



Putting principles into practice

Risks and opportunities for conflict-free sourcing in eastern Congo

Executive summary

Global Witness field investigations in March 2013 revealed how gold produced in eastern Democratic Republic of Congo (DRC) that benefits abusive armed groups and high-ranking members of the Congolese and Burundian state armies, is laundered through Burundi's domestic gold sector and exported to Dubai. Neither local buyers nor international traders conduct adequate checks on the gold they purchase to ensure that it has not funded conflict or human rights abuses.

There are signs of improvements in eastern DRC's tin and tantalum sectors as local monitoring efforts intensify, although progress remains localised. South Kivu province's Conflict-Free Tin Initiative (CFTI), a closed-pipe system whereby all companies in the supply chain are identified and directly involved in the programme, is a test case for responsible mineral sourcing from conflict-affected areas. As the Congolese government and international partners seek further opportunities for conflict-free sourcing across North and South Kivu, the CFTI model could yield important lessons.

Efforts to establish clean supply chains in eastern DRC are taking place against a backdrop of entrenched military control and impunity. Changes in the security dynamics in the Kivus as a result of the M23 insurgency in 2012 have led to shifts in armed control of some mining areas, but rebel groups and high-ranking members of the Congolese army maintain a firm grip on many parts of the region's minerals trade. Local communities bear the brunt of abusive taxation rackets as armed groups vie for control over lucrative mines and trading routes.

There is growing commitment to cleaning up the minerals sector as well as evidence of a better understanding of how supply chain due diligence works among traders and companies in the Great Lakes region and beyond. Comprehensive implementation of due diligence by local and international companies, including carrying out risk assessments and publicly disclosing the results, is still at an early stage however. The almost complete absence of checks in the gold trade in DRC and Burundi is particular worrying. Governments in the region must tackle the illicit trade and encourage investment in conflict-free gold supply chains.

International attention on eastern Congo's minerals trade has never been greater. Companies covered under Dodd Frank Section 1502, the US law that seeks to disrupt the trade in Congolese conflict minerals, are now required to carry out due diligence on metals sourced from DRC and neighbouring countries. The European Commission is currently considering a supply chain initiative for EU companies that may be based on due diligence guidance developed by the Organisation for Economic Cooperation and Development (OECD), and which could build on existing efforts to support a responsible minerals trade in the Great Lakes Region.

This briefing outlines the main findings of Global Witness' research in eastern DRC's North and South Kivu provinces, Burundi and Rwanda in March and April 2013.

Burundi and Dubai: conduits for Congolese conflict gold

Global Witness research in eastern Democratic Republic of Congo (DRC) and Burundi in March 2013 found that gold that is benefiting armed groups in DRC is laundered through Burundi and sent to Dubai for refining and manufacturing. Illegal armed groups such as the notoriously abusive *Forces Démocratiques pour la Libération du Rwanda* (FDLR), as well as senior members of DRC and Burundi's armed forces, draw substantial profits from the region's gold trade. Both local gold traders and international buyers are failing to carry out checks on their supply chains, known as due diligence, to identify and mitigate the risk of funding armed groups.

The vast majority of eastern Congo's gold production is smuggled across porous borders into neighbouring countries, and exported with false certificates of origin.¹ According to provincial mining authorities and companies operating in the region, up to ten tonnes of gold is smuggled annually from DRC's South Kivu province into Burundi.² Much of the gold produced in North Kivu and Ituri provinces transits through Uganda.³ This illicit trade equates to a loss of tax revenue for the Congolese state, and undermines efforts to break the links between the gold trade and the financing of abusive armed groups.

Armed group control of the gold trade

Global Witness investigations in North and South Kivu found extensive evidence of militias profiting from the gold trade by directly or indirectly controlling mine sites and demanding crippling taxes from gold mining communities. In some cases the rebel groups confiscate a proportion of the gold production from artisanal miners, and sell it on themselves.⁴

Fighting throughout 2012 between the M23, a recently-formed rebel group allegedly backed by Rwanda, and the Congolese army (FARDC) has forced the FARDC to redeploy heavily around M23 operational areas in North Kivu. This has left a security vacuum in certain other parts of the Kivus and has allowed armed groups, some previously

confined to the bush, to establish a more significant presence in and around gold mines and gold mining communities.⁵

