



global witness

**Briefing for Arria meeting
on the situation in eastern Democratic Republic of Congo**

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Thank you for inviting Global Witness to contribute to this briefing on the eve of the UN Security Council's discussion on the role and mandate of MONUC.

Global Witness is a UK-based NGO which campaigns to break the links between the exploitation of natural resources and armed conflict, in many countries around the world.

Nowhere are these links more evident than in the Democratic Republic of Congo, a country whose natural wealth has attracted nothing but violence and suffering since the start of the two wars in 1996 and 1998.

Background on the role of natural resources in the conflict

The conflict which has been tearing eastern Congo apart is a complex conflict, with a multitude of actors and causes. International attention has tended to focus on its political and ethnic dimensions. But the economic dimension is also extremely important, as it is economic opportunism, among other things, which has enabled some of the most violent armed groups to survive.

Eastern Congo is an area rich in minerals – in particular, cassiterite (tin ore), gold, coltan and wolframite. The desire to gain or maintain control of these mines has been a central motivating factor for all the main warring parties.

The illicit exploitation of natural resources is not a new phenomenon in eastern DRC. It has been well documented by NGOs as well as the UN Panel of Experts and, more recently, the Group of Experts. Ten years on, some of the actors may have changed, but the patterns remain the same. Mining in the provinces of North and South Kivu remains highly militarised. Rebel groups and the Congolese national army continue to benefit from the lucrative mineral trade with impunity and are able to access international markets. The profits they make enable them to keep fighting, exacting an unbearable toll on the civilian population.

Summary of Global Witness research findings

In July/August 2008, Global Witness carried out field research in North and South Kivu and documented the extensive involvement of armed groups, as well as the Congolese national army, in the mineral trade. In some cases, these armed groups or military units are directly digging for minerals themselves. In other cases, they use the Congolese civilian population to dig for them, then seize all or part of what the miners produce. They then sell these minerals to local buyers, who go on to sell them to officially registered *comptoirs* in Goma or Bukavu, from where they are exported to neighbouring countries and further afield, ending up in Europe, Asia and elsewhere.

In the course of plundering these minerals, all these parties are committing grave human rights abuses. In the specific context of the mineral trade, abuses committed by these groups include forced labour, extortion, and use of violence against those who attempt to resist working for them or handing over the minerals they produce. Indeed, people told us that the permanent threat of violence is such that few civilians even think of withdrawing their labour and opt instead for a form of passive cooperation for the sake of saving their lives.

Our research uncovered information on the involvement of all the main warring parties in the mineral trade, to a greater or lesser extent. But the most detailed information related to the involvement of the *Forces démocratiques pour la Libération du Rwanda* (FDLR) - especially in South Kivu - and the *Forces Armées de la République démocratique du Congo* (FARDC), the national army.

The FDLR's stranglehold on the mineral trade in areas of South Kivu provides a textbook example of the consequences of allowing an armed group to exploit resources unchallenged over a prolonged period. The FDLR have become very well-entrenched in parts of the *territoires* of Shabunda, Mwenga, Walungu, Uvira and Fizi - all of which contain gold or cassiterite mines. Thanks to the profits from the mineral trade, they have set up efficient and extensive business networks and are able to obtain all sorts of other supplies, including weapons, without difficulty. Their trading activity appears to have become an end in itself. Many Congolese we spoke to described the FDLR as "*les grands commerçants*" (the big businessmen). They do business openly. For example, we saw FDLR members selling cassiterite in a small market town in South Kivu.

Although the FARDC have been deployed to certain areas where the FDLR operate, their presence has not had any effect in curbing these practices. On the contrary, through tacit agreement, the FARDC and the FDLR operate side by side, passing through each other's territories and allowing each other to trade without interference.

