatives are subject to elite capture, they establish trade monopolies, are organized along ethnic lines, and they do not provide any support to miners. This rather increases socio-economic inequality and frustrations, and could potentially increase community tensions over access to resources.<sup>107</sup> In February 2022, two people got killed following a dispute between members of two different clans in the *groupement* Bamuguba Sud (South Kivu province), notably the Lwito and Milambwe. The two clans competed for the management of the cooperative that oversaw the cassiterite mining site of Ndilo. Local authorities seem to have made an uncareful assessment when deciding to create a cooperative to exploit the Ndilo mine, and to assign its management to the Milambwe clan. Two members from the Lwito clan were shot when the police wanted to disperse a protest held against this decision.<sup>108</sup>



*Crushed minerals, Mawamba gold mining site, Mambasa territory, Ituri*

Moreover, competing claims between cooperatives are for the moment one of the main sources of conflict in the sector (see for example section 4.1). A recent IPIS report flagged such conflicts at almost all places it monitored in South Kivu: in North Bamuguba (Shabunda), Numbi (Kalehe), and Misisi (Fizi).<sup>109</sup> These conflicts are regularly (partly) instigated by failing mining governance, as mining authorities tolerate several cooperatives to work on the same artisanal mining permit (ZEA, *Zone d’Exploitation Artisanale*).

Finally, the very same state institutions that are struggling with clientelism and corruption, are key **partners for the implementation of** international donor-funded programmes, including DDR, stabilization, and **responsible sourcing**.<sup>110</sup> Their malfunctioning weakens and undermines these initiatives. IPIS reported

105 Mwetaminwa J. and T. Vircoulon, *Un scandale sino-congolais. L’exploitation illégale des minerais et des forêts par les entreprises chinoises au Sud-Kivu*, IFRI, February 2022.

106 Arrête ministériel n° 0706/CAB.MIN/MINES/01/2010 du 20 septembre 2010 portant mesures urgentes d’encadrement de la décision de suspension des activités minières dans les provinces du Maniema, Nord-Kivu et Sud-Kivu.

107 IPIS (April 2019), op. cit., pp. 33-34.

108 Congoleo, *2 Morts dans la lutte entre deux clans sur La gestion du site minier Ndilo*, 5 February 2022 <https://congoleo.net/shabunda-2-morts-dans-la-lutte-entre-deux-clans-sur-la-gestion-du-site-minier-ndilo/>

109 IPIS (April 2021), op. cit., pp. 22, 27, 30.

110 Sungura A. et al. (May 2021), op. cit., p. 57.

how state agents structurally undermine traceability by **tagging minerals** at large distances from the mine, and by selling these tags to mineral traders.<sup>111</sup> Mineral traders explained to IPIS that they do believe that responsible sourcing initiatives could potentially have a positive impact, but these same initiatives increase the strength of state agents to exploit mineral traders, as well as other mining stakeholders. They recommend that more accompanying efforts should be implemented to ensure that these agents implement responsible sourcing correctly.<sup>112</sup>

#### 4.5. Mining reform and formalization

Since the end of the Congo Wars, the DRC mining sector has undergone several **structural reforms**, including a new mining code (2002), and a revision of the latter in 2018. Additionally, an increasing number of governmental, international and private initiatives have been launched since 2008 to formalize the country's artisanal mining sector, and to promote more responsible sourcing practices.<sup>113</sup> Most of these initiatives focus on breaking the link between conflict and mineral extraction, such as the DRC government's ban on ASM in 2010-2011, the Dodd-Frank Act Section 1502, the EU 'Conflict Minerals' regulation and private due diligence programs.

Several reports have already been published over the past decade that assess the impact of these **responsible sourcing initiatives**.<sup>114</sup> In brief, recent studies confirm that responsible sourcing initiatives seem to discourage armed interference in the artisanal mining sector. It should be added that private traceability programs are initiated in mines that were previously validated by the government and are considered free of armed interference. A wide range of challenges persist however, and further progress seems to be very limited over the past few years.

