

Conflict Minerals in the eastern Democratic Republic of Congo

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The 'Responsible Sourcing of Conflict Minerals', a conference hosted by Dr Charles Tannock MEP in the European Parliament was in support of the European Union Trade Commission's *'Public consultation on a possible EU initiative on responsible sourcing of minerals originating from conflict-affected and high-risk areas'*. Mr. Keith Best, CEO of Freedom from Torture, Mr. Humphrey Hawksley, BBC World Affairs Correspondent, Mr. Fidel Bafilemba Field Research Consultant, Eastern Democratic Republic of Congo (DRC), Enough /The Project to End Genocide & Crimes Against Humanity and Mr. Albert Mulikuza Mudukwe, Directeur de Cabinet of the Provincial Minister of Mines, DRC by Skype. The eastern Democratic Republic of Congo where 'conflict minerals' are linked with sexual violence, murder and alleged ethnic cleansing is providing the impetus for the consideration of EU legislation.



Humphrey Hawksley who has made two documentaries for the BBC on eastern DRC. He commented that there is no major western company that does not use conflict minerals. DRC President Kabila is a friend of the west and a friend of many of those companies. US legislation called the Dodd- Frank Law provision 1502 began to change all this. The OECD has also set guidelines on conflict minerals. The EU now is going through a similar process. It has one law already and is discussing more initiatives.



He continued adding that, 'In the DRC, and particularly in the eastern region of DRC, the institutions of governance are absent. There are big industrial players who need the three T's Tungsten Tantalum and Tin. Then there is Gold which is a bigger problem because it can be easily smuggled, melted down and smelted in Dubai or other smelting refineries where they are not following the Dodd Frank Law. In reality a mine is typically charged \$1 per miner per day by the militia. It is \$5 per day if you have a machine to remove water. This is the equivalent of an 80% income tax in the west. Armed militias as well as the DRC army etc are involved in this exploitation. The Burundi military has become a big player. Now a gold refinery is being built in Burundi.'

With the 3T's there is better progress. There are two ways initiatives can work. One is to have a top down approach. The other is a bottom up approach. The conflict free transparency effort is a good initiative with elements of both. They have to go through hoops to prove that they are free of conflict minerals. Small communities will only be allow to sell legitimately when given a clean bill of health. There are Whistle blowing lines to encourage transparency. It includes tagging of bags of minerals. The local community takes action itself to tackle corruption. If they are classified with a conflict free status they can lose it. The Green Line is a conflict free designation. If a tagged bag of minerals is being sold it costs \$3 for an illegal bag. It is three times as much, \$9, for a legal bag.

Humphrey Hawksley sees the Great Lakes region of Eastern Africa similar to the embryonic European Coal and Steel agreement after the Second World War. Trading the way to peace is much better than fighting the way to peace. It has been proposed that trade superhighways for peace should be built. There are problems: Burundi has not signed up to the Dodd Frank laws system. It will take a lot of time to move forward. There are many issues still to resolve. There are, however, promising signs.'

Fidel Bafilemba via Skype, was able to add to the understanding of the life in eastern DRC and DRC as a whole. He reflected that, 'The EU has been dragging its feet for so long. The mineral issue has been a core issue fuelling conflicts in the DRC for so long. Since King Leopold the II minerals from the Congo have played a key role in the building of the Belgian State.

In this region 11 Heads of State met. They stated in 2006 that the exploitation of minerals were fuelling the conflict in eastern DRC. It was a while until, under international community pressure, the US passed the Dodd Frank law which includes the point 1502 that has made a difference. I am hopeful that the EU will join in this momentum and enact similar legislation.

The EU needs something more practical and aligned to the reality on the ground than the Dodd Frank Act.



If North Kivu, one of the eastern Congo provinces there is a setback. We were on the forefront on the fight against illegal exploitation of minerals. Today, however, because of illegal groups we counted about 26 out of 30 in north Kivu alone. That is very bad. None of the pilot projects for the responsible sourcing of conflict minerals has been operational in North Kivu. However, we are so lucky that the conflict free tin initiative is working in South Kivu at a mine called Ebuyue (spelling ?) Kilangay. It is being expanded to a mine called Muyanbo (spelling ?).

That is very encouraging news. Earlier to that the PPA (Public Private Alliance for Responsible Minerals Trade) through the Motorola project for gold sourcing transparency is ongoing in Natangya. It is a pilot project but if it is successful we can definitely break the link between conflicts and mineral exploitation.'

Dr Charles Tannock responded saying, 'Excellent presentation. A very clear message from someone who is on the ground and knows what is happening. I will ask a Parliamentary question to probe EU Commission thinking on this matter. Please look at the EU Trade Commission's consultation online before it closes tomorrow (26th of June).