Global Witness collected numerous testimonies of the involvement of the FARDC in mineral exploitation, in both North Kivu and South Kivu. These are not just a few badly paid, low-ranking soldiers trying to top up their meagre salaries. Commanders are directly involved and the profits channelled back up the military hierarchy, up to the level of senior officers in the military command of both provinces. The most notorious example is the Bisie mine, near Walikale, North Kivu. The largest cassiterite mine in the whole area, it has been under the control of a FARDC brigade for the last two years.

The *Congrès national pour la défense du peuple* (CNDP), for its part, does not rely so heavily on the mineral trade, as the territories under its control tend to contain fewer

minerals. However, the CNDP does control some small mineral deposits and is reported to be involved in the charcoal trade from the Virunga national park. Its troops also find other ways of cashing in on the mineral trade, through extortion and the imposition of "taxes" - which they collect in cash or in kind, often minerals - along the roads, at checkpoints and at border crossings. It is also clear that if the CNDP succeeds in taking Goma, it would thereby gain control of the commercial hub and principal export routes through which minerals leave the country.

Recommendations

Global Witness welcomes the high level international attention to the latest events in Congo on the part of the UN, regional organisations and individual governments. But lasting solutions will only be found by addressing the underlying causes of the conflict.

We are therefore calling for the following four steps to be taken as a matter of urgency to address the economic motivations behind the conflict.

1. As a first step, diplomats and mediators attempting to broker peace in eastern DRC should include the question of the economic agendas of the warring parties explicitly in peace talks.

Until now, governments and mediators have tended to avoid this question on the basis that it is too sensitive or controversial. If international dialogues continue to ignore this critical aspect, they will not succeed in finding long-term solutions.

Diplomats and mediators need to address the presence of groups threatening the peace not only by ensuring that they are disarmed, but by preventing them from accessing the region's mineral wealth. This should include practical measures to cut off their economic bases. Diplomats should also address with the Congolese government the question of the involvement of national army units and military commanders in illicit mineral exploitation and press for those responsible to be brought to justice.

2. MONUC should be given the mandate and the means to stop armed groups from using natural resources as a source of financing.

There are a range of very pressing demands on already overstretched UN peacekeepers in terms of ensuring protection of civilians and ending the humanitarian crisis. These have to be the immediate priority. In this context, we welcome the recent Security Council resolution authorising an increase in troops.

However, in the medium term, MONUC needs to turn its attention to the illicit resource trade underpinning this conflict and to start playing a role in closing down those parts of the trade that provide the warring parties with funding. To do this, MONUC will need not only more troops but a mandate that addresses this issue. Global Witness is therefore calling for this question to be included in the debate on MONUC's mandate.

Of course MONUC cannot take on single-handedly the task of controlling the whole mineral trade in eastern DRC. Not only would this be unrealistic, but it would be inappropriate as it is the responsibility of the Congolese government to control the mining sector. What Global Witness is proposing is a more targeted and focused role for MONUC. The principal mines supplying armed groups and the trade routes these groups

use are well-known. MONUC could concentrate on these and set up monitoring and control points at strategic locations such as important mining areas, key border posts, airstrips and lake crossings used by armed groups. It should also report regularly on its findings. MONUC could then work with the Congolese government to try to block these supplies to the armed groups.

MONUC troops have already begun to consider ways of cutting off the FDLR's access to the mineral trade, as part of initiatives arising from the Nairobi agreement. These plans remain urgent and should be accorded adequate support. They should be applied not only to the economic bases of the FDLR but to those of all the principal armed groups.

3. Neighbouring countries should prohibit the illicit trade in minerals from DRC

Minerals traded by armed groups and military units are exported through neighbouring countries, such as Rwanda, Burundi, Uganda and Tanzania. To date, these countries have not taken effective action to stop these activities. On the contrary, they themselves have benefited from this trade and from the weak controls on the Congolese side of the border.

The UN should apply diplomatic pressure to these countries to tighten their border controls and insist that any minerals imported from the DRC carry documentation indicating their precise origin. Neighbouring countries should also carry out their own investigations and prohibit illicit imports and trade.