In South Kivu groups of Raia Mutumboki, a loosely coordinated collection of anti-Rwandophone local defence groups,⁶ have taken advantage of changes in the security landscape to significantly increase their control over gold mining areas.⁷ Global Witness visited one site in Walungu territory, where gold diggers reported that they were obliged to pay the Raia Mutumboki US\$300 every two weeks.⁸ The same diggers are forced to hand over a further US\$100 per month to FDLR rebels.⁹ Failure to pay either group can result in attacks on diggers' homes and families.¹⁰ Armed groups like the Raia Mutumboki and FDLR use profits from the gold trade to fund their

THE PRECARIOUS LIFE OF AN ARTISANAL GOLD DIGGER

Artisanal gold mining communities in the Kivus live in a state of physical and economic insecurity.¹¹ Extortion by armed groups and members of the Congolese army combined with illegal taxes imposed by corrupt state agents, local chiefs and cooperatives leave many miners and their families in debt at the end of the month. Fear of attack by armed groups preying on the gold trade often prevents diggers and their families from accessing their fields. In some cases fear of attack even discourages responsible saving habits: to prevent cash being stolen by armed men or looters gold miners told Global Witness they preferred to spend their earnings immediately rather than save them. Gold mining communities also complained that local gold production had yielded little local investment. Instead it had enriched a small pool of traders based in Goma and Bukavu and brought few long-term benefits to local communities.¹²

TACKLING CONFLICT MINERALS THROUGH SUPPLY CHAIN DUE DILIGENCE

Due diligence is the process by which companies can ensure that they are not contributing to conflict or human rights violations through their mineral purchases. In 2010 the Organisation for Economic Cooperation and Development (OECD) published detailed guidance outlining what due diligence on mineral supply chains from conflict-affected and high-risk areas should look like. The guidance includes provisions for company management systems, risk assessment and mitigation, independent audits and public disclosure.¹³

Section 1502, a provision of the Dodd Frank Act passed by US Congress in July 2010, requires US-listed companies to carry out due diligence on minerals sourced from eastern DRC and the Great Lakes region. In 2012 the Congolese government introduced domestic legislation requiring companies operating in the tin, tantalum, tungsten or gold mining sectors to carry out supply chain due diligence in line with the OECD guidance.¹⁴ The International Conference on the Great Lakes Region (ICGLR), a regional grouping of governments, also made OECD due diligence a requirement of its mineral certification scheme.

activities. Global Witness heard two independent accounts of gold smuggled into Burundi by civilian intermediaries, who exchanged the gold for arms on behalf of the Raia Mutomboki.¹⁵

Senior military involvement

Members of the Congolese army run similar taxation rackets in gold mines and along gold trading routes, despite Congolese laws and military directives that specifically prohibit their involvement in the trade.¹⁶ Diggers at a gold mine in Mwenga, South Kivu told Global Witness that FARDC soldiers stationed locally visit the site three times each week to extort just over US\$1 per person working and US\$5 for every pit using a motorised water pump. Global Witness researchers observed an FARDC soldier enter the mine to collect the money. The illegal taxes, totalling almost US\$500 per week depending on the number of diggers, are collected on behalf of an FARDC commanding officer in the provincial capital, Bukavu.¹⁷ This pattern of extortion is common throughout the Kivus and is evidence of the gaping disconnect between public commitments made by the Congolese authorities to demilitarise the mining sector, and what is happening in the mines.

Global Witness gathered further evidence of senior FARDC commanders illegally controlling gold mines in North Kivu's Walikale territory. Three detailed independent accounts indicate that General Gabriel Amisi, Congolese Chief-of-Staff and the highest

ranking member of the Congolese army, has used his position of authority to take control of the majority of gold produced at the Omate mine to sell on for his own profit.¹⁸ Local residents, civil society and representatives of Congolese mining authorities described how Colonel Mundos, a former member of the Presidential guard, manages collection of daily production at the mine site on behalf of the General.¹⁹ Despite being suspended from the army in November 2012 for supplying arms to rebel groups, including the Raia Mutomboki,²⁰ General Amisi has continued to profit from the gold produced at Omate.

Will Burundi clean up its act?

