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## [Mineral extraction in the province of Nord-Kivu, DRC: present situation and analysis of environmental questions](#)

Reseau CREF (Network for Conservation and Rehabilitation of Forest Ecosystems) is a platform of organizations working on governance of natural resources in the province of North Kivu. Among others, it intervenes in the governance of the mining sector through its program “Mines and Hydrocarbons”.

### **Context of the province of North Kivu, Democratic Republic of Congo**

#### **1. *Security situation***

For a decade, the province of North Kivu has been continuously facing several challenges related to the security situation. The operations that have been launched continue – except for some (1) –without significant impact to this day, so that murders, massacres, abductions and kidnapping of citizens *interritoires* (administrative areas in DRC) and towns across the province continue. Until now, more than 400 people have been reported to have been killed by machete or axe, which also has humanitarian consequences such as displacements, illnesses...

This situation is made worse by the lack of governance that favours the proliferation of conflicts and, in addition, militias. This lack of governance is at the root of the human rights violations in the mining zones and leads to the population being deprived of their wealth and to environmental destruction.

The different agreements that were signed in the context of improving stability in the region of the Big Lakes (4) remain “dead letters” and do not guarantee lasting peace.

#### **2. *Decentralisation and election processes***

The Constitution of the DRC from February 18, 2006, demands a decentralisation with the objective of good management of State affairs. Linked to this decentralization is the further dividing up of RDC from 11 into 24 provinces. A publicity campaign about the new provinces has already been launched but the regulations still await effective implementation. Although the province of North Kivu was not directly affected by this process (6), it will be affected by the consequences given the investment costs to set up and maintain the institutions of these additional provinces which will require fairly substantial resources from the national governmental budget, etc.

The Democratic Republic of Congo in general and especially the province of North Kivu will be engaged in an election process during all of 2015 and 2016. The lack of security observed in a part of the province continues to be one of the major challenges to hold peaceful elections.

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Moreover, some political parties and groups of the opposition have conditioned their participation in the elections on some prerequisites including a dialogue to discuss issues related to the electoral calendar and to stop the slide towards a third mandate of the present President of the DRC.

### **Context of mining in the province of North Kivu**

For a decade, mining in the Province of North Kivu is done without respect for human rights of local communities and environmental norms. It also contributes to deforestation in the region. Indeed, apart from the problems related to human rights in mining and the perpetration of conflicts, environmental issues have not raised concerns among the stakeholders involved in the mining activities in the Province of North Kivu.

It should be also noted that even in the zones where semi-industrial mining is practiced and where the operators seem to have means to put in place best policies of social and environmental management the consequences to the environment are always harmful.

#### **1. Present situation in the zones of artisanal mining**

In the Province of North Kivu, mining is taking place in the *territoires* of Walikale, Masisi, Rutshuru, Lubero and Beni. In the *territoire* of Lubero and Beni, the mining is for gold, diamonds, wolfram, cassiterite, coltan... Mining is predominantly artisanal in the mines of Lubero (Manguredjipa, Bunyatenge et Kasugho) and in the mines in the *territoire* of Beni (Cantine, Mabalako, ...).

On the other hand, in the Walikale *territoire*, artisanal mining is also the predominant practice in the majority of the mining sites, except for the mine of Bisie (the big mine in the area) that is moving towards industrial production and is run by the company MPC/Alpha Mine. It is important to note that MPC/Alpha Mine are two separate companies, the first is from South Africa and the other from Canada and both are in the process of working together to extract cassiterite in the aforementioned Bisie mine. The extracted minerals in the Walikale *territoire* continue to be wolfram, gold, cassiterite, diamonds, coltan...

One single mining site has been identified in the *territoire* of Rutshuru, which is the mine of SOMIKIVU that extracts pyrochlore. The mining takes place in a part of the Rutshuru river. And finally, in the *territoire* of Masisi, mining is also artisanal and semi-industrial with the Congolese company "SMB" and here the boom for coltan can be seen.

It should be noted that at certain mining sites including those at the Bisie mine in the Walikale *territoire*, there is a conflict between local communities and/or artisanal miners, and the companies that hold the mining concessions.

There has been an attempt of coming to agreements and sort out the differences but the divergences persist among all stakeholders.

#### **b. The review process of the legal framework: the mining code of 2002**

This process that has started with work done at the level of each group (government, companies and civil society), resulted in a draft version that was submitted to the parliament.

This review process has not been finished yet as divergences continue between the stakeholders (government, companies and civil society) and because of the delay in putting the issue on the agenda of the Lower House of the Congolese parliament.

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## **Current situation of mining in the province of North Kivu**

It is well-known that the Congolese people live the paradox of the countries rich in mineral resources but the local population facing extreme poverty.

The province of North Kivu, where this is certainly the case, has been experimenting with different initiatives of traceability and transparency aimed at providing benefits to local communities from the resources of which their subsoil is so plentiful.

Indeed, since minerals in DRC, and particularly those in the East (North Kivu, South Kivu), are object of illicit and illegal extraction, several initiatives have been set up to bring to an end the mafia circuits but also to break the link between the conflicts and the extraction of these minerals.

### **1. *The mining products***

The mining in the Province of North Kivu is mainly for gold, cassiterite, coltan, diamonds, tourmaline, pyrochlore, wolfram... These minerals are extracted through artisanal mining by groups of diggers known as cooperatives that sell to processing entities (desks) through traders (middlemen).

It is important to highlight that those operators are obliged to comply with certain requirements of transparency and traceability so their products can be sold.