Fidel Bafilemba added, 'This is a battle and from the first day it has been difficult. From the first day US legislation was passed. I do not necessary uphold this legislation and I wish it was my own country that was enacting and enforcing its own laws. Unfortunately that is not the case. If the EU also passes legislation that is partly shameful for my country because it (DRC Government) is not fulfilling its responsibility. We live on a daily basis with death threats. People think we are only waiting for an international force but who cares. If we do not do it who is going to do it? If it is speaking on Skype like this or people like Humphrey Hawksley get involved, then it can change. But generally we are under reported in the media.'

'It is very tough yes. I know a lot of people who are doing a tremendous job voicing their concerns about life on the ground here as well as others in the diaspora. If we do not break the chain who will do it. Usually it is the Government that upholds the law but it is not the case in eastern DRC. Governmental officials also have threatened us when we made a report that threatened their interest.'

'The Conflict Free Tin Initiative is doing well because of international support. If the EU does not enact legislation we will not stop but continue to call for them to take responsibility. I wish my government would be responsible because it is incumbent on this DRC Government to enforce its own laws. The Dodd Frank law is now two years old and, of course, because the US is the biggest end user of minerals coming from the eastern DRC, it is having an effect. Some of the mines cannot sell their products so the discussions are going back and forth. I see positive signs:

- Demilitarisation of mines has only happened because of this international pressure.
- Construction of training centres and the training of mining police
- Conflict free mining certification to some mines in eastern Congo.
- Conflict free team projects are only pilot projects, come only through international support'

He concluded saying, 'EU legislation could add to this pressure.'

Keith Best (on left in photo) is the CEO of Freedom from Torture. As well as supporting survivors of torture from around the world who see asylum here in the UK, Freedom from Torture campaigns to protect refugees from being returned to the threat of torture in their native country. Another aspect of the good work undertaken by Freedom from Torture is the compilation of national reports regarding torture with an expert team of Medical Doctors and Lawyers etc. Keith Best explained that he is compiling a report on Torture in the Democratic Republic of Congo that will be released later in the year.



Speakers:

Mr. Humphrey Hawksley, BBC World Affairs Correspondent,

He has broadcast two documentaries on the eastern DRC for the BBC. He is a long term BBC World Affairs Correspondent and author who has covered conflicts and fragile states in many parts of the world. He is an author and commentator on world affairs.

He joined the BBC in 1983. In 1994, he was appointed the BBC's Bureau Chief in Beijing, tasked with opening its first permanent television operation in China. He moved to London in 1997 from where he reported extensively from the Middle East, Asia, the United States, Latin America and Africa – with both breaking news and in-depth documentaries.

His more recent television films are: *The Curse of Gold, Supply Chain Children* and *Bitter Sweet* that uncover the link between trillion dollar retail industries and conflict in the developing world; *Old Man Atom* that investigates the global nuclear program; and *Danger: Democracy at Work* examining risks in bringing Western-style democracy too quickly to some societies.

Humphrey is the author of several books including an internationally acclaimed 'Future History' series (*Dragon Strike, Dragon Fire* and *The Third World War*) that explores conflict in Asia. His work has appeared in the *Financial Times, International Herald Tribune, Yale Global* and other publications.

Mr. Fidel Bafilemba Field Research Consultant, Eastern DRC, Enough /The Project to End Genocide & Crimes Against Humanity He is a spokesman for twelve Civil Society Organisations in the eastern region of DRC. He has worked for the Enough Project for 3 years.

Fidel Bafilemba is currently based in Goma as an Enough Project Congo field researcher. He has a long history of working in human rights and education, as well as an extensive experience as a translator and “fixer” for western journalists. Three years ago, Fidel worked in upper management with the International Rescue Committee in Goma, leading emergency programs implementation in the field to provide aid to Congolese citizens in war-torn parts of the eastern Congo.

Fidel Bafilemba speaks 13 languages including French and English. He has worked as a translator or fixer for publications including *The Washington Post, New York Times, Los Angeles Times, ABC NEWS, CNN, Time Magazine, Associate Press (AP), European Broadcasting Union (EBU), BBC TV, and Reuters*; and he has helped several television producers with reports in the Congo. Fidel has a passionate devotion for seeing progress in his country. Since the U.S legislation against conflict-minerals was enacted and U.S companies boycotted eastern Congo minerals, Fidel has been galvanizing civil society groups into monitoring traceability efforts and a certification process for eastern Congo mining industry, and advocating for livelihood diversification for conflict-minerals affected communities.

Mr. Keith Best, CEO of Freedom from Torture:

He is compiling a report on Torture in the Democratic Republic of Congo (DRC) as one of a series of national reports published by Freedom from Torture. Mr Keith Best is the CEO of Torture Care, said “Torture is no respecter of class, status or achievement. I met people who have been deeply traumatised by the experience of torture – they bear the scars both physically and mentally.” He has spent 20 years in the voluntary sector, advocating for the rights of people on the margins of society. He initially worked for NCH Action for Children, as director of Prisoners Abroad, and most recently as chief executive of the Immigration Advisory Service for the past 16 years. Best was named in Society Guardian as one of the 100 most influential people in public services in the UK.

The event was held with mainly travel sponsorship from Universal Peace Federation and Omega Structural Systems Ltd.