High-ranking members of the Burundian military also appear to be involved in the region's illicit gold trade. Global Witness researchers received independent accounts from mineral traders, journalists and members of Burundian civil society stating that the majority of gold mining and trading in Burundi is indirectly controlled by a powerful network of politically-connected individuals who now hold senior positions in Burundi's army.²¹

A new gold refinery project that received Presidential approval in April 2013 could provide Burundi with the opportunity to clean up the gold sector. In order to avoid funding armed groups in eastern Congo or corrupt individuals in Burundi, Etablissement Jean Jbeili, the company behind the project,²² will need to ensure its suppliers undertake

FROM MINE TO LAUNDERING HUB

Middlemen transport gold from mines in South Kivu to the provincial trading hubs of Goma and Bukavu.²³ From there, it is generally sold to one of many unofficial buying houses and smuggled out of the country. One of these informal traders told Global Witness that they were able to gather 1000 grams of gold in two to three days, and that they could arrange the transfer to Bujumbura by bus on behalf of the client.²⁴ Gold is transported at night by small boat across the Ruzizi River from Bukavu into Rwanda or across Lake Tanganyika to Burundi.²⁵ Traders in Burundi buy official Burundian certificates of origin and use them to export smuggled Congolese gold to Dubai.²⁶

Only a small proportion of gold produced in eastern DRC is formally exported by registered gold traders in Goma and Bukavu. Although the DRC government recently lowered the export tax rate for gold, traders told Global Witness that the two percent charge – compared to 0.5 percent payable in Rwanda and Burundi – is still high enough to discourage the use of official channels. The DRC's 'unnecessarily bureaucratic and complex' export process,²⁷ in which one shipment can take up to three days to process and involve as many as ten representatives from different state agencies, is also an incentive to smuggle. In Burundi, the same process takes one day and involves one government representative.

due diligence to international standards. Failure to do so could jeopardise market access for gold exported from Burundi.

The Burundian government is taking steps to formalise the country's largely artisanal gold mining sector but little has been done to crack down on

the trade in conflict minerals. Traders in eastern DRC who are failing to do due diligence are breaking the law and should be held to account. The authorities in Burundi should follow Congo's lead and introduce domestic legislation requiring companies to do OECD due diligence, in line with the requirements of the ICGLR regional mineral certification scheme.

Progress in the tin and tantalum trade

While substantial challenges remain in the region's gold sector, progress has been made towards establishing conflict-free supply chains in eastern DRC for tin and tantalum. Global Witness research found improved monitoring and supply chain management in certain mining areas. Although localised, these positive developments represent emerging opportunities for responsible sourcing, which the Congolese government, companies and international donors should support and develop.

Groups of local stakeholders have been set up in key mining areas to monitor mines and mineral trading routes. The groups, made up of civil society, journalists, and in some cases including state agents, the mining police and mineral traders, raise the alarm when they detect military or armed group involvement. Global Witness visited a mining zone in Mwenga territory, South Kivu, where a local

radio journalist independently evaluates corruption and armed group involvement in the mine sites and discusses his findings on air.²⁸ Save Act Mine (SAM), a group of Goma-based traders and civil society representatives, has established a toll-free telephone hotline that facilitates anonymous calls to report suspicious mineral-related activity.²⁹ Within three weeks of its launch on March 8, the system had flagged 39 cases of alleged smuggling.³⁰ In the private sector, five of North Kivu's tin ore exporters have set up a network through which they intend to share information about and address supply chains risks as they occur.³¹

A Committee against Mining Fraud recently established in North Kivu and composed of representatives from all state mining services and civil society could also play an important role in supporting monitoring activities in the province. The Committee,

which at the time of writing is awaiting final approval from North Kivu's Governor, must act swiftly and transparently to address any cases brought to its attention by monitors and whistleblowers, particularly cases relating to armed involvement in the trade.³²

Formal exports have been low in South Kivu and all but non-existent in North Kivu since the Congolese government suspended two major exporters in North Kivu in May 2012.³³ As such, the oversight mechanisms mentioned here will only be properly put to the test once formal trade restarts, and even then are at risk of being obstructed by powerful individuals with vested interests in the minerals trade. Increased local ownership and oversight of the trade is essential to creating transparent and sustainable conflict-free supply chains. The Congolese government, mineral trading companies and international donors must support and protect local monitoring initiatives.