Physical and social **access to resources** is an important element in several conflicts in eastern DRC, see section 4.1, 4.2 and 4.3 above. Mining reform in eastern DRC during the past fifteen years, including regulation and responsible sourcing initiatives, have created additional barriers to access resources for most stakeholders. These barriers risk to nurture **socio-economic inequality**.

Although mining reform and responsible sourcing have increased the level of organization of ASM, it seems to have been particularly instrumental to local elites. Take the example of cooperatives (see previous section), which have become vehicles used by local elites to acquire access to mineral resources. Subsequently, it has further weakened ordinary artisanal miners' position. In 2018, interviewees, including diggers and local community members, stated that cooperatives and the elites that preside them, are the main beneficiaries of responsible sourcing.<sup>115</sup>



*Transport and storage of gravel, Mabangala mining site, Mambasa territory, Ituri.*

111 IPIS (April 2019), op. cit., pp. 50-51.

112 Interview with two mineral traders, Bukavu, February 2022.

113 IPIS, *The formalisation of artisanal mining in the Democratic Republic of the Congo and Rwanda*, commissioned by the Center for International Forestry Research (CIFOR), 2012.

114 PRG, IPIS, SFR and Ulula (November 2020), op. cit. ; Musamba J. and C. Vogel, *The problem with "conflict minerals"*, 21 October 2021, [https://www.dissentmagazine.org/online\\_articles/the-problem-with-conflict-minerals](https://www.dissentmagazine.org/online_articles/the-problem-with-conflict-minerals) ; IPIS (April 2019), op. cit.; Wakenge C.I. et al. (March 2021), op. cit.; IPIS, *'Conflict Minerals' initiatives in DR Congo: Perceptions of local mining communities*, November 2013.

115 IPIS (April 2019), op. cit., pp. 33-34.

Long-term peaceful solutions **require inclusive approaches**, while responsible sourcing initiatives have often used strategies of exclusion. Several observers and initiatives have considered to cut out “illicit” local traders of mineral supply chains, as they extort miners and channel gold into illicit trading networks.<sup>116</sup> These types of analyses seem to suffer from a lack of contextualization. Local traders are indeed one of the key actors maintaining illicit trade, but they actually have rational reasons for this. Vogel and Musamba (2017) describe local mineral traders as “brokers of socio-economic life in North and South Kivu”. On the one hand, they are acquainted with *comptoirs*, credit institutions, local politicians, kinship networks and security forces,<sup>117</sup> while on the other they manage to access isolated mines to buy minerals and provide consumer goods in a context of poverty, insecurity, corruption, and lack of governance. Rather than cutting them out, initiatives should consider including them. Cutting out such vested economic interests from the mineral supply chains – with potential ties to people in other sectors of society, increases the likelihood for additional conflicts.

A crucial shortcoming of the current mining reform in eastern DRC, is the fact that it has largely been driven by the international consternation over ‘conflict minerals’. Musamba and Vogel (2021), recently, published a very critical piece, on the legacy of activist campaigns on conflict minerals. They explained how these campaigns “reproduced colonial ideas of endemic brutality and the need for rescue”. As responsible sourcing efforts have turned “a blind eye to local complexities”, “violence continues unabated in eastern Congo”.<sup>118</sup>

The narrow focus on conflict minerals indeed seems to have resulted in a neglect of the development potential of ASM. Responsible sourcing efforts, and mining reform more in general, have had no real impact on local development. Miners claim it has not brought them any additional revenues, and it has been particularly instrumental to (local) elites. It raises the question on the sustainability of the current situation.<sup>119</sup>

One could even question to what extent the principle of ‘**Do No Harm**’ has been considered while implementing responsible sourcing in eastern DRC. Wakenge (2020) states that mining reform has created new types of conflict, or revived conflicts in some cases, which he defines as “reform conflicts”.<sup>120</sup>

Most stakeholders agree that responsible sourcing efforts have achieved **considerable progress**, and that the security situation in 3T mining has improved. But more isolated zones, and gold mining remain problematic. Furthermore, **several issues** undermine further progress of responsible sourcing, including armed actor strategies, fraud and a profound evaluation.