The UN should also persuade neighbouring countries to accept the deployment of UN-mandated monitors to monitor imports of natural resources from eastern DRC. This would complement efforts to tighten controls on the Congolese side of the border, including the proposed monitoring role for MONUC.

4. Companies should refuse to buy or trade in minerals which benefit armed groups and military units

For as long as there are buyers willing to trade, directly or indirectly, with groups responsible for grave human rights abuses, there is no incentive for these groups to lay down their arms. Unfortunately, buyers and companies have been turning a blind eye to the impact of their business on peace and security, thereby contributing to prolonging the conflict.

Global Witness is calling on buyers all along the supply chain - from the Congolese individuals who buy from the mines through to the foreign and multinational companies - to exercise stringent due diligence. This means they should find out exactly where the minerals were produced (not only the broad area, but the precise location and mine), by whom they were produced and in what conditions. If it is likely that they have passed through the hands of armed groups or army units, they should refuse to buy them. Otherwise, they bear the responsibility for keeping these groups in business.

Governments, for their part, should hold to account companies who knowingly trade in minerals benefiting armed groups or who fail to ask these basic questions as to the origin of their supplies.

In this context, the UNSC should continue to support the Group of Experts' investigations into sources of funding for armed groups and the identity of companies and traders dealing with these groups. The UNSC should use the findings of the Group of Experts as the basis for imposing targeted sanctions on specific companies and individuals. The UNSC and UN member states should actively support the recommendations relating to due diligence by companies outlined in the February 2008 report of the Group of Experts.

A recent example of government action is the British government's response to a complaint brought by Global Witness against a British company, Afrimex, for breach of the OECD Guidelines for Multinational Enterprises. In August 2008, after investigating Global Witness's allegations, the British Government concluded that Afrimex's trade in minerals in the DRC had contributed to fuelling the conflict and recommended a number of measures for the company to change its practices. This is a welcome precedent, but the OECD Guidelines are a voluntary mechanism, with no binding force. Governments need to go much further and take tougher action to break the link between the mineral trade and the continuing violence in the DRC.

5. The role of the DRC government

Finally, a few words on the role of the DRC government. Today we have talked mostly about the responsibility of international actors. But in the first instance, it is the Congolese government's responsibility to restore law and order, including in the mining sector. The first major obstacle is the weakness of the government's control in the east and its inability to impose itself over the military forces active in the area. The second is the pervasive corruption within the government's own ranks, hindering efforts to clean up the sector.

The government will need international support to stop the illicit exploitation of minerals in eastern DRC and to strengthen its own mechanisms to control mineral exploitation and exports. There are several government bodies responsible for controlling the trade, as well as laws and regulations governing the mineral sector. But these bodies are not able to work properly, and the laws and regulations are not being implemented.

Support can be provided to these government bodies, particularly at the provincial level, to assist them in performing their functions. For example, in North and South Kivu, we met several provincial officials who were desperately trying to exert some sort of control over mineral exports but found themselves unable to in the face of the current chaos. Yet small and worthwhile initiatives are underway, such as refining export requirements to include the exact origin of minerals and improving the accuracy of statistics. This would help trace back the trade along the supply chain and identify traders and exporters handling minerals from territories controlled by armed groups.

The government should also be encouraged to exercise greater control over the activities of *comptoirs* (the main exporters of minerals from Goma and Bukavu, therefore a key point in the chain) and hold to account those who fail to declare the exact origin of their minerals and persist in dealing with minerals which have passed through the hands of armed groups.

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Without sources of funding derived from the mineral trade, there is no doubt that the capacity of many of the armed groups terrorising the population of eastern Congo would be considerably weakened.

If governments have the will to implement them, these measures could have a significant impact on reducing the level of violence and, eventually, contributing to the restoration of peace in eastern Congo.

Thank you.