The Kivus' first conflict-free pipeline

The Conflict-Free Tin Initiative (CFTI) represents a real test case for responsible sourcing from conflict-affected areas in eastern DRC. In November 2012, the front line of fighting between M23 rebels and government troops was less than 30 miles from the site in South Kivu. Launched on 24 October 2012 at the Kalimbi mine near Nyabibwe, the CFTI is based on a closed-pipe model whereby all players in the vertically-integrated supply chain are known. Cassiterite produced at Kalimbi is processed through the iTSCi traceability and due diligence system, and sold on to a handful of end-user companies who have signed up to the project.³⁴

A local whistle-blowing mechanism, the thirty-member strong multi-stakeholder *Comité de Surveillance et Anti-Corruption* (CSAC) monitors the tagging system.³⁵ CSAC members told Global Witness that they recently raised the alarm to prevent local traders from attempting to use iTSCi tags to smuggle minerals from another mine site through the CFTI system. Monthly incident reports produced by iTSCi, the quality and detail of which have improved significantly since incident reporting was first introduced, also flag supply chain risks.

iTSCi and CSAC must work together to share the information they generate, while local and

provincial authorities should ensure that issues of concern, such as ongoing military involvement at Kalimbi (see box on page 8) are swiftly and comprehensively addressed. In order to maintain the integrity of the supply chain, breaches in the system must be made public and those involved held to account by the Congolese authorities.

The search for the next Nyabibwe

The challenging security situation in the Kivus means that identifying new sites for conflict-free sourcing will require a concerted commitment from the Congolese authorities, mineral traders and international donors alike. Changes in the security dynamics over the past year have provided rebels and members of the Congolese army with opportunities to take control of mines and mineral trading routes previously considered candidates for conflict-free sourcing.

The government-led process known as mine site validation, whereby mines are labelled as 'green' for conflict-free or 'red' to indicate the involvement of armed actors, last took place in 2011 and is now out of date. Global Witness heard eyewitness accounts of how former Nyatura rebels, informally integrated in February 2013 into Congolese army units in Masisi, North Kivu are imposing taxes at mine sites around the town of Rubaya previously validated as 'green'.³⁶

Furthermore, armed groups have developed new and less visible ways to derive benefit from the minerals trade. In North Kivu's Walikale territory, mines are being taxed by members of a parallel police force commanded by Mai Mai Sheka, a notoriously violent local armed group. Rather than targeting the mine sites directly, Sheka's fighters station themselves in nearby towns and extort from diggers near their homes using lists of workers.³⁷ Global Witness found evidence in October 2012 of FARDC deployed in South Kivu collecting illegal taxes on cassiterite and wolframite production through local chiefs at mines around Nzibira in Walungu. In this instance, the chiefs hand over two hours' worth of production per day and one full day's production per week to the military.³⁸

Traders hoping to restart mineral exports from Bisie, North Kivu's largest cassiterite mine, should be particularly alert to these risks. Officially

demilitarised in 2011 after five years under the control of abusive FARDC brigades, Bisie has since flip-flopped between armed group and military occupation. Global Witness investigations in March 2013 found that FARDC control of mineral production in Bisie persists and that Colonel Mundos, the commanding officer stationed at the nearby town of Mubi, illegally taxes the mine's mineral production and facilitates the transit of Bisie's cassiterite out of Walikale territory.³⁹

A conflict-free Bisie could be a powerful economic engine for North Kivu, but a March 2013 government decree authorising mine site validation at Bisie and plans for a new airport at Walikale are premature. It will be difficult to establish a clean trade from Bisie or elsewhere until the Congolese government addresses the army's illegal involvement once and for all. The government must immediately remove and prosecute FARDC engaged in the mining sector, paying particular attention to those who operate through civilian intermediaries.

'It must be going somewhere', State mining official, North Kivu⁴⁰

The majority of minerals produced in North and South Kivu are smuggled out of eastern DRC at border crossings, sometimes via the island of Idjwi on Lake Kivu, laundered through the Rwandan tagging system and exported as domestic Rwandan product.

Global Witness research found significant discrepancies between cassiterite and coltan production levels and official export figures, which suggest high levels of smuggling. Official production statistics from just four sites in North Kivu indicate that 17 tonnes of coltan were produced in January and February 2013, for example, although there were no official mineral exports from North Kivu in the first three months of 2013.⁴¹ While diggers in mining areas in North Kivu confirmed to Global Witness that they sell their production to middlemen,⁴² mineral exporters in Goma deny purchasing coltan in 2013.⁴³ In the absence of huge mineral stockpiles, of which Global Witness could find no evidence in Goma, the question of the minerals' destination remains.