Armed actors have adapted their strategies to **circumvent increasing levels of scrutiny**, for example taxation of mine managers at a distance from the mining site, or exerting a monopoly on consumer goods in and around the mine. There have even been examples of armed groups that re-invest profits, illegally realized in agriculture, in the mineral trade: they become traders in the mineral business in urban trading centers (*centres de négoce*).

**Fraud and smuggling** are still omnipresent in mineral trade, even in the so-called responsible supply chains. As such, responsible sourcing initiatives risk whitewashing minerals coming from illegitimate mining areas, including protected areas and mines affected by armed actors. One CSO representative stated that “If the traceability systems were really ‘morale’ they would work together to combat fraud, and not tagging minerals from each other’s concessions.” Many **responsible sourcing** systems in place have been around for many years. CSO actors claim that since 2010, no proper and transparent evaluation of these systems has been organized. A profound **evaluation** of the work and results of these systems, co-managed by different DRC stakeholders, is therefore direly needed. CSOs at times even raise questions of conflict of interest by some of these systems and actors involved, as do many people who profit from it. It appears that responsible sourcing has become less rigorous as the stakes for trade and the implementation of ‘responsible sourcing’ are high.

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116 See for example Lezhnev S., *Conflict gold to responsible gold: A roadmap for companies & governments*, The Sentry, February 2021, p. 12.

117 Vogel C. and J. Musamba, “Brokers of crisis: the everyday uncertainty of Eastern Congo’s mineral *négociants*”, *Journal of Modern African Studies*, 55, 4 (2017), 567-592.

118 Musamba J. and Vogel C. (21 October 2021), op. cit.

119 IPIS (April 2019), op. cit., pp. 11 and 55.

120 Wakenge C.I. (October 2020), op. cit., p. 3.

An interesting structure to monitor the mining sector, including the impact of mining reform, is the string of **multi-stakeholder surveillance committees** from the provincial to local level. At the provincial level there are *Comité Provincial de Suivi* (CPS) in the Kivu provinces and Ituri. Underneath the provincial levels, there are a range of *Comité Territorial de Suivi* (CTS) et *Comité Local de Suivi* (CLS).

There are several anecdotal examples of security improvements following interference by CLS members. For several years, the CPS South Kivu was also quite active, and made some investments to promote local development, through available funds of the **Basket Found** (a fund fed by a levy on mineral exports). In general, however, the CPS-CLS functioning is hampered by a range of problems. Several interviewees testified that the structure is too politicized, notably managed by politicians. For example, in South Kivu the CPS was inactive in 2021 as the Ministry of Mines did not call for a new meeting, and discussions on the use of the funds in the *Basket Found* blocked further activities. As the structure is too politicized, several CSO's and mining cooperatives also reported that they feel a strong resistance to express themselves frankly in the meetings. Similarly, local CLS structures are completely controlled by the local chief or administrator. CPS meetings in Ituri have been suspended since the promulgation of the state of siege.<sup>121</sup>

CLS structures typically **lack finances** which undermine a strong and active participation of its members. For those that do manage to organize regular meetings, interviewees reported that it had become merely **routine structures that lack a strong dynamic** to fight fraud and insecurity. Finally, the communication between the local and the provincial structures is minimal.

#### 4.6. Supply chain actors local to regional

Interference by foreign armed groups, or armed groups supported by DRC's neighboring countries decreased steadily over the past fifteen years. While 'conflict minerals' was originally a Central African regional issue, nowadays, an internal DRC strategy to tackle 'minerals financing insecurity' has become more important. Nevertheless, the **mineral supply chain** - from the mines, through border towns and regional trading hubs, to the international market - is an obviously important factor when analyzing the role of mining in the persistence of insecurity. It provides access to the world market, in exchange for cash money (or in some cases consumer goods). Trade in eastern DRC is traditionally linked to East Africa, so is its mineral trade. Several important trade corridors exist in eastern DRC that direct gold and 3T minerals via Uganda, Rwanda, Burundi, Tanzania and Kenya to the world market.