### **2. *About the organization and functioning of the Sector***

The mining sector in the province of North Kivu is nowadays submitted to several requirements aimed at ending the link between the conflicts and mineral extraction. These initiatives are being experimented with even though they have not been able to put an end to the fraud and smuggling in the mining sector.

Efforts are made by the Congolese government to qualify and validate certain mining sites as providing responsible products into supply chains but this must go hand in hand with an efficient monitoring to dismantle all the mafia networks that continue to profit from those mineral resources.

In Walikali, there are 61 mining sites identified; 7 have been qualified and validated as 'green' and the artisanal operators have regrouped in mining Cooperatives. These are cooperatives that manage the extraction activities in these places, including the cooperatives CEMIKA, COMIDE, COMID, COMIMPA, COCABI, COMIDER.

In Masisi, of the 33 identified mining sites, the most important of which are located around Rubaya for coltan, around Ngungu and Mahanga for wolfram and cassiterite, 17 mining sites were qualified as "green", of which 12 are for coltan, one for wolfram and 4 for cassiterite, with only one recognized mining Cooperative (COOPERAMMA).

In Lubero *territoire*, 6 mining sites of coltan, wolfram and cassiterite were qualified and validated "green", this means, ready for mining activities. These are the following mining sites: Masingi, Mambilee, Kigali, Etaeto gauche, Malimbenze and Etaeto droite.

### **3. *Impacts of mining***

#### ***Social impacts***

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Mining in the Province of North Kivu is at the root of several problems as a consequence of bad management in the sector that, instead of being the base for a sustainable development, has created frustrations and misery among local chiefs and people.

On the one hand, this extraction has created a small economy facilitating commercial trade between a group of people and, on the other hand, the same extraction is done without any respect for human and environmental rights.

The flagrant violations at this time related to the access to these mining resources result from the fact that mining titles overlap with areas already covered by other titles and/or used by local operators.

The problem of formalizing mining operations in particular and of good governance in general in the mining sector that continues to be dominated by artisanal mining in a big part of the province of North Kivu cause other violations of human rights such as arbitrary arrests, acts of torture, violence against women and children.

Just as civil and political rights are violated at the mining sites in the Province of North Kivu, socio-economic rights also represent huge problems.

Not having access to the better schools, to quality health care or even the absence of road infrastructure, remains a nightmare for the populations living in the mining zones. This remains the reality despite the recognition of decentralization in the constitution in the Democratic Republic of Congo [that was meant to address such issues of lack of infrastructure and educational and health services].

### ***Environmental impacts***

There are links between mining and environmental factors. Mining today in the Province of Nord Kivu has an impact on the environment. Among these fragmentation of the forest, the destruction of biotopes, deforestation, and the degradation of water quality.

Like in other countries where mining is taking place, the DR Congo has felt the need to introduce provisions related to the management and the protection of the mining environment in the new Mining Code and its implementing regulations. These are aimed at encouraging mining operators to take measures to, if not eliminating the environmental effects of the mining activities, and at least to mitigate these as much as possible.

Unfortunately, we are witnessing an extraction that does not respect these provisions, both in Lubero as well as in Walikale, Beni, Masisi et Rutshuru.

The Masisi *territoire*, for example, continues to be one of the zones with much deforestation and this is visible in the grazing projects that have invaded these areas.

The few forests left in Masisi that were in the process of recuperation are now being ravaged by mining activities at several mining sites.

At the mining sites of the Lubero *territoire*, artisanal mining that violates environmental norms is known in the zone under a local name called “sakasaka method”. This means that the wood is cut, the remaining vegetation are cleared, the soil is dug up without respecting any environmental norm.

Finally, in the zones of artisanal mining for gold (mining site of Umate -, Walikale -, Beni

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Maguredjipa), the use of mercury to extract the gold continues being destructive for the environment, first because of the water pollution and the destruction of the soil; and there are even consequences for the climate with the disturbance of the seasonal rainfall.

#### **4. Organization and functioning of the mining sector in North Kivu**

The administrative organization of the mining sector in the province of North Kivu follows the Congolese mining code and regulation.

For example, the mining services which represent the division of the mines, as well as the ministry of mines are in the same administrative organization.

The offices of CEEC (7) for the control and certification of minerals are also in place although the officers are few and are unable to cover all the mining sites. The SAESCAM (8) which is a technical service of the Ministry of Mines in charge of the supervision of the artisanal miners is in place in certain mining zones, although they face serious problems in these zones.

#### **Conclusions and perspectives**

At this time, when responses are being sought to the issues of mineral extraction in the East of DRC and in the region of the Big Lakes, through adoption of measures and policies to address conflict minerals, we suggest that more attention be paid also to the environmental issues and social impacts.

The extractive industries, and local artisanal miners must do more in relation to social responsibility of the mining companies, but also respect other provisions of the mining code related to environmental protection.

Environmental issues should be considered a mandatory consideration to secure acceptance of the supply of minerals by processors and final consumers.

#### **Reseau CREF (<http://www.reseaucref.org/>)**

1. Democratic Allied Forces – Liberation army of Uganda
2. Armed Forces of the Democratic Republic of Congo
3. Observation Mission of the United Nations for the Stabilization of Congo
4. The countries of the African region of the Big Lakes are Burundi, Democratic Republic of Congo, Kenya, Ruanda, Tanzania and Uganda
5. Decentralized territorial entities
6. Because of being already an entire province as a result of the division of Kivu in 1988 (a division test)
7. CEEC: Center of Evaluation, Expertise and Certification (State service)
8. SAESCAM: Service for Assistance and Supervision of Small Scale Mining