One state mining representative described how mineral traders were 'circling in Goma', ready

to buy and smuggle any minerals that came to town, and noted that the extent of smuggling was a 'catastrophe'.⁴⁴ Cassiterite traders told Global Witness that higher prices in Rwanda at US\$9 per kilo for tagged minerals, compared to US\$3 or US\$4 for untagged cassiterite in Bukavu, encouraged smuggling.⁴⁵ They said the financial incentive to smuggle Congolese tin ore across the border outweighed the risk of being caught.

Government mining authorities in North and South Kivu told Global Witness that they are aware of the smuggling but that high-level corruption and the involvement of armed groups and powerful members of the FARDC made it impossible for them to intervene.⁴⁶ The surrender of General Bosco Ntaganda, a career warlord who joined the government army in 2009 and used his position of authority to run a lucrative mineral smuggling racket,⁴⁷ appears to have thrown well-established cross-border smuggling networks into disarray for the time being.

However, mining officials told Global Witness that the military's increased use of civilian intermediaries to smuggle minerals means that the identity of the ultimate beneficiaries is less clear.⁴⁸ When smuggled goods are intercepted, fear of reprisal helps to protect the identities of those involved. In one instance, a civilian caught smuggling cassiterite and coltan into Rwanda at the Goma border accepted a three-year jail sentence and US\$20,000 fine rather than reveal the owner of the minerals.⁴⁹

Progress in Rwanda's mineral sector jeopardised by political inertia

The smuggling of Congolese conflict minerals into Rwanda raises questions about the reliability of the Rwandan tagging and due diligence system. The Rwandan government has made significant changes to how the domestic mining sector is monitored and managed, including stepped-up border patrols to address smuggling and more government mining staff overseeing bagging and tagging in the field.⁵⁰

However, these efforts are being undermined by an apparent lack of political will to address cases of concern when they are brought to the attention of the authorities. Certain cooperatives and trading companies in Rwanda have been repeatedly flagged

WHERE DOES ALL THE WOLFRAM GO?

There are no registered wolfram exporters in Bukavu and there have been no official wolfram exports from South Kivu province since 2010.⁵¹ However, provincial mining authority reports seen by Global Witness show that wolfram is mined at Luntukulu (Walungu), Bitale (Kalehe), Minembwe (Fizi) and on the island of Idjwi.⁵² An eyewitness account from Luntukulu mine estimated that just under 0.5T of wolfram is produced each month from that site alone, for example.⁵³ These discrepancies indicate a high likelihood of large-scale smuggling.

Global Witness received three independent accounts from regional mineral traders describing how Congolese wolfram is smuggled into Burundi and from there transits through Rwanda for export.⁵⁴ A 74 percent rise in Rwandan wolfram exports in 2012 from 2011 figures has also attracted the attention of observers in Rwanda and DRC.⁵⁵ The Rwandan and Burundian government should publish domestic production statistics to dispel critics' doubts about the provenance of their wolfram exports. The Congolese government should encourage comptoirs in North and South Kivu to formally export wolfram in order to open up official channels for the trade.

in UN Group of Experts reports and in iTSCi incident reports for production anomalies and possible fraudulent use of tags.⁵⁶ Political inertia, combined with ongoing capacity issues within the Rwandan mining authority, mean that these cases are not properly followed up.⁵⁷

Global Witness' May 2012 report *Coming Clean* described the suspension of a Kigali-based mineral exporter, Africa Primary Tungsten (APT), suspected of illegal activity involving misuse of iTSCi mineral tags. Despite the serious nature of this case and although Rwanda's Criminal Investigation Unit has now completed investigations, the final report is yet to be published.⁵⁸

The Rwandan authorities' lack of adequate response to these incidents undermines the integrity of the country's domestic trade and should be a matter

of concern to international buyers. As one mineral trader in Goma noted 'tagging on its own just provides a cover for companies to pass on the responsibility. Right now it's masking the smuggling that's going on from Goma to Rwanda. Companies buying minerals [from the region] should be doing their own due diligence and taking responsibility for their actions.'⁵⁹

If Rwanda is to shake off suspicions that its domestic mining sector is being used as a laundering hub for Congolese conflict minerals it must take immediate and decisive action. The Rwandan government must crack down on any traders cheating the system and failing to do due diligence. Rwanda's new mining code should include an obligation for all companies in the minerals sector to carry out due diligence that meets the OECD standards.

NYABIBWE'S TIN SMUGGLING RACKET: AN EXAMPLE OF MILITARY IMPUNITY

The Conflict-Free Tin Initiative (CFTI) at the Kalimbi mine in Nyabibwe is a critical test case for responsible sourcing from conflict-affected areas in eastern Congo. As outlined above, there has been progress with regard to mineral traceability, supply chain risk assessments and the establishment of whistle-blowing mechanisms.