For decades, however, it has been an enormous challenge to channel these minerals in legal supply chains. Both within DRC, as across the border, a wide range of stakeholders, including formal institutions, are involved in cross-border smuggling to Burundi, Rwanda and Uganda. Especially for gold, smuggling occurs everywhere. From the neighboring countries, gold lots end up in the United Arab Emirates (UAE), often via commercial flights. Sofala Partners and Better Chain concluded that **illicit gold trade is not just a shadow economy, but rather a tacitly mainstream and well-organized system**.<sup>122</sup> The omnipresence of gold smuggling seriously undermines traceability, legal trade, responsible sourcing and the accompanying initiatives that wish to tackle conflict financing. The organization IMPACT has been implementing the Just Gold project for several years in the DRC. It however concluded that legal production and trade were not commercially viable under the current market conditions in eastern DRC, as the project could not compete with gold prices from the informal market.<sup>123</sup>

The German Federal Institute of Geosciences and Natural Resources (BGR) has been working on ASM in DRC since more than a decade and drafted a report in 2019 with lessons learned from its pilot project on gold traceability in Maniema province. It concluded that **tax rates** in the DRC at the local, provincial and national level do not incentivize the declaration of gold exports. It is economically more attractive to smuggle gold across the border. Additionally, tax incentives granted to refineries in neighboring countries increase the incentive to smuggle.<sup>124</sup> Besides taxation, mineral traders also claimed that they get better

121 Interviews with representatives of local CSOs, Bunia, February 2022.

122 Sofala Partners and BetterChain (April 2019), op. cit.

123 UN Group of Experts, *Final report of the UN Group of Experts on the DRC*, 2 June 2020, S/2020/482, § 66.

124 Neumann M. et al., *Traceability in Artisanal Gold Supply Chains in the Democratic Republic of the Congo: Lessons Learned from the Kampene Gold Pilot Project*, BGR, March 2019, pp. 6-8.

prices in neighboring countries because buyers are more trustworthy. They feel as if DRC-based buyers tend to minimize the mineral grade, and as such push down prices.<sup>125</sup>

**Uganda** has been the main exporter of DRC-smuggled gold over the past decade. The Sentry reported how the value of its official gold exports rose from 443,000 USD in 2014, to 1.2 billion USD in 2019. An export volume of 27.8 tons in 2019, compared to an estimated maximum production capacity of three tons per year, reveals the magnitude of gold smuggling.<sup>126</sup>

**Rwanda** is historically the main point of export for Congolese 3T minerals. Since 2017, however, the country has also become an increasingly important destination for smuggled gold from DRC. The Sentry noted that the UAE alone imported \$472 million in gold from Rwanda, while its estimated annual production capacity is merely 20 to 30 kg.<sup>127</sup>

Finally, **Burundi** is another traditional important exporter of Congolese gold. Over the past years, however, it seems to have declined somewhat.

Within the framework of the International Conference on the Great Lakes Region (**ICGLR**), the DRC and its neighboring countries recognize the risk of conflict financing that goes along with illegal exploitation and trade of natural resources. For this reason, the ICGLR member states created the Regional Initiative against the Illegal Exploitation of Natural Resources (RINR). Through six different tools, the latter aims to break the link between armed conflict and natural resources exploitation in Central Africa.

Some positive impacts with regard to formalization and transparency can be observed in eastern DRC. (See section 4.5). DRC-based CSOs however complain that **other countries in the region are lagging behind**, and as such undermine efforts in the DRC. The UN Group of Experts noted in its 2020 final report that, so far, the DRC was the only member of the ICGLR that was using ICGLR certificates for 3TG.<sup>128</sup> Furthermore, the UN Group of Experts reports on a yearly basis on continuous smuggling of minerals via Rwanda and Uganda.