However, Global Witness research in March 2013 uncovered a military-led smuggling racket operating at the Kalimbi mine which, if not addressed, could undermine the CFTI project.

Colonel Shaka, an FARDC commander (101st sector) stationed in Nyabibwe, is siphoning off a portion of minerals produced at Kalimbi before they enter the mineral tagging system. According to independent accounts from eyewitnesses in North and South Kivu, FARDC Majors Adoni and Fikiri manage the trafficking operation on behalf of Colonel Shaka.

Usually twice a month at night, the untagged cassiterite is smuggled out of the mine site and transported by military vehicles to Goma, where it is sold on for the Colonel's profit.⁶⁰ In December 2012, two tonnes of tin ore from Kalimbi was shipped to Goma via this network.⁶¹

Members of the FARDC and mineral traders told Global Witness that the cassiterite is very likely smuggled across the border to Rwanda.⁶² Eyewitnesses have provided information to the authorities about the racket, but were repeatedly told 'they have guns, what do you want us to do?'⁶³

The minerals smuggled by the military from the Kalimbi site are marketed through a parallel supply chain and do not receive iTSCi tags in

Nyabibwe. However, the fact that members of the DRC's army illegally control and benefit from a part of the mineral production at the CFTI site is a red flag that requires immediate attention in order to safeguard the integrity of the project.

The fact that provincial authorities are unable to address the issue because of impunity within the military is particularly worrying. The Congolese government must act swiftly to end the racket and hold Colonel Shaka and those working with him to account.

This type of military involvement can be addressed through risk mitigation and does not warrant immediate disengagement by companies involved in the supply chain. Annex III of the OECD Due Diligence Guidance includes detailed recommendations for mitigation and indicators for measuring improvement.⁶⁴

A key step will be to provide better support for those monitoring the project. Whistle-blowers in North and South Kivu told Global Witness that despite their best efforts, high-ranking officers in the FARDC retain an 'untouchable' status and they feel powerless to intervene in military involvement in the minerals trade.⁶⁵

Whistle-blowing can help to ensure conflict-free mines remain conflict-free, but in order to be successful, monitors must be guaranteed a secure reporting space and proper channels through which to pass their information.

Downstream companies involved in conflict-free sourcing initiatives in the Kivus must use their leverage to ensure that verified information provided by independent monitors is acted upon.

Conclusion

Efforts to establish conflict-free supply chains are progressing in some of eastern Congo's mining areas. The closed-pipe tin initiative launched at South Kivu's Kalimbi mine could, if closely monitored, prove that responsible sourcing from conflict-affected zones is possible and encourage further investment in similar projects.

Progress in cleaning up the region's mineral sector is undermined, however, by rebels and members of the Congolese army who continue to prey on the trade. Armed groups and senior military officers derive significant revenues from the gold trade in particular, but local and foreign buyers are not

carrying out checks to determine whether their purchases are clean. Governments in Burundi and Rwanda continue to turn a blind eye to the illicit trade in Congo's conflict minerals, undermining the region's prospects for stability and development.

The passage of the Dodd Frank Act's conflict minerals provision spurred US-listed companies into action, but many firms remain outside of the reach of the law. A European regulation requiring companies sourcing from conflict-affected and high-risk areas to carry out OECD due diligence would help bridge this gap.

Recommendations

Companies buying tin, tantalum, tungsten and gold from DRC and neighbouring countries should:

- Implement OECD due diligence in full;
- Consult with local monitoring groups or whistleblowers during on-the-ground risk assessments;
- Support efforts to establish conflict-free sourcing programmes in North and South Kivu.

The Government of the Democratic Republic of Congo should:

- Enforce the domestic due diligence law and include due diligence as a requirement in the national Mining Code;
- Remove and prosecute members of the FARDC involved in the mining sector;
- Formalise the gold sector and create incentives for legitimate trade.

The Governments of Rwanda and Burundi should:

- Issue domestic due diligence legislation and include OECD due diligence as a requirement in the national Mining Code;
- Monitor and enforce implementation of OECD due diligence by mining and mineral traders operating in the country.

International donor governments should:

- Monitor whether companies registered in their jurisdictions and sourcing minerals from the Great Lakes Region are doing due diligence;
- Support capacity building for mining authorities and civil society in the Great Lakes Region;
- Support efforts to establish conflict-free sourcing programmes in North and South Kivu.

The European Union should:

- Issue a regulation requiring EU companies sourcing mineral from conflict-affected and high-risk areas to carry out due diligence in line with OECD standards.

Endnotes

- 1 Global Witness interviews with traders and mining sector officials, Bukavu and Bujumbura, March and April 2013. For more information on gold smuggling see also the Final Report of the UN Group of Experts on the Democratic Republic of Congo, S/2012/843, 15 November 2012.
- 2 Global Witness meetings with traders in Bujumbura and mining sector officials in Bukavu, March and April 2013.
- 3 Global Witness meetings with traders and mining sector officials, Goma, March 2013. For more information see UN Group of Experts reports on Democratic Republic of Congo, available at www.un.org/sc.
- 4 Global Witness interviews with gold diggers in Walungu, Mwenga and Walikale territories, March 2013.
- 5 Global Witness interviews with gold diggers in Mwenga, Walungu and Masisi territories and internal UN and local civil society reports obtained by Global Witness, March 2013.
- 6 Rift Valley Institute *Usalama Project Report on Raia Mutumboki* available at www.rvi.asilialtd.com.
- 7 Global Witness interviews with gold diggers in Walungu and Mwenga territories and a meeting with local civil society in Walungu centre, March 2013.
- 8 Global Witness interviews with gold diggers and pit foremen in Walungu territory, March 2013.
- 9 Global Witness interviews with gold diggers and pit foremen in Walungu territory, March 2013.
- 10 Global Witness interviews with gold diggers in Walungu territory, March 2013.
- 11 Global Witness interviews with artisanal miners in Walungu, Mwenga and Fizi territories, March 2013. For more information see CRS, CCFD, CERN, *'Etude des Besoins: Communautés minières de Lutwinja, Mukungwe, Ninja et Nzibira, Sud Kivu RDC'*.
- 12 Global Witness interviews with artisanal miners in Walungu, Mwenga and Fizi territories, March 2013.
- 13 For more information see *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals in Conflict-Affected and High-Risk Areas*, available at www.oecd.org
- 14 *Arrêté ministériel N.0057.CAB.MIN/MINES/01/2012 du 29 février 2012 portant mise en œuvre du mécanisme régional de certification de la Conférence Internationale sur la Région des Grands-Lacs « CIRGL » en République Démocratique du Congo*, Article 8.
- 15 Global Witness interviews with local civil society representatives from Bujumbura and Fizi, April 2013.
- 16 Article 27 of the Congolese mining code, *Loi n°007/2002 du 11 juillet 2002 portant Code Minier*; and Article 63 of the Congolese military penal code *Loi n°023/2002 du 18 novembre 2002 portant Code judiciaire militaire*. See also *Arrêté ministériel N.0057.CAB.MIN/MINES/01/2012 du 29 février 2012 portant mise en œuvre du mécanisme régional de certification de la Conférence Internationale sur la Région des Grands-Lacs « CIRGL » en République Démocratique du Congo*, Article 8.
- 17 Global Witness interviews with gold diggers in Mwenga territory, March 2013.
- 18 Global Witness interviews with diggers, traders, mining and revenue authority officials, local chiefs and civil society in Walikale territory, March 2013, and confidential civil society reports obtained by Global Witness, March 2013.
- 19 Global Witness interviews with diggers, traders, mining and revenue authority officials, local chiefs and civil society in Walikale territory, March 2013.
- 20 Final Report of the UN Group of Experts on the Democratic Republic of Congo, S/2012/843, 15 November 2012, p4.
- 21 Global Witness meetings with representatives of civil society, a gold trader and a local journalist, Bujumbura, April 2013.
- 22 Global Witness interviews with gold traders, local journalists and international donors, Bujumbura, March 2013. See also www.rpa.bi/spip.php?article469.
- 23 Global Witness interviews with diggers in Mwenga, Walungu and Walikale territories and interviews with gold smugglers, Bukavu, March 2013.
- 24 Global Witness meeting with gold smuggler, Bukavu, March 2013.
- 25 Global Witness interview with gold smuggler, Bukavu, March 2013.
- 26 Global Witness meeting with gold smuggler, Bujumbura, April 2013.
- 27 Global Witness interview with gold trader, Goma, March 2013.
- 28 Global Witness meeting with Radio Pil journalist, Mwenga Centre, March 2013. See also *Problématiques des Impôts et Taxes dans les entités territoriales décentralisées du territoire de Mwenga*, Sosthène BULAMBO-wa-TOMBO y'ILEKE (not available online).
- 29 Global Witness interviews with member of Save Act Mine DRC, Goma, March 2013. See also www.saveactmine.org
- 30 Global Witness interviews with member of Save Act Mine, Goma, March 2013.
- 31 Global Witness meetings with traders and mining sector officials, Goma, March 2013.
- 32 Global Witness meetings with mining sector officials, Goma, March 2013.
- 33 Letter from DRC Minister of Mines Martin Kabwelulu to the interim Provincial Minister of Mines, N°CAB.MIN/MINES/01/0334/2012, 15 May 2012.