**Uganda and Rwanda** have been in **competition** over the past years, to be the main gateway for Congolese gold to the world market. Uganda has been the major road for Congolese gold. A key player in this is reportedly the Belgian trader Alain Goetz's African Gold Refinery (AGR). The company had been established in 2014 and was reportedly sourcing 100-150 kg of gold per week from eastern DRC alone by 2017.<sup>129</sup> This quick advance has been facilitated by the 0% export tax that Ugandan president Museveni has granted that same year.<sup>130</sup> The company's establishment in Entebbe, Uganda, coincided with increasing gold exports from Uganda. Since 2017, however, Rwanda also steadily increased its gold export volumes, and since 2019 the country has its own major gold refiner, notably Aldango Ltd. Interestingly, Alain Goetz is also involved in the latter company.<sup>131</sup> Last year, however, Rwandan authorities accused the company of tax evasion. Next, in June 2021, Rwanda and DRC signed a collaboration agreement for the Congolese state miner SAKIMA – which holds numerous mining concessions in the Kivu provinces – and the Rwandan refiner Dither. Uganda was allegedly quite anxious, as it wants to protect its position as the main exporter of Congolese gold.<sup>132</sup>

The above competition and the impact on conflict financing needs to be contextualized. The competition over Congolese gold export routes is part of larger regional geo-politics and (economic) regional integration. Eastern DRC is an important marketplace for its neighbors **beyond mining**, including for agricultural products, consumer goods and services. The DRC is Uganda's fourth largest trading partner, and Uganda committed to build more than 200km of roads in DRC. Additionally, Uganda desires a more stable situation in eastern DRC, in light of the oil exploitation at Lake Albert.<sup>133</sup>

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125 Interview with two mineral traders, Bukavu, February 2022.

126 Lezhnev S. (February 2021), op. cit., p. 5.

127 Lezhnev S. (February 2021), op. cit. p. 6.

128 UN Group of Experts (2 June 2020), op. cit., p. 3.

129 Martin A., *A Golden Web*, IMPACT, November 2019.

130 Africa Confidential, *The Great Lakes gold rush*, 23 March 2018.

131 UN Group of Experts (2 June 2020), op. cit., § 90.

132 Africa Mining Intelligence, *DRC gold at heart of Museveni and Kagame's new showdown*, 23 August 2021.

133 Africa Mining Intelligence, *Museveni deploys yet more troops to protect Total's oil*, 24 May 2021.



Against the background of economic interests, it is also interesting to see that President Tshisekedi reached out to his eastern neighbors for increasing military cooperation. DRC's **military collaboration** with **Rwanda** (Rwandan Defense Force, RDF) created mistrust within eastern DRC, and several armed groups reportedly repositioned themselves. While some successes did result from these collaborations, they certainly also hold a serious risk for re-escalation of insecurity.<sup>134</sup> The same goes for the presence of the **Ugandan** army in eastern DRC: Ugandan troops are chasing ADF in Ituri, but the question arises how long local armed groups such as FRPI will tolerate the presence of a foreign military force in their province.<sup>135</sup>

Finally, it is important to analyze the mineral supply chain in an **integrated** way. Mineral supply chains are characterized by a string of stakeholders with economic interests, not just at the downstream end – beyond DRC – but from **the local up to the territorial, provincial, and national** level. Consequently, conflicts over mining tend to involve a range of actors. Wakenge (2021) defines it as follows: *“Les sites miniers ne sont pas des « enclaves minières » isolées mais des « espaces glocalisés »”*<sup>136</sup>

Local conflicts and conflicting parties should not be considered as mere victims of the international mineral supply chains. Local strongmen, mining stakeholders, businessmen, and armed groups have room of maneuver within mineral supply chains and between different sectors. Furthermore, they also have control over these supply chains and can turn them to their advantage. These observations lead to two important results. First, merely ‘cleaning up’ supply chains does not provide any solution to these conflicts. Secondly, local stakeholders should be an integral part in the development of responsible sourcing efforts. Failing to truly engage these actors will lead to failure of responsible sourcing. Wakenge et al. (2018) wrote an interesting article illustrating how miners and mineral traders resisted the iTSCI traceability system in Tanganyika - and the exclusive buying rights from its partner company MMR.<sup>137</sup>

#### 4.7. Companies and investors rush on gold and minerals

Since the end of the Congo wars, an **increasing number of (foreign) enterprises** have ventured into the risky investment environment of eastern DRC looking for mineral resources. Investors face difficult circumstances and a multitude of stakeholders - including armed actors - before they can exploit minerals. Such exploitations are often a **source of tension** that can result in additional insecurity and violence. These tensions revolve around access to resources, non-respect of informal modalities to acquire access to land and resources, local communities’ perception of non-respect of local development priorities, etc.

In 2021, a range of **Chinese semi-industrial mining companies** were heavily criticized for their practices and behavior in the provinces of South Kivu and Ituri. While foreign companies are not allowed to work in ASM, they used small Congolese mining cooperatives as front companies to get access to these permits. Additionally, there have been complaints on the environmental impact of their activities, the lack of necessary paperwork of their Chinese workers, the lack of overview by the relevant Congolese mining state services, disregard of local communities and their grievances, as well as the way they used Congolese security forces as security guards.

**Criticism** of these semi-industrial initiatives has increased over the past years. The UN Group of Experts reports since several years on the issue. Local communities’ frustrations have been growing steadily and several manifestations have been organized against these practices. The documentary maker Alain Foka reported last year about human rights abuses, corruption, and environmental damages. Several CSO organizations flagged the issue, and the National Parliament sent a parliamentary commission to South Kivu to investigate the issue.

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134 Nyenyezi Bisoka A., K. Vlassenroot K., and H. Hoebeke (28 April 2020), op. cit.

135 Radio Okapi, *Ituri: l’armée ougandaise se déploie officiellement à Boga*, 10 February 2022; Interview with Eric Mongo, Bunia, 17 February 2022

136 Wakenge C.I. (April 2021), op. cit.

137 Wakenge C.I., D. Dijkzeul, and K. Vlassenroot, “Regulating the old game of smuggling? Coltan mining, trade and reforms in the Democratic Republic of the Congo”, *Journal of Modern African Studies*, 56, 3 (2018), 497-522.

Most worrying is how it culminated into **violence and targeted attacks**. In November 2021, for example, CODECO rebels attacked a mining camp in Djugu, Ituri province, killing two Chinese nationals and abducting several others. A few days earlier, armed men kidnapped five Chinese miners and shot a police officer, in Mukera village (Fizi territory, South Kivu).<sup>138</sup>

These incidents between armed groups and Chinese semi-industrial miners should **not be considered as a one-time incident, nor as a simple opportunistic rent-seeking act of banditry**.

These exploitations, as well as the interference of armed groups date back to almost a decade in eastern DRC. In 2015, Life & Peace Institute (LPI) and IPIS reported about the confiscation of some dredges of the company River Resources by Mando's Simba rebels on the Osso river, at the border between Maniema and North Kivu.<sup>139</sup> And in 2015 and 2016, a civil society coalition (COSOC-GL, *Coalition des organisations de la Société Civile de la région des Grands – Lacs contre l'exploitation illicite des ressources naturelles*) and Global Witness, created commotion in South Kivu as they exposed the links between Raïa Mutomboki rebels and a dredging company in South Kivu, as well as the involvement of several officials and strongmen.<sup>140</sup> The problem however seems to have become more extensive over the past three years. All these cases include several of the issues that we have discussed above, including protection by local strongmen and politicians, lack of clarity on permits (governance), corruption, and the army as private security contractor.<sup>141</sup>



Gold dredging at Lowa river, Maniema, 2022

Besides these Chinese semi-industrial companies, many more mining companies have faced violent and armed resistance over the past years. **Leda Mining** holds exploration and exploitation permits in Fizi territory, South Kivu. Several strongmen with economic interests in artisanal gold exploitation reportedly stir up popular protests against the company. Additionally, since 2017 Mai Mai Yakutumba and former FARDC General Sikatenda also stood up against Leda Mining.<sup>142</sup> In Maniema's Kabambare territory, **Mai Mai Malaika** strongly resists **Banro's** operations in Namoya and Salamabila.

Companies often tend to consistently refer to artisanal miners that are working on their concessions as "illegal miners". Such **language use has a polarizing effect** and contributes to local conflict over minerals. In the Kivus' post-war context, this is a very risky strategy that could easily turn into violence and increasing levels of insecurity. It is not just mining companies that should be careful with the use of language in the context of eastern DRC where access to resources is a sensitive issue. Other actors and initiatives have run into the same issues, including for example conservation initiatives and potentially responsible sourcing efforts.