- 34 Companies currently listed as partners in the Conflict Free Tin Initiative are: Hewlett Packard, Nokia, Royal Philips Electronics, Tata Steel, Motorola Solutions, Blackberry, Alpha, AIM Metals & Alloys, Malaysia Smelting Corporation Berhad (MSC), Traxys For more information see www.solutions-network.org.
- 35 CSAC members include representatives from state mining agencies, the Congolese army and mining police, traditional chiefs, civil society and other local stakeholders. See www.ogprdc.com
- 36 Global Witness meeting with civil society representatives, FARDC officers and journalists, Goma, March 2013. See also www.radiookapi.net/lu-sur-le-web/2013/02/22/guerre-civile-en-rdc-malgre-les-efforts-de-letat-le-trafic-de-minerais-continue-nouvel-observateur/
- 37 Global Witness interviews with diggers, cooperative members and traders, Walikale territory, March 2013.
- 38 Global Witness interviews with diggers and traders, Walungu territory, October 2012.
- 39 Confidential civil society reports obtained by Global Witness and Global Witness interviews with diggers and mining sector officials in Walikale territory, March 2013.
- 40 Global Witness meeting with a mining sector official, Goma, March 2013.
- 41 Official North Kivu trade statistics obtained by Global Witness, January 2012 to March 2013.
- 42 Global Witness interviews with diggers in Masisi and Walikale territories, March 2013.
- 43 Global Witness meeting with four traders, Goma, March 2013.
- 44 Global Witness meeting with a mining sector official, Goma, March 2013.
- 45 Global Witness meeting with mineral smuggler in Goma and individual involved in the mining sector, Kigali, March 2013.
- 46 Global Witness meetings with mining sector officials, Goma, March 2013.
- 47 For more information see Global Witness, 'Coming Clean: How supply chain controls can stop Congo's minerals funding conflict' p21 – 26.
- 48 Global Witness meetings with mining sector officials and individuals involved in the minerals trade, Goma, March 2013.
- 49 Global Witness meetings with mining sector officials, Goma, March 2013.
- 50 For more information see Global Witness, 'Coming Clean: How supply chain controls can stop Congo's minerals funding conflict' p28.
- 51 Official South Kivu trade statistics obtained by Global Witness, January 2010 to March 2013.
- 52 Confidential South Kivu mining report obtained by Global Witness, April 2013.
- 53 Global Witness meeting with mining sector official, South Kivu, April 2013.
- 54 Global Witness meetings with mineral traders in Kigali, Bujumbura and Bukavu, March and April 2013.
- 55 Official Rwandan trade statistics obtained by Global Witness, January 2011 to March 2013.
- 56 Final Report of the UN Group of Experts on the Democratic Republic of Congo, S/2012/843, 15 November 2012; www.channelresearch.com.
- 57 Global Witness meetings with foreign diplomats and individuals involved in the minerals sector, Kigali, April 2013.
- 58 Global Witness meeting with an individual involved in the minerals trade, Kigali, April 2013.
- 59 Global Witness interview with a mineral trader, Goma, March 2013.
- 60 Global Witness interviews with local observers, March 2013.
- 61 Global Witness interview with an FARDC officer, Goma, April 2013.
- 62 Global Witness meeting with an FARDC officer and traders, Goma, March and April 2013.
- 63 Global Witness interviews with local observers, March and April 2013.
- 64 For more information please see OECD Due Diligence Guidance for Responsible Supply Chains of Minerals in Conflict-Affected and High-Risk Areas, available at www.oecd.org
- 65 Global Witness interviews with sources in the minerals trade, Kalehe territory, March 2013.