138 IPIS (1 February 2022), op. cit.

139 Matthysen K. et Wangachumo R., *Des brouillards et de la fumée sur Osso: Prototype d'un système opaque de l'exploitation semi-industrielle de l'or à Walikale*, PAX, LPI and IPIS, 2015.

140 Global Witness, *River of gold: Voices from Shabunda*, December 2016; COSOC-GL, *La ruée vers l'or à Shabunda: Pratiques et impacts de l'exploitation minière par dragues*, August 2015.

141 See for example: Le Monde, *En RDC, des entreprises chinoises accusées de piller l'or du Sud-Kivu*, 23 September 2021, [https://www.lemonde.fr/afrique/article/2021/09/23/en-rdc-des-entreprises-chinoises-accusees-de-piller-l-or-du-sud-kivu\\_6095784\\_3212.html](https://www.lemonde.fr/afrique/article/2021/09/23/en-rdc-des-entreprises-chinoises-accusees-de-piller-l-or-du-sud-kivu_6095784_3212.html)

142 Wakenge C.I. (October 2020), op. cit.

Verweijen (2017) explains how “*Armed groups and local strongmen capitalise on widespread anger*” towards mining companies.<sup>143</sup> Consequently, the attacks against these companies are not just banditism, but are rooted in the deeper socio-economic situation, and at times are even politically inspired. Verweijen (2017) for example discusses the challenges Banro faced in the Namoya region, which experienced an economic crisis due the forced closure of artisanal mining sites to prepare the ground for industrial exploitation. Local interest groups can use language of anti-colonialism, which works well with some marginalized communities in remote areas.

Naturally, many people condemn violence by the armed groups, and understand that it contributes to the wider level of insecurity. Nevertheless, it is interesting to see how some people still sympathize with such groups’ acts of violence against these companies. Namoya’s population, for example, was divided by the Mai Mai’s attacks on Banro, as many still sympathized with the armed group.<sup>144</sup> IPIS staff witnessed an interesting discussing between several CSO representatives over the legitimacy of the kidnapping of Chinese mining laborers by the CODECO militia, late 2021.

All over the Kivu provinces as well as Maniema, **the state-owned company** *Société Aurifère du Kivu et du Maniema (SAKIMA)* holds an important number of large mining concessions, which also creates tensions with the mining companies Leda Mining and Banro, as well as local mining stakeholders.

Besides its conflict with the cooperative COOPERAMMA (see section 3.1.2), the mining company SMB has a dispute with its neighbor SAKIMA. Both conflicts are connected. SAKIMA has a mining concession that is located next to the SMB concession. Reportedly, COOPERAMMA miners illegally transport coltan produced in the SMB mines to sites in the SAKIMA concession, where they get a better price for the minerals, and where SMB-coltan enters the so-called clean coltan supply chain of SAKIMA (which is covered by the iTSCi program).<sup>145</sup>

Near Lulingu, in the *groupement* Bamuguba Nord (South Kivu), SAKIMA holds the exploitation permits 26, 27, and 2596. The company is however unable to start industrial exploitation and allows artisanal exploitation in its concession via the cooperative COOMIMBE. In exchange, SAKIMA demands a levy of 0,10 USD/kg, which is unjustified according to miners and COOMIMBE members, as they get nothing in return from SAKIMA. Additionally, since 2018, SAKIMA discussed a purchase monopoly for the Bukavu-based businessman Muyeye Lwaboshi. People complained that it has a negative effect on the buying price for 3T minerals in the area. The latter issue has also been observed in several other areas, e.g. AMUR in Kalehe territory. The imposition of such monopolies carries certain risks. The perception of being excluded from the price setting process often creates discontent among miners. This discontent can lead to social tensions and increasing levels of contraband trade.<sup>146</sup>

To close this section, it is interesting to quote a recommendation of Verweijen (2017): “Industrial mining companies operating in the eastern DRC would do well to acknowledge how their presence feeds into dynamics of conflict and violence”.<sup>147</sup>

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143 Verweijen J., *Shedding light on why mining companies in eastern Congo are under attack*, The Conversation, 30 august 2017.

144 Verweijen J. (30 august 2017), op. cit.

145 Interview with CSO representative, Goma, February 2022.

146 IPIS (April 2019), op. cit., pp. 41-43.

147 Verweijen J. (30 august 2017), op. cit.

## 5. CONCLUSIONS

Large-scale armed conflict over DRC's mineral wealth has decreased significantly over the past twenty years. Nevertheless, mining and mineral trade still play an important role in ongoing armed and unarmed conflicts in eastern DRC. We have identified largely three direct ways that link mining and conflict, and even insecurity more in general. First, at the local level, conflicts over access to resources are still common. Second, over the past two decades, self-defense groups (including Mai Mai, Nyatura and Raïa Mutomboki groups) have mushroomed 'to protect local communities' against external threats (including FDLR and foreign business interests). These armed groups now use mineral resources, among other sources of income, to survive. Many of them grew out of their ideological strife, and rent-seeking incentives have become more prominent. Third, FARDC (national army) units are the most prominent armed actors interfering in the mining business.

While most DRC actors do recognize that considerable **progress** has been made over the past ten years in 3T supply chains, only very limited progress has been observed in gold (which makes up about 80% of the eastern DRC's ASM sector). Despite progress in 3T, there is **dissatisfaction** among most stakeholders on mining reform, and on the implementation of responsible sourcing efforts in particular (traceability, CLS, etc.). This dissatisfaction however hardly seems to be heard. Mining reform and formalization are tools which can contribute to make mineral supply chains clean(er), but they **do not tackle the root causes** of most of the ongoing armed and non-armed conflicts in eastern DRC: they rather belong to the realm of **symptom treatment**. **Fundamental causes of conflict** should be dealt with by taking a holistic approach, taking into account all factors/drivers that potentially contribute to the conflict (e.g. economic competition for natural resources, social inequality, unfair economic practices, land issues, bad performance of technical state services, failing national administration) and acknowledging that several of these factors are interconnected (mining reform and formalization is linked to state service performance, state service performance is linked with national government performance).

The link between conflict and mining has changed over time: many ongoing or emerging local conflicts are about **land issues**, about (perceived) **social inequality** between communities, about **failing DDR programs**. Many of these local conflicts persist because of **bad governance, underperforming state services**. To be successful, responsible sourcing initiatives should adopt a broader approach taking into consideration the above-mentioned multi-dimensionality, when designing due diligence programs.

Clearly, local and national **governance** are key issues: mining reforms are now often **instrumentalized by local (political) entrepreneurs**, making them barely sustainable. Moreover, the implication of local elites in formalization processes can fuel economic and political competition, eventually deteriorating in (violent) conflicts.

There is still an important **regional dimension** that contributes to the perpetuation of existing conflicts: neighboring countries still facilitate smuggling of illegally exploited natural resources in eastern DRC. The issues around governance and the regional dimension surpass the technical approaches that characterize most responsible sourcing initiatives. These efforts should be accompanied by strategies addressing the political dimension of the problem.

International **industrial and semi-industrial companies** still bear a heavy responsibility: eager to generate huge profits, these companies exploit governance flaws, and do not always reckon with local sensitivities, neglecting rights, socio-economic situation, and grievances of local communities. This negligence triggers social tensions and unrest, and even armed resistance. In some cases, these companies even revert to contracting state security actors as private security agents, and as such contribute directly to the present-day 'conflict minerals' problem.

There is an urgent need for a **profound, participative evaluation process** that scrutinizes the ASM sector as a whole, and the performance and effectiveness of responsible sourcing initiatives in particular. In order to yield sustainable results, responsible sourcing initiatives must take into account the different dimensions and factors discussed in this paper, and must incorporate the broader range of issues that interface with conflict and mining: focusing only on one dimension (e.g. trying to guarantee clean supply chains), and ignoring historical, cultural, social, economic and political contexts in which ASM takes place in eastern Congo, is a recipe for failure.

Over the next year, IPIS will develop a few **in-depth case studies** on conflict financing with USAID support. Through qualitative field research, we will further illustrate the complex web of dynamics that underlie specific mining conflicts in eastern DRC, notably how these conflicts emerge, evolve and persist